

CITY OF BRADY
FACT SHEET FOR 2018 CHARTER REVISIONS PROPOSED – 15 PROPOSITIONS (A TO O)

Proposition A amends Section 3.01 to correct grammatical errors and to change the terms and term limits for Mayor and City Council from three (3) consecutive terms of three (3) years each with a layout of three (3) years to three (3) consecutive terms of four (4) years each with a layout of one (1) year. The changes in term length would take place during each new election for the next 3 years.

In the event Proposition A is approved by the voters on May 5, 2018, Section 3.01 shall read as follows:

Section 3.01 Number, Selection, Term and Transition:

The legislative and governing body of the City shall consist of a Mayor and five (5) Council Members and shall be known as the “Council of the City of Brady, Texas”. The Mayor and Council Members shall be elected from the City at large. The places on the Council shall be the Mayor and places One (1) through Five (5), consecutively.

The terms of the Mayor and Council Members shall be limited to three (3) consecutive terms of four (4) years. With a layout of one (1) year, members could again be reelected for three (3) consecutive terms. There shall be no more than a total of three (3) consecutive terms in any position of Council Members or Mayor without a layout of one (1) year period. There shall be two (2) Council Members of the Council elected each election year.

The Mayor and each Council Member shall serve until a successor is elected to serve. Regular terms of office shall commence at the first regular Council meeting following the uniform May Election Date of each year.

Proposition B amends Section 3.02 to delete “his,” to include language from the Texas Election Code, and to comply with State law.

In the event Proposition B is approved by the voters on May 5, 2018, Section 3.02 shall read as follows:

Section 3.02 Qualifications:

The Mayor and each Council Member shall, on the date of election, have the following qualifications:

- (1) Be a citizen of the United States;
- (2) Be a resident of the City of Brady for at least twelve (12) consecutive months prior to election day and must remain a resident of the City throughout the elected term;
- (3) Be a registered voter of the State of Texas;
- (4) Be 21 years of age or older;
- (5) Have no felony convictions; and
- (6) Not be found mentally incapacitated by a court having jurisdiction.

CITY OF BRADY
FACT SHEET FOR 2018 CHARTER REVISIONS PROPOSED – 15 PROPOSITIONS (A TO O)

Proposition C amends Section 3.04 to increase the compensation of Mayor from \$100.00 to \$300.00 per month, the Mayor Pro Tem from \$60.00 to \$180.00 per month, and other Council Members from \$50.00 to \$150.00 per month. This is the average pay of 11 area communities that were reviewed and recommended by the Charter Review Commissioners. This change would be effective June 1, 2018 with a FY2018 budget amendment.

In the event Proposition C is approved by voters on May 5, 2018, Section 3.04 shall read as follows:

Section 3.04 Compensation:

The Mayor shall be paid three-hundred dollars (\$300.00) per month. The Mayor Pro-Tem shall be paid one-hundred eighty dollars (\$180.00) per month. Each other Council Member shall be paid one-hundred fifty dollars (\$150.00) per month. These amounts are not intended to be salaries for services rendered but compensation for routine expenses. This compensation may be reviewed by the Council at five (5) year intervals and be adjusted at the will of the Council; except that no member shall be paid an increased amount during the term of office in which the change was approved. In addition, each shall be paid for any actual and necessary expense incurred while in the discharge of the non-routine duties of the office upon presentation of an itemized statement of such expense to the Council. No member shall hold or exercise more than one (1) paid civil office.

Proposition D amends Section 3.09 to clarify meeting dates and to update public notice requirements in conformance with State law. This section was rewritten by the Charter Commission to improve clarity.

In the event Proposition D is approved by voters on May 5, 2018, Section 3.09 shall read as follows:

Section 3.09 Meetings:

The Council shall hold at least two (2) regular meetings each month and as many additional (special) meetings as necessary to transact the business of the City and citizens.

Regular and Executive Session Meetings: The Council shall fix by ordinance the dates and times of the regular meetings, and such meetings must be at least two (2) weeks apart. Executive Session Meetings (closed to the public) shall also be permitted in accordance with the Open Meetings Act. For Regular Meetings and subsequent Executive Session Meetings, public notice shall be given by posting an agenda in accordance with the Open Meetings Act, Chapter 551, Tex. Gov't. Code.

Special Meetings: Special (additional) meetings of the Council shall be held if called by the Mayor or by a majority of the Council Members. Special Meetings shall be open to the public, and public notice shall be given upon no less than seventy-two (72) hours notice by posting an agenda in accordance with the Open Meetings Act, Chapter 551, Tex. Gov't. Code.

Emergency Meetings: In case of an urgent need to meet regarding a public emergency affecting life, property or the public peace, or essential, time-sensitive City business requiring a response in less than seventy-two (72) hour response, the Council may convene for an Emergency Meeting. In the case of an Emergency Meeting, the subjects to be discussed (when applicable) must be posted in City Hall at least two (2) hours before the Emergency Meeting is convened.

CITY OF BRADY
FACT SHEET FOR 2018 CHARTER REVISIONS PROPOSED – 15 PROPOSITIONS (A TO O)

Meeting Agendas: The Mayor shall approve all agendas to be posted but shall not approve an agenda which does not specify the subjects to be discussed in an executive session. Any two (2) Council Members may require the Mayor to include additional subjects, for which notice must be posted in accordance with the Open Meetings Act.

Proposition E amends Section 3.12 to change when roll call votes are required and made changes to the oath of office. This was revised to clarify rules for Council Members and the public on how votes are taken at City Council meetings.

In the event Proposition E is approved by the voters on May 5, 2018, Section 3.12 shall read as follows:

Section 3.12 Rules of Procedures:

The Council shall, by ordinance, determine its own rules and order of business except that citizens of the City shall have a reasonable opportunity to be heard at any meeting in regard to any matter. Minutes shall be kept by the City Secretary for all meetings and all such minutes shall be complete so as to provide a public record of the transaction of the Council meeting. The minutes shall record the vote of the Council Members on all issues voted upon. All minutes must be approved by Council at the next regular Council meeting and the approved minutes shall be attested to by the presiding officer and the City Secretary. Such minutes so approved shall be filed by the Secretary and become archives of the City.

The ordinance shall require all newly elected officials, prior to being sworn in, read and be familiar with this Charter, the City code of ordinances, the current City budget, the file of resolutions, and any other records or documents as the Council deems appropriate for orientation. Each elected official shall take the oath of office as prescribed by state law and further affirm the following: "I have read and will uphold and abide by the articles and sections of the City Charter and the ordinances of this City." Prior to the second Council meeting of any newly elected official, the City Manager shall conduct a briefing for orientation of the new official.

Proposition F amends Section 3.16 to allow ordinances to be passed at two scheduled meetings under exceptional circumstances and to eliminate the need to require a vote to read only the caption of the ordinance. This will give the City Council some options for citizen items with pressing deadlines, such as closing on properties that are sold. Due to the two readings required only at the two regular meetings, it can take up to 6 weeks to approve closure of an alley or easement discovered in a title search.

In the event Proposition F is approved by voters on May 5, 2018, Section 3.16 shall read as follows:

Section 3.16 Ordinances:

The Council shall legislate by ordinance and the enacting clause of every ordinance shall read: "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS."

An ordinance must be enacted: whenever the purpose is to regulate persons and property; whenever there is imposed a penalty, fine, forfeiture, or tax; whenever the purpose is to set a rate paid by consumers; whenever an ordinance is required by State law or the Charter; or when an ordinance is being amended.

CITY OF BRADY
FACT SHEET FOR 2018 CHARTER REVISIONS PROPOSED – 15 PROPOSITIONS (A TO O)

An ordinance must be enacted to legally commit the City to any contract that: (1) affects rates for services or utilities, and/or (2) that will in any manner require the expenditure of City funds either currently or in the future. Expenditures shall be clearly defined in monetary terms in all contracts. No such ordinance shall be enacted as an emergency ordinance. This provision shall not apply to contracts for professional services as prescribed in Section 13.16 General Provisions/Definitions.

The form of all ordinances shall include in the following order:

- (a) A unique number to be used for indexing and filing.
- (b) A descriptive caption consisting of a concise summary of the subject, any penalties provided for its violation and whether the ordinance was passed as an emergency as provided in Section 3.17 Emergency Ordinances.
- (c) A preamble is optional but should be used whenever the Council desires to define the reason for the ordinance.
- (d) The ordaining clause.
- (e) The body of the ordinance.
- (f) A final statement, "PASSED AND APPROVED THIS _____ DAY OF _____," and the signature blocks. All ordinances must be signed by the Mayor, Mayor Pro Tem, or any two (2) Council Members. The City Secretary shall attest to all signatures.

Each ordinance, except when deemed an emergency, shall be read and considered at two (2) scheduled meetings of the Council. The Council may dispense with full readings provided the caption is read and the ordinance was distributed to all Council Members at least two (2) days prior to the meeting.

Each ordinance shall be submitted in writing prior to the meeting at which it is introduced. The ordinance may be modified or amended by the Council at any meeting when it is read and considered; except it cannot be changed at the meeting when it is finally voted upon. All ordinances, duly passed, shall be filed and maintained by the City Secretary as prescribed by Section 4.07 City Secretary. Unless prescribed otherwise, an ordinance shall become effective on the fourth day following passage.

Except as otherwise provided by law or this Charter, the City Secretary shall give notice of the enactment of every ordinance imposing any penalty, fine or forfeiture for violation of any of its provisions and of every other ordinance required by law to be published by causing the ordinance or its caption to be published in the official newspaper at least one (1) time within ten (10) days after final passage thereof. The ordinance shall take effect ten (10) days after the date of such publication. Any Emergency Ordinance shall become effective upon passage as provided in Section 3.17 Emergency Ordinances.

Proposition G amends Section 4.02 to clarify provisions and remove the requirement that a department head must have Council approval to be appointed or removed. The Council-City Manager form of government that Brady operates under, requires the city manager to hire department heads, as budgeted by City Council.

In the event Proposition G is approved by voters on May 5, 2018, Section 4.02 shall read as follows:

CITY OF BRADY
FACT SHEET FOR 2018 CHARTER REVISIONS PROPOSED – 15 PROPOSITIONS (A TO O)

Section 4.02 Administrative Departments:

There shall be such administrative departments as established in this Charter or by ordinance.

The Council shall have power by ordinance to establish administrative departments or offices not provided in this Charter. The Council may discontinue, redesignate, or combine any of the departments and/or administrative offices established by ordinance. No changes shall be made by the Council in the organization of the City until the recommendations of the City Manager have been heard and approved. A department head shall be appointed and can be removed from office by the City Manager.

Job duties shall be established for each Department Head by the City Manager. The job duties shall be furnished to each employee in writing. Each employee shall be evaluated by the City Manager and reviewed by the City Council no less than annually.

The head of each department shall have supervision and control over their department, and shall establish job descriptions and initiate evaluations and submit the evaluations annually for review by the City Manager.

Proposition H amends only the Submission paragraph in Section 6.03 to clarify when the draft budget and proposed budget is to be submitted to Council.

In the event Proposition H is approved by voters on May 5, 2018, Section 6.03, Submission paragraph of shall read as follows:

Section 6.03 Annual Budget:

Submission. The City Manager shall submit a draft budget on or before the thirtieth (30) day of June of each year. Council shall review the draft budget and revise it as deemed appropriate prior to the proposed budget. The City Manager shall submit to the Council a proposed budget and accompanying message by the first council meeting in August. The Council shall review the proposed budget and revise it as deemed appropriate prior to general circulation for public hearing.

Proposition I amends Section 6.04 to clarify which and when reports by the Finance Officer are required to be provided to Council.

In the event Proposition I is approved by voters on May 5, 2018, Section 6.03 shall read as follows:

Section 6.04 Administration of Budget:

Payments and Obligations Prohibited. No payment shall be made or obligation incurred except in accordance with appropriation duly passed, and unless the Finance Officer first certifies there is a sufficient unencumbered balance and sufficient funds are, or will be available to meet the obligation when it comes due and payable. If funds are not currently available to make an appropriate payment, but will become available within the fiscal year, the Finance Officer may request the Council for authority to borrow money to make payment provided that the money will be repaid by the end of the fiscal year. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment made illegal. Such action shall be the cause for removal of any officer who, not acting in good faith, knowingly authorized or made such payment or incurred such

CITY OF BRADY
FACT SHEET FOR 2018 CHARTER REVISIONS PROPOSED – 15 PROPOSITIONS (A TO O)

obligations.

However, this prohibition shall not be interpreted to prevent the making or authorizing of payments or making of contracts for capital expenditures. These payments may be financed wholly or partly by the issuance of bonds, time warrants, certificates of indebtedness, certificates of obligation or other similar evidence of indebtedness. Nor may they prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that action is made or approved by ordinance. Section 6.06 Borrowing to Meet Emergency Appropriations and Section 6.07 Borrowing in Anticipation of Property Taxes discuss additional borrowing provisions. Borrowing Provisions for capital expenditures are detailed in ARTICLE X. BONDS, Section 10.01.

Financial Reports. In the event there is no Department of Finance, the City Manager, with approval of the Council, shall designate a person as Finance Officer for the City. The Finance Officer shall be responsible to the City Manager and the Council for preparing all reports.

Some Additional Duties of the Finance Officer. The Finance Officer shall provide Council with monthly financial reports showing the financial condition of the City. The monthly financial reports may be provided electronically, posted on city website, and are due prior to the second regularly scheduled meeting each month. In addition, the Finance Officer shall also present Council with quarterly financial reports for quarters ending December 31 (Q1), March 31 (Q2), June 30 (Q3), and September 30 (Q4). The quarterly financial reports shall be presented to Council during the second regularly scheduled City Council meeting of the month after the end of each quarter (Quarter 1 – January; Q2 – April; Q3 – July; Q4 – Year end November).

These financial reports shall include the following: Balance Sheet, Revenue and Expenditure Statement in summary form for the preceding month, Year-to-Date Expenditure Statement for each department, detailed statement of each category of Revenue and Expense by department, and an analysis of all funds invested including rates, and any other report requested by Council. The financial reports and records of the City shall be maintained on a modified accrual basis to support this type of financial management.

Proposition J amends Section 6.05 to clarify that changes to the budget can be made to the fullest extent allowed by State law.

In the event Proposition J is approved by voters on May 5, 2018, Section 6.03 shall read as follows:

Section 6.05 Amendment and Supplemental Budgets:

In accordance with State Law, the City Council may make changes in the budget for municipal purposes. Emergency expenditures may be necessary to protect public health, safety or welfare. These emergency expenditures may be authorized to meet conditions which were not anticipated in the original budget. They shall be authorized by a majority of the Council Members present as provided in Section 3.17 Emergency Ordinances. Supplements and amendments shall be approved by ordinance as provided in Section 3.16 Ordinances and Section 3.17 Emergency Ordinances and shall be filed with the original budget. Borrowing to meet deficit spending is provided in Section 6.06 Borrowing to Meet Emergency Appropriations.

CITY OF BRADY
FACT SHEET FOR 2018 CHARTER REVISIONS PROPOSED – 15 PROPOSITIONS (A TO O)

Proposition K referencing Section 6.10 shall be removed to reduce redundancy and inefficiencies as budgets, audits, and expenditures are already posted on the city website. Charter Review Commissioners recommended removing this section due to the numerous redundancy reviews and approvals for spending currently in place by state law and city policies.

In the event Proposition K is approved on May 5, 2018, Section 6.10 of the Charter shall be deleted. “Section 6.10 Reserved”

Proposition L amends Section 6.12 to change the deadline for the City Manager to provide the non-designated funds report to Council from 30 days to 60 days.

In the event Proposition L is approved on May 5, 2018, Section 6.10 shall read as follows:

Section 6.12 Appropriation of Funds:

Within sixty (60) days after the close of each fiscal year, the City Manager shall report to the Council all non-designated funds. The Council shall designate such funds as appropriated funds for a specific purpose including appropriate reserves. The budget may be amended to reflect this designation of funds.

Proposition M amends Section 7.02 to clarify the elected office and require each candidate running for a place on City Council to pay a filing fee of \$100 or submit a petition of 100 qualified voters of the City. This requirement is to reduce last minute filings that are not serious, possibly adding an election cost of up to \$8000.

In the event Proposition M is approved on May 5, 2018, Section 7.02 shall read as follows:

Section 7.02 Filing for Office:

Each candidate filing for a place on the City Council ballot shall meet the following qualifications:

- (1) Have all the qualifications for a Council Member as described in Section 3.02.
- (2) An incumbent seeking reelection shall file for the same place presently serving.
- (3) No candidate may file for more than one (1) office or place per election.
- (4) No candidate may withdraw from an election and file for another office or place at the same election.
- (5) Each candidate shall file such application as required by State Election Laws.

CITY OF BRADY
FACT SHEET FOR 2018 CHARTER REVISIONS PROPOSED – 15 PROPOSITIONS (A TO O)

- (6) Each candidate shall pay a filing fee of \$100 or submit a petition of 100 qualified voters of the City of Brady.

Proposition N amends Section 7.02 to clarify the elected office and to allow an incumbent to seek reelection for any place on City Council.

In the event Proposition N is approved on May 5, 2018, Section 7.02 shall read as follows:

Section 7.02 Filing for Office:

Each candidate filing for a place on the City Council ballot shall meet the following qualifications:

- (1) Have all the qualifications for a Council Member as described in Section 3.02.
- (2) No candidate may file for more than one (1) office or place per election.
- (3) No candidate may withdraw from an election and file for another office or place at the same election.
- (4) Each candidate shall file such application as required by State Election Laws.

Proposition O amends Section 12.15 to clarify that a City-Owned Utility may be sold or leased only if approved by a majority vote of the qualified voters of the City voting at an election for that purpose.

In the event that Proposition O is approved on May 5, 2018, Section 12.15 shall read as follows:

Section 12.15 Election Required for City-Owned Utilities:

In accordance with State law, no City-owned electric utility, natural gas system, water system, sewer system, park or swimming pool shall ever be sold or leased in whole or in part without authorization by a majority vote of the qualified voters of the City voting at an election held for that purpose, nor shall the same be encumbered except as authorized by State law and this Charter. Such determination to sell, lease, or encumber such systems or facilities in whole or in part shall be ascertained at an election which shall be held in accordance with the laws applicable to the issuance of municipal bonds by the City. Any encumbrance herein authorized shall be payable only from revenues derived from said system.