

Proposed Charter Propositions

Shown below are the proposed amendments to the City Charter of the City of Giddings, Texas. Deletions are indicated by a strikethrough (e.g.: ~~aaa~~) and additions are indicated by an underline and quotations (e.g.: “aaa”). To view the full City of Giddings Charter, please visit the website at [Giddings Home Rule Charter](#).

PROPOSITION 1 (PROPOSICIÓN 1)

Shall references to obsolete provisions of state law found in Article II, Section 13, and Article XIV, Section 3, of the Giddings Charter be amended by referencing the current state statutes and/or laws applicable to the charter sections? (*¿Deberán ser enmendadas las referencias a disposiciones obsoletas de leyes estatales que se encuentran en el Artículo II, Sección 13, y el Artículo XIV, Sección 3, de la Carta Orgánica de Giddings, haciendo referencia a los estatutos del estado actuales y/o leyes pertinentes a las secciones de la carta orgánica?*)

ARTICLE II. OFFICERS, SECTION 13. CANVASSING ELECTIONS

Returns of the elections, general and special, shall be made by the election officers to the City Council “in accordance with State law.” ~~on the first Monday next following said election at which time the Council shall canvass and declare the results of such election.~~

ARTICLE XIV. GENERAL PROVISIONS, SECTION 3. ZONING ORDINANCES

For the purpose of promoting the health, safety, morals or general welfare of the City, the City Council shall have the full power and authority to zone the city and to pass all necessary ordinances, rules and regulations governing same, under and by virtue of the authority given to cities and legislative bodies thereof, by “State law” ~~TEX. REV. CIV. STAT. arts. 1011a through 1011j (1925), together with all existing amendments and amendments which may hereafter be made thereto.~~

The City Council shall have further power to create a Board of Adjustments, as provided by “State law” ~~TEX. REV. CIV. STAT. art. 1011g, and all existing amendments thereto~~, to review all grievances and appeals pertaining to or relating to the zoning of the City.

PROPOSITION 2 (PROPOSICIÓN 2)

Shall Article VI, Section 11, of the Giddings Charter be repealed regarding the City’s authority to regulate railroads? (*¿Deberá ser revocado el Artículo VI, Sección 11, de la Carta Orgánica de Giddings con referencia a la autoridad de la Ciudad para regular las vías de ferrocarriles?*)

ARTICLE VI. GENERAL POWERS, SECTION 11. — REGULATION OF RAILROADS

~~The City Council shall have the power by ordinance to direct and control, within the City limits, the speed of engines, locomotives, and motor cars operating on railroad tracks, the length of trains, the construction of railroad tracks, turnouts and switches, the regulation of the grade thereof and the use of the streets for switching or stopping cars.~~

~~If improvements be ordered constructed in any part of any area used or occupied by the tracks or facilities of any railroad, then the City Council shall have power to assess the whole cost of improvements in such area and the added costs of improvements in the area adjacent thereof made necessary by such use or occupancy against such railway or utility, and shall have power, by ordinance, to provide for the enforcement of such assessment.~~

~~**Editor’s note** Pursuant to the Federal Rail Safety Act, 45 U.S.C. 434 (1986), only a state may adopt or continue to enforce a law, rule, regulation, order or standard relating to railroad safety following the promulgation of regulations by the Secretary of Transportation. (See *Donelon v. New Orleans Terminal Company*, 474 F.2d 1108 (5th Cir. 1973). See also Opinion of the Texas Attorney General No. GA-0331 regarding the federal Interstate Commerce Commission Termination Act of 1995 and the Federal Railroad Safety Act.)~~

PROPOSITION 3 (PROPOSICIÓN 3)

Shall Article VII, Section 5, of the Giddings Charter be amended to comply with state law by updating the due date for payment of taxes from January 31st to February 1st? (*¿Deberá ser enmendado el Artículo VII, Sección 5, de la Carta Orgánica de Giddings, para cumplir con la ley estatal actualizando la fecha de vencimiento para el pago de impuestos del 31 de enero al 1 de febrero?*)

ARTICLE VII. TAXATION, SECTION 5. WHEN DUE AND PAYABLE

All taxes due the City shall be payable to the City and may be paid at any time after the tax rolls for the year have been completed and approved which shall be by October 1st, unless the City Council determines otherwise.

Taxes shall be paid before **“February 1st”** ~~January 31st~~ following said date of October 1st, and all such taxes not paid prior to such date shall be declared delinquent and shall be subject to such penalty and interest as may be provided by State law. The City Council may by ordinance provide that delinquent taxes due the City, may be paid in installments.

PROPOSITION 4 (PROPOSICIÓN 4)

Shall Article VIII, Section 4, of the Giddings Charter be amended by changing the publication requirement for ordinances granting franchises from publishing the entire ordinance to publishing the caption of said ordinance, and reading those ordinances at one regular Council meeting instead of three regular Council meetings? (*¿Deberá ser enmendado el Artículo VIII, Sección 4, de la Carta Orgánica de Giddings para cambiar el requisito de publicación para que las ordenanzas otorguen franquicias, de la publicación de la ordenanza completa a la publicación del encabezado de dicha ordenanza, y que la lectura de dichas ordenanzas sea en una asamblea regular del Consejo en lugar de en tres asambleas regulares del Consejo?*)

ARTICLE VIII. FRANCHISE AND PUBLIC UTILITIES, SECTION 4. ORDINANCE GRANTING FRANCHISE.

“The caption of” ~~Every~~ ordinance granting, renewing, extending, transferring or amending a public utility franchise shall be read at **“one (1)”** ~~three (3)~~ regular meetings of the Council, and shall not be finally acted upon until thirty (30) days after the first reading thereof. Within five (5) days following **“the”** ~~each of the three (3)~~ readings of the ordinance, the ~~full text~~ **“ordinance caption”** ~~thereof~~ shall be published one time in some newspaper of general circulation in the City, and the expense of such publication shall be borne by the prospective franchise holder. No such ordinance shall become effective until the expiration of thirty (30) days following the date of its final adoption by the Council, and every such ordinance shall be subject to the referendum procedure provided by state law and this Charter.

PROPOSITION 5 (PROPOSICIÓN 5)

Shall Article IX, Section 7, of the Giddings Charter be amended by changing the competitive procurement requirement related to the lease-purchase of equipment to comply with state law requirements? (*¿Deberá ser enmendado el Artículo IX, Sección 7, de la Carta Orgánica de Giddings para cambiar el requisito de compra competitiva relacionada con el alquiler-compra de equipo para cumplir con los requisitos de la ley estatal?*)

ARTICLE IX. MUNICIPAL BONDS AND WARRANTS, SECTION 7. LEASE-PURCHASE OF EQUIPMENT

The City Council shall have the authority to purchase equipment on a lease-purchase plan and to enter into such contracts as may be necessary for the purchase of such equipment. Such purchase shall be on plans and specifications and competitive bids on all items over **“fifty thousand (\$50,000).”** ~~five thousand dollars (\$5,000.00).~~ This shall not apply to emergency items.

PROPOSITION 6 (PROPOSICIÓN 6)

Shall Article X, Section 14, of the Giddings Charter be amended by repealing outdated wording related to publication of the audit; adding wording requiring the audit to be filed in the office of the city secretary for public inspection in accordance with state law; and allowing for an auditing firm to be retained by the City for a period of no more than five years? (*¿Deberá ser enmendado el Artículo X, Sección 14, de la Carta Orgánica de Giddings para revocar el lenguaje obsoleto relacionado con la publicación de la auditoría; añadiendo lenguaje que requiera que la auditoría se presente en la oficina del secretario de la ciudad para inspección del público en conformidad con la ley estatal; y permitiendo que la Ciudad conserve una firma de auditoría por un período máximo de cinco años?*)

ARTICLE X, SECTION 14. AUDIT

The City Council shall cause a continuous audit of the books of account and of all records and transactions of the administration of affairs of the City, such audit to be made annually embracing each fiscal year and shall be made by a public accountant licensed by the State of Texas. The duty of the accountant shall include the certification of all statements required by Section 13 herein [of this Article X]; such statements shall include a general balance sheet showing summaries of income and expenditures and also comparisons, in proper classifications, with the last previous audit; ~~and such summaries~~

shall be published in a newspaper having general circulation in the City one time within ten (10) days after the completion of such audit. **“The audit shall be filed in the office of the city secretary within 180 days after the last day of the fiscal year, pursuant to Texas Local Government Code ch. 103.”** No auditing firm shall be retained for a period of more than ~~three (3)~~ **“five (5)”** years.

PROPOSITION 7 (PROPOSICIÓN 7)

Shall Article X, Section 15, of the Giddings Charter be amended to allow the City to designate a financial institution as the City depository for a period of five years in accordance with state law? (*¿Deberá ser enmendado el Artículo X, Sección 15, de la Carta Orgánica de Giddings para permitir que la Ciudad designe una institución financiera como depositaria de la Ciudad durante un período de cinco años en conformidad con la ley estatal?*)

ARTICLE X, SECTION 15. DEPOSITORY

At the beginning of the fiscal year, the City Council shall designate a financial institution in the City as the City depository which shall be selected for a period of ~~two (2) years~~ **“five (5) years.”** The City Council shall have the right to reject any or all bids offered as City depository. The financial institution selected as such depository shall give adequate bond. The bids shall be reviewed by current auditor, Director of Finance, City Manager, and Financial Advisor with a written recommendation to the city council.

If the Council rejects the bid or bids offered by the financial institution in the City, the City Council may seek bids from financial institutions outside of the City.

PROPOSITION 8 (PROPOSICIÓN 8)

Shall Article XIII, Section 1, of the Giddings Charter be amended to extend the notice requirement from 30 days to 180 when a claimant alleging damages or injury against the City has to provide written notice to the City of their claim? (*¿Deberá ser enmendado el Artículo XIII, Sección 1, de la Carta Orgánica de Giddings para extender de 30 días a 180 días el tiempo que tiene una persona que reclama presuntos daños y lesiones contra la Ciudad para proporcionar un aviso por escrito a la Ciudad sobre su reclamo?*)

ARTICLE XIII. DAMAGE SUITS, SECTION 1. SPECIAL PROVISION FOR DAMAGE SUITS

Before the City shall be liable to damage claim or suit for injury of one's person or property or death, the person who is injured or whose property is damaged or the person claiming damages from the death or someone in his or her behalf shall give the Mayor or City Secretary notice in writing within ~~thirty (30)~~ **“one hundred eighty (180)”** days after the occurring of the alleged injury or damage, stating specifically in such notice when and how the injury or damage was sustained, and setting forth the extent of the injury or damage as accurately as possible. No action at law for damages shall be brought against the City for injury to one's person or property prior to the expiration of ~~thirty (30)~~ **“one hundred eighty (180)”** days notice hereinabove described has been filed with the Mayor or City Secretary. ~~After the expiration of the thirty (30) days aforementioned, the complainant may then have forty five (45) days in which to bring an action at law.~~

PROPOSITION 9 (PROPOSICIÓN 9)

Shall Article XIV, Section 2, of the Giddings Charter be amended by repealing outdated wording related to the taking of oaths of office and instead providing that all elected and appointed officers of the City take the oath as provided in the Constitution of the State of Texas? (*¿Deberá ser enmendado el Artículo XIV, Sección 2, de la Carta Orgánica de Giddings revocando el lenguaje obsoleto referente a la toma de juramento al cargo, y disponer en su lugar, que los funcionarios electos y nombrados de la Ciudad deban prestar juramento según lo dispone la Constitución del Estado de Texas?*)

ARTICLE XIV. GENERAL PROVISIONS, SECTION 2. OATH OF OFFICE

“All officers of the city shall, before entering upon the duties of their respective offices, take and subscribe to the official oath prescribed in the Constitution of the State of Texas.”

~~All elective officers of the City shall, before entering upon the duties of his or her office, take and subscribe the following oath or affirmation to be filed and kept in the office of the City Secretary:~~

~~“I, _____, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of _____ of the City of Giddings, State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the~~

United States and of this State; and I furthermore solemnly swear (or affirm), that I have not directly nor indirectly paid, offered, or promised to pay, contributed, nor promised to contribute any money, or valuable thing, or promised any public office or employment, as a reward for the giving or withholding a vote at the election at which I was elected. So help me God.”

All full-time appointed officers of the City shall, before entering upon the duties of his or her office take and subscribe the following oath or affirmation to be filed and kept in the office of the City Secretary:

“I, _____, do solemnly swear (or affirm) that I will faithfully execute the duties of the office of _____ of the City of Giddings, State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State; and I furthermore solemnly swear (or affirm) that I have not directly nor indirectly paid, offered, or promised to pay, contributed, nor promised to contribute any money, or valuable thing, or promised any public office or employment, as a reward to secure by appointment or the confirmation thereof, so help me God.”

PROPOSITION 10 (PROPOSICIÓN 10)

Shall Article XIV, Section 7, of the Giddings Charter be repealed regarding elected officers serving out full terms prior to the effective date of the original Giddings Charter? (*¿Deberá ser revocado el Artículo XIV, Sección 7, de la Carta Orgánica de Giddings referente a funcionarios electos que brindan servicio términos completos antes de la fecha efectiva de la Carta Orgánica original de Giddings?*)

ARTICLE XIV. GENERAL PROVISIONS, SECTION 7. ELECTED OFFICERS SHALL SERVE OUT FULL TERM
All City officials who have been elected to office prior to the effective date of this Charter shall continue to perform the duties assigned to them and shall continue to have all of the powers delegated to them prior to the effective date of this Charter, until their term has expired, unless such officer resigns, dies, or his or her office becomes vacant for some other reason.

PROPOSITION 11 (PROPOSICIÓN 11)

Shall Article XIV, Section 9, of the Giddings Charter be amended by requiring that the Giddings City Charter be subject to a mandatory review every five (5) years, and such review be conducted by seven (7) members appointed by City Council? (*¿Deberá ser enmendado el Artículo XIV, Sección 9, de la Carta Orgánica de Giddings exigiendo que la Carta Orgánica de la Ciudad de Giddings esté sujeta a una evaluación obligatoria cada cinco (5) años y que dicha evaluación la lleven a cabo siete (7) miembros designados por el Consejo Municipal?*)

ARTICLE XIV. GENERAL PROVISIONS, SECTION 9. AMENDING THE CHARTER

The Mayor and each Councilmember shall appoint a member to serve on the Charter Review Commission. Charter reviews shall be conducted ~~at least every four (4) years~~ **“every five (5) years.”** The Council shall appoint **“seven (7)”** ~~six (6)~~ members to serve. The Committee shall inquire into the operations of the City government as related to the Charter and review the Charter to determine if amendments should be recommended. Public hearings may be held and the Committee shall have the power to compel the attendance of City officers or employees and may require the submission of the City records necessary to review. The Charter Review Committee shall make a written report of its findings and recommendations to the Council, including any proposed amendments, and shall be signed by all members of the Commission. (Amended by Ord. 663 at an election held on May 12, 2012, prop. 10)

PROPOSITION 12 (PROPOSICIÓN 12)

Shall Article XV, Sections 1 and 14, of the Giddings Charter be amended to allow for a recall petition to be signed solely by 15 percent of the qualified voters in the City? (*¿Deberá ser enmendado el Artículo XV, Secciones 1 y 14, de la Carta Orgánica de Giddings para permitir que una petición de destitución sea firmada únicamente por el 15 por ciento de los votantes habilitados en la Ciudad?*)

ARTICLE XV. INITIATIVE, REFERENDUM AND RECALL, SECTION 1. POWER OF INITIATIVE

The electors shall have power to propose any ordinance except an ordinance appropriating money or authorizing the levy of taxes, and to adopt or reject the same at the polls, such power being known as the “initiative.” Any initiative ordinance may be submitted to the Council by a petition signed by qualified electors of the City equal in number to at least fifteen (15) percent of the qualified voters in the City, ~~or one hundred seventy-five (175), whichever is greater.~~

ARTICLE XV. INITIATIVE, REFERENDUM AND RECALL, SECTION 14. RECALL PETITIONS

The recall petition to be effective must be returned and filed with the City Secretary within thirty (30) days after filing of the affidavit required in Sec. 13 of this Article [XV], and it must be signed by qualified voters of the City equal in number to at least fifteen (15) percent of the total number of qualified voters, ~~or one hundred seventy five (175), whichever is greater.~~ No petition papers shall be accepted as part of a petition unless it bears the signature of the City Secretary as required in Sec. 13 of this Article [XV].

PROPOSITION 13 (PROPOSICIÓN 13)

Shall Article XV, Section 4, of the Giddings Charter be amended by repealing outdated wording regarding accepting petitions signed by fewer persons than the number certified? (*¿Deberá ser enmendado el Artículo XV, Sección 4, de la Carta Orgánica de Giddings revocando el lenguaje obsoleto referente a la aceptación de peticiones firmadas por menos personas que el número certificado?*)

ARTICLE XV. INITIATIVE, REFERENDUM AND RECALL, SECTION 4. FILING, EXAMINATION AND CERTIFICATION OF PETITIONS

All petition papers comprising an initiative or referendum petition shall be assembled and filed with the City Secretary as one instrument. Within ten (10) days after the petition is filed, the City Secretary shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified voters. The City Secretary shall declare any petition paper entirely invalid which does not have attached thereto an affidavit signed by the circulator thereof. If a petition paper is found to be signed by more persons than the number of signatures certified by the circulator the last signatures in excess of the number certified shall be disregarded. ~~If a petition paper is found to be signed by fewer persons than the number certified, the signatures shall be accepted unless void on other grounds.~~ After completing his or her examination of the petition, the City Secretary shall certify the result thereof to the Council at its next regular meeting. If he or she shall certify that the petition is insufficient he or she shall set forth in his or her certificate the particulars in which it is defective and shall at once notify the committee of the petitioners of his or her findings.