

ORDER 2024-08-01 - AMENDED
ORDER OF SPECIAL ELECTION

AN ORDER OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS ORDERING A SPECIAL ELECTION TO BE HELD IN SAID CITY ON THE NEXT UNIFORM ELECTION DATE, THE SAME BEING NOVEMBER 5, 2024, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF ALPINE, TEXAS CERTAIN PROPOSED AMENDMENTS TO THE EXISTING HOME RULE CITY CHARTER; DESIGNATING THE PLACE AT WHICH SAID ELECTION IS TO BE HELD; MAKING PROVISIONS FOR THE CONDUCT OF THAT ELECTION AND OTHER PROVISIONS AND RELATING TO THE PURPOSE OF THE ORDER; PROVIDING FOR CONDUCT OF THE ELECTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council, on its own motion has discussed recommended proposed updates to the Home Rule Charter for the City of Alpine; and

WHEREAS, the City Council has held several discussions regarding Charter updates that better align with state law, that clarify procedural issues that have arisen in recent years, and that provide more value to the City and its citizens; and

WHEREAS, the City Council has determined that certain amendments are in the best interest of the citizens and to comply with state law; and

WHEREAS, the City Council, after due consideration, desires to conduct a special election on proposed amendments to the Home Rule Charter on the uniform election date of November 5, 2024; and

WHEREAS, the City Council, by passage of this order, intends to authorize the conducting of an election pursuant to the provisions of the Texas Election Code.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS THAT:

SECTION I

Each one of the recitals, findings, and determinations contained in the preamble of this order, are found to be true and correct are hereby incorporated herein and made a part hereof for all purposes.

SECTION II

A special election is hereby ordered for the hereinafter proposed amendments to the existing City Charter of the City of Alpine, contained in Exhibit "A" attached hereto and made a part of this Order for all purposes to be submitted to the qualified voters of the City for their approval or disapproval at an election to be held on the next uniform election date, the same being the 5th day of November 2024, which is not less than seventy-eight days from the date of this order, between the hours of 7:00 a.m. and 7:00 p.m., at the voting places hereafter named.

SECTION III

The City election precincts for this election shall consist of the territory located within the corporate limits of the City, and the polling places at said election shall be as follows, to wit:

~~City Council Chambers, 803 W. Holland Avenue, Alpine, Texas 79830~~

Precinct 1 - Assembly of God 1802 N Hwy 118, Alpine, Texas 79830

Precinct 2 - Judge Val Clark Beard Office Complex 203 N 7th, Alpine, Texas 79830

Precinct 4 - Alpine Civic Center 801 W Holland, Alpine, Texas 79830

Precinct 8 - Food Pantry of Alpine 933 East Gallego Ave, Alpine, Texas 79830

SECTION IV

Early Voting in the City of Alpine will be conducted at ~~locations as to be determined by the county Elections Administration~~ the Judge Val Clark Beard Office Complex, located at 203 N. 7th Street, Alpine, Texas. The early voting period of said election is established by law, and the Clerk shall conduct early voting from Monday, October 21, 2024 through Friday, November 1, 2024, in accordance with the provisions of the Texas Election Code Sections 85.001 and 85.005.

SECTION V

Applications for early voting ballot by mail shall be mailed to:

Lora Nussbaum, Early Voting Clerk

107 W. Ave E #3

Alpine, Texas 79830

~~Geoffrey R. Calderon, Early Voting Clerk~~

~~100 North 13th Street,~~

~~Alpine, Texas 79830~~

~~Website: www.cityofalpine.com/elections.~~

~~Email: city.secretary@cityofalpine.com~~

~~Phone: (432) 837-3301, option 1.~~

~~Fax: (432) 837-2044~~

Applications for early voting ballot by mail must be received no later than the close of business on October 25, 2024.

SECTION VI

Voting on the date of the Election and early voting therefore, shall be by the use of a lawfully approved voting system. The preparation of the voting equipment to be used in connection with such voting system and the official ballots for the Election shall conform to the Texas Election Code, as amended, so as to permit the electors to vote "Yes" or "No" on each of the individual Propositions. Said ballots shall have such provisions, marking, and language as made be required by law, and a summary of the Propositions shall be set forth on said ballots in substantially the form and language hereto attached as Exhibit "B."

SECTION VII

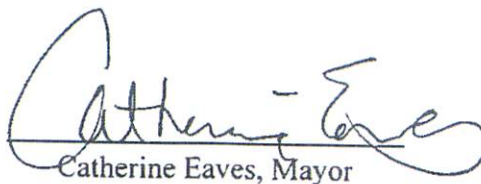
All resident qualified electors of the City shall be permitted to vote in said election. In addition, the election material enumerated in the Texas Election Code shall be printed in both English and Spanish as required, for use at the polling places and for early voting in said election.

EFFECTIVE DATE

This order shall be effective immediately upon passage.

DULY PASSED AND ADOPTED THIS 20th DAY OF AUGUST 2024 BY MAJORITY VOTE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.

APPROVED:


Catherine Eaves, Mayor

Reagan Stone, City Council Member Ward 1


Eva Olivas, City Council Member Ward 2


Darin Nance, City Council Member Ward 3


Lucy Escovedo, City Council Member Ward 4


Rick Stephens, City Council Member Ward 5

ATTEST:


Geoffrey R. Calderon, City Secretary

APPROVED AS TO FORM:

City Attorney



EXHIBIT "A"
AMENDMENTS

Proposition A

SHALL ARTICLE II POWERS OF THE CITY, SECTION 2.01 GENERAL POWERS, OF THE CITY OF ALPINE, TEXAS CITY CHARTER BE AMENDED TO ADD (D) THE COUNCIL IS REQUIRED TO REVIEW THE CITY CHARTER AS NEEDED BUT AT LEAST EVERY 5 YEARS TO KEEP IT IN COMPLIANCE WITH ALL STATE AND FEDERAL LAWS AND TO VERIFY THAT THE CHARTER STILL MEETS THE NEEDS OF THE RESIDENTS OF ALPINE?

This proposition would amend specifically the listed sections and subsections of the City Charter listed below as indicated with the underlined words being amended additions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election:

Article II Powers of the City

Section 2.01 General Powers

(D) The council is required to review the City Charter as needed but at least every ~~10~~ 5 years to keep it in compliance with all state and federal laws and to verify that the Charter still meets the needs of the residents of Alpine.

Proposition B

SHALL ARTICLE II POWERS OF THE CITY, SECTION 2.03 ALTERATION AND EXTENSION OF BOUNDARIES, OF THE ALPINE, TEXAS CITY CHARTER BE AMENDED TO DISALLOW INVOLUNTARY ANNEXATION BY REMOVING SECTION (B) BY ACTION OF THE CITY COUNCIL, WITH OR WITHOUT THE CONSENT OF THE INHABITANTS OR OWNERS OF THE TERRITORY TO BE ANNEXED?

This proposition would amend the specifically listed sections and subsections below as indicated with the words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election:

Article II Powers of the City

Section 2.03 Alteration and Extension of Boundaries

~~(B) by action of the City Council, with or without the consent of the inhabitants or owners of the territory to be annexed~~

Proposition C

SHALL ARTICLE II POWERS OF THE CITY, SECTION 2.04 ANNEXATION PROCEDURES, OF THE ALPINE, TEXAS CITY CHARTER BE AMENDED TO REMOVE, WHETHER BY ACTION OF THE CITY COUNCIL OR BY PETITION AND THEREFORE MAKE CLEAR THAT ALL ACTION OF THE CITY COUNCIL MUST BE STRICTLY COMPLIANT WITH STATE LAW?

This proposition would amend the specifically listed sections and subsections below as indicated with the words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election:

Article II Powers of the City

Section 2.04 Annexation Procedures

All action of the City Council, ~~whether by action of the City Council or by petition~~ shall be undertaken in strict compliance with State law

Proposition D

SHALL ARTICLE III THE CITY COUNCIL, SECTION 3.01 NUMBER, SELECTION AND TERMS OF OFFICE, SUBSECTION (B), OF THE ALPINE, TEXAS CITY CHARTER BE AMENDED TO CHANGE THE WORDS DISTRICTS TO THE WORDS WARDS?

This proposition would amend the specifically listed sections and subsections below as indicated by changing the word Districts to the word Wards. In this context the word 'Ward' will not change the number of seats on City Council. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election:

Article III THE CITY COUNCIL

Section 3.01 Number, Selection, and Terms of Office

(B) Councilmembers shall be elected from ~~districts~~ wards. Places on the Council shall correspond to five (5) single-member ~~districts~~ wards. Only eligible voters registered in ~~districts~~ wards 1,2,3,4 and 5 may vote for places 1,2,3,4, and 5 respectively.

Proposition E

SHALL ARTICLE III THE CITY COUNCIL, SECTION 3.01 NUMBER, SELECTION AND TERMS OF OFFICE, SUBSECTION (D) OF THE ALPINE, TEXAS CITY CHARTER BE AMENDED TO STATE THE FOLLOWING (D) THE MAYOR AND COUNCILMEMBERS WILL BE ELECTED FOR 3-YEAR TERMS WITH TWO TERM LIMITS SEQUENTIALLY BEGINNING WITH THE 2025 ELECTION FOR WARDS 1 AND 3, 2026 ELECTION FOR WARDS 5 AND THE MAYOR, 2027 FOR WARDS 2, 4. AFTER TWO TERMS SERVED A COUNCILMEMBER OR MAYOR MUST SIT OUT FOR AT LEAST ONE YEAR BEFORE BECOMING ELIGIBLE TO SERVE ON COUNCIL AGAIN?

This proposition would amend the specifically listed sections and subsections below as indicated by changing the councilmember terms to 3 years with two term limits and a provision that members must sit out for at least one year before being eligible to serve on council again. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election:

Article III THE CITY COUNCIL

Section 3.01 Number, Selection, and Terms of Office

(D) THE MAYOR AND COUNCILMEMBERS WILL BE ELECTED FOR 3-YEAR TERMS WITH TWO TERM LIMITS SEQUENTIALLY BEGINNING WITH THE 2025 ELECTION FOR WARDS 1 AND 3, 2026 ELECTION FOR WARDS 5 AND THE MAYOR, AND 2027 FOR WARDS 2, 4. AFTER TWO TERMS SERVED A COUNCILMEMBER OR MAYOR MUST SIT OUT FOR AT LEAST ONE YEAR BEFORE BECOMING ELIGIBLE TO SERVE ON COUNCIL AGAIN?

~~The Mayor and Councilmembers for places 2 and 4 will be elected in even numbered years. Councilmembers for places 1,2, and 5 will be elected in odd numbered years. The Mayor and Councilmembers will be elected for two year terms.~~

Proposition F

SHALL ARTICLE III THE CITY COUNCIL, SECTION 3.03 MAYOR AND MAYOR PRO TEM SUBSECTION (C) OF THE ALPINE, TEXAS CITY CHARTER BE AMENDED TO STATE THE MAYOR AND MAYOR PRO TEM, WHEN ACTING IN PLACE OF THE MAYOR AND WHILE PRESIDING OVER THE COUNCIL, IN THE MAYOR'S ABSENCE, SHALL VOTE ON COUNCIL MEETING ITEMS ONLY IN THE CASE OF A TIE. NEITHER WILL HAVE THE POWER OF VETO?

This proposition would amend the specifically listed sections and subsections below as indicated by changing the passage to state that the Mayor and Mayor Pro Tem while presiding over the Council shall vote only in the case of a tie and there are no veto powers. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election:

Article III THE CITY COUNCIL

Section 3.03 Mayor and Mayor Pro Tem

(C) The Mayor and the Mayor Pro Tem when acting in place of the mayor and presiding over the council, shall vote on council meeting items only in the case of a tie. Neither will have the power of Veto.

~~(C) The Mayor, or the Mayor Pro Tem while presiding over The Council in the absence of the Mayor, shall vote only in the case of a tie except to pass an ordinance when the voting membership of the Council is reduced below five (5) owing to one or more absences and/or vacancies and/or abstentions. Neither the Mayor nor the Mayor Pro Tem shall have the power of veto.~~

Proposition G

SHALL ARTICLE III THE CITY COUNCIL SECTION 3.06 VACANCIES, OF THE ALPINE, TEXAS CITY CHARTER SECTION (A) IF A SINGLE VACANCY OCCURS, WITH A YEAR OR LESS REMAINING ON THE TERM COUNCIL SHALL APPOINT A SUCCESSOR TO SERVE UNTIL THE NEXT REGULAR CITY ELECTION. IF MORE THAN A YEAR REMAINS ON THE TERM, THEN AN ELECTION WILL BE HELD. THOSE WISHING TO BE APPOINTED MUST FILL OUT THE CANDIDACY APPLICATION USED DURING REGULAR CITY ELECTION FILING PERIODS AND THEY MUST BE PUT ON THE NEXT REGULAR CITY COUNCIL AGENDA IN WHICH THE PAPERWORK MEETS THE CITY SECRETARY'S PACKET FILING DEADLINE AS A DISCUSSION ITEM. DURING THE FOLLOWING REGULAR CITY COUNCIL MEETING, COUNCIL WILL MAKE THE APPOINTMENT AS AN ACTION ITEM WHICH MAY NOT OCCUR BEFORE PUBLIC COMMENTS?

This proposition would amend the specifically listed sections and subsections below as indicated by amending Section (A) If a single vacancy occurs, the council shall appoint a candidate, if a year or less remains on the term who has completed the election packet application used in Candidate filing packets for Regular Elections. Council will appoint the successor as an Action Item after public comments have been made only after they have appeared as a Discussion Item at a previous Regular City Council Meeting. If more than a year remains on the term, then an election will be held. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election:

Article III The City Council

Section 3.06 Vacancies

(A) If a single vacancy occurs, with a year or less remaining on the term Council shall appoint a successor to serve until the next regular City election. If more than a year remains on the term, then an election will be held. Those wishing to be appointed must fill out the Candidacy Application used during Regular City Election Filing Periods and they must be put on the next Regular City Council Agenda in which the paperwork meets the City Secretary's packet filing deadline as a discussion item. During the following Regular City Council Meeting, Council will make the appointment as an Action Item which may not occur before public comments.

Proposition H

“SHALL ARTICLE IV CITY ADMINISTRATION SECTION 4.04 CITY ATTORNEY OF THE ALPINE, TEXAS CITY CHARTER SECTION (A) BE AMENDED TO ADD THAT CITY COUNCIL MAY APPOINT A LAW FIRM AND ITS LAWYERS TO COLLECTIVELY SERVE AS THE CITY ATTORNEY AND DEPUTY CITY ATTORNEYS. THE CITY ATTORNEY AND DEPUTY CITY ATTORNEYS SHALL SERVE AT THE WILL OF AND BE ENTITLED TO COMPENSATION AS ESTABLISHED BY THE COUNCIL?”

This proposition would amend the specifically listed sections and subsections below as indicated by amending Section (A) to add that the City Council may appoint a law firm as the city attorney for clarification purposes. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election:

Article IV City Administration

Section 4.04 City Attorney

(A) The City Council shall appoint an attorney, licensed to practice law in the State of Texas, as City Attorney. The City Council may appoint a law firm and its lawyers to collectively serve as the City Attorney and Deputy City Attorneys. The City Attorney and Deputy City Attorneys shall serve at the will of and be entitled to compensation as established by the Council.

Proposition I

“SHALL ARTICLE IV CITY ADMINISTRATION SECTION 4.05 MUNICIPAL COURT OF THE ALPINE, TEXAS CITY CHARTER SECTION (C) BE AMENDED TO STATE THAT THE JUDGE OF THE MUNICIPAL COURT SHALL BE NOMINATED BY THE MAYOR AND APPROVED BY THE CITY COUNCIL FOR A TERM TO RUN CONCURRENTLY WITH THE TERM OF OFFICE OF THE MAYOR. COMPENSATION SHALL BE SET BY THE COUNCIL AND MAY NOT BE REDUCED DURING THE TERM OF OFFICE FOR WHICH THE JUDGE WAS APPOINTED?”

This proposition would amend the specifically listed sections and subsections below as indicated by amending Section (C) to change the term from 2 years to state that it will run concurrently with the term of the Mayor. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election:

Article IV City Administration

Section 4.05 Municipal Court

(C) The Judge of the Municipal Court shall be nominated by the Mayor and approved by the City Council for a term of ~~two (2) years~~ to run concurrently with the term of office of the Mayor.

EXHIBIT "B"
OFFICIAL BALLOT

Proposition A

“SHALL ARTICLE II POWERS OF THE CITY, SECTION 2.01 GENERAL POWERS, OF THE CITY OF ALPINE, TEXAS CITY CHARTER BE AMENDED TO ADD (D) THE COUNCIL IS REQUIRED TO REVIEW THE CITY CHARTER AS NEEDED BUT AT LEAST EVERY 5 YEARS TO KEEP IT IN COMPLIANCE WITH ALL STATE AND FEDERAL LAWS AND TO VERIFY THAT THE CHARTER STILL MEETS THE NEEDS OF THE RESIDENTS OF ALPINE?”

YES _____
NO _____

Proposition B

“SHALL ARTICLE II POWERS OF THE CITY, SECTION 2.03 ALTERATION AND EXTENSION OF BOUNDARIES, OF THE ALPINE, TEXAS CITY CHARTER BE AMENDED TO DISALLOW INVOLUNTARY ANNEXATION BY REMOVING SECTION (B) BY ACTION OF THE CITY COUNCIL, WITH OR WITHOUT THE CONSENT OF THE INHABITANTS OR OWNERS OF THE TERRITORY TO BE ANNEXED?”

YES _____
NO _____

Proposition C

“SHALL ARTICLE II POWERS OF THE CITY, SECTION 2.04 ANNEXATION PROCEDURES, OF THE ALPINE, TEXAS CITY CHARTER BE AMENDED TO REMOVE, WHETHER BY ACTION OF THE CITY COUNCIL OR BY PETITION AND THEREFORE MAKE CLEAR THAT ALL ACTION OF THE CITY COUNCIL MUST BE STRICTLY COMPLIANT WITH STATE LAW?”

YES _____
NO _____

Proposition D

“SHALL ARTICLE III THE CITY COUNCIL, SECTION 3.01 NUMBER, SELECTION AND TERMS OF OFFICE, SUBSECTION (B), OF THE ALPINE, TEXAS CITY CHARTER BE AMENDED TO CHANGE THE WORDS DISTRICTS TO THE WORDS WARDS?”

YES _____
NO _____

Proposition E

SHALL ARTICLE III THE CITY COUNCIL, SECTION 3.01 NUMBER, SELECTION AND TERMS OF OFFICE, SUBSECTION (D) OF THE ALPINE, TEXAS CITY CHARTER BE AMENDED TO STATE THE FOLLOWING (D) THE MAYOR AND COUNCILMEMBERS WILL BE ELECTED FOR 3-YEAR TERMS WITH TWO TERM LIMITS SEQUENTIALLY BEGINNING WITH THE 2025 ELECTION FOR WARDS 1 AND 3, 2026 ELECTION FOR WARDS 5 AND THE MAYOR, 2027 FOR WARDS 2, 4. AFTER TWO TERMS SERVED A COUNCILMEMBER OR MAYOR MUST SIT OUT FOR AT LEAST ONE YEAR BEFORE BECOMING ELIGIBLE TO SERVE ON COUNCIL AGAIN?

YES _____
NO _____

Proposition F

“SHALL ARTICLE III THE CITY COUNCIL, SECTION 3.03 MAYOR AND MAYOR PRO TEM SUBSECTION (C) OF THE ALPINE, TEXAS CITY CHARTER BE AMENDED TO STATE THE MAYOR AND THE MAYOR PRO TEM WHEN ACTING IN PLACE OF THE MAYOR AND PRESIDING OVER THE COUNCIL, SHALL VOTE ON COUNCIL MEETING ITEMS ONLY IN THE CASE OF A TIE. NEITHER WILL HAVE THE POWER OF VETO?”

YES _____
NO _____

Proposition G

“SHALL ARTICLE III THE CITY COUNCIL SECTION 3.06 VACANCIES, OF THE ALPINE, TEXAS CITY CHARTER SECTION (A) IF A SINGLE VACANCY OCCURS, WITH A YEAR OR LESS REMAINING ON THE TERM COUNCIL SHALL APPOINT A SUCCESSOR TO SERVE UNTIL THE NEXT REGULAR CITY ELECTION. IF MORE THAN A YEAR REMAINS ON THE TERM, THEN AN ELECTION WILL BE HELD. THOSE WISHING TO BE APPOINTED MUST FILL OUT THE CANDIDACY APPLICATION USED DURING REGULAR CITY ELECTION FILING PERIODS AND THEY MUST BE PUT ON THE NEXT REGULAR CITY COUNCIL AGENDA IN WHICH THE PAPERWORK MEETS THE CITY SECRETARY’S PACKET FILING DEADLINE AS A DISCUSSION ITEM. DURING THE FOLLOWING REGULAR CITY COUNCIL MEETING, COUNCIL WILL MAKE THE APPOINTMENT AS AN ACTION ITEM WHICH MAY NOT OCCUR BEFORE PUBLIC COMMENTS?”

YES _____
NO _____

Proposition H

“SHALL ARTICLE IV CITY ADMINISTRATION SECTION 4.04 CITY ATTORNEY OF THE ALPINE, TEXAS CITY CHARTER SECTION (A) BE AMENDED TO ADD THAT CITY COUNCIL MAY APPOINT A LAW FIRM AND ITS LAWYERS TO COLLECTIVELY SERVE AS THE CITY ATTORNEY AND DEPUTY CITY ATTORNEYS. THE CITY ATTORNEY AND DEPUTY CITY ATTORNEYS SHALL SERVE AT THE WILL OF AND BE ENTITLED TO COMPENSATION AS ESTABLISHED BY THE COUNCIL?”

YES

NO

Proposition I

“SHALL ARTICLE IV CITY ADMINISTRATION SECTION 4.05 MUNICIPAL COURT OF THE ALPINE, TEXAS CITY CHARTER SECTION (C) BE AMENDED TO REMOVE THE TWO-YEAR TERM LIMIT AND STATE THAT THE JUDGE OF THE MUNICIPAL COURT SHALL BE NOMINATED BY THE MAYOR AND APPROVED BY THE CITY COUNCIL FOR A TERM TO RUN CONCURRENTLY WITH THE TERM OF OFFICE OF THE MAYOR. COMPENSATION SHALL BE SET BY THE COUNCIL AND MAY NOT BE REDUCED DURING THE TERM OF OFFICE FOR WHICH THE JUDGE WAS APPOINTED?”

YES

NO