
EXHIBIT A MAY 2019 CITY OF GONZALES HOME RULE CHARTER MEASURES

Measure 1

Section 2.01 General

Except as specifically limited in this Charter, the City of Gonzales shall have all powers granted to municipalities by the Constitution and laws of the State of Texas, together with all of the implied powers necessary to carry into execution such granted powers. The public squares and avenues of said city shall not be sold.

~~The City of Gonzales may use a corporate seal; may sue and be sued; may contract and be contracted with; may implead and be impleaded in all courts in all matters whatsoever; may cooperate with the government of the State of Texas or any agency thereof, the federal government or any agency thereof, or any political subdivision of the State of Texas; and shall have all the powers granted to cities by the constitution and laws of the State of Texas, together with all the implied powers necessary to carry into execution all the powers granted. The city may own or acquire property within or without its boundaries for any municipal purpose in fee simple or in any lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage, control and police any property now owned by it or which it may hereafter acquire, and shall have the right to lease or let its property whether inside or outside of the city limits, subject to the limitations hereinafter set out; and may construct, own, lease, operate and regulate public utilities, may assess, levy and collect taxes for general and special purposes on all lawful subjects of taxation; may borrow money on the faith and credit of the city by the issuance and sale of bonds, warrants or notes of the city; may appropriate the money of the city for all lawful purposes; may regulate and control the use, for whatever purpose, of the streets and other public places; may make and enforce all police, health, sanitary and other regulations; and may pass such~~

~~ordinances as may be expedient for the protection and maintenance of good government; peace and welfare of the city, for the performance of the functions thereof, for the order and security of its residents; and may provide suitable penalties for the violations of any ordinance enacted by the City of Gonzales; and, except as prohibited by the constitution and laws of this state or restricted by this charter, the city may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The public squares and avenues of said city shall not be sold. The City of Gonzales is authorized and shall have the power to allow festivals, concerts and other commercial activities on the public squares, avenues and streets or any part thereof upon such terms as the council determines is in the best interest of the City of Gonzales. The City of Gonzales is authorized and shall have the power to lease such streets and avenues or any part thereof upon such terms as the council may deem best for the purpose of prospecting for, mining, drilling, and producing oil, gas and other minerals therefrom, and the city council is further authorized to lease for grazing and farming purposes the portions of the avenues of the city not deemed needed at the time for municipal purposes and the streets belonging to said city which have never been opened or used for street purposes by the public and except further, that the city is authorized to sell or exchange for other property more suitable for street purposes a part or parts of the public streets of said city.~~

Section 2.02 — General Powers Adopted

~~The enumeration of the particular powers in this charter shall not be held or deemed to be exclusive but in addition to the powers enumerated herein or implied hereby or appropriate to the exercise of such powers, the city shall have and may exercise all power of local self government and all other powers which, under the constitution and laws of the State of Texas, it would be competent for this charter specifically to enumerate. The City of Gonzales shall have and may exercise all the powers enumerated in TEX. LOC. GOVT. CODE Chapter 51 as now or hereafter amended.~~

Section 2.03 — Eminent Domain

~~The city shall have the full power and right to exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred upon it by this charter or by the constitution and laws of the State of Texas. The city may exercise the power of eminent domain in any manner authorized or permitted by the constitution and laws of this state. The power of eminent domain hereby conferred shall include the right of the city to take the fee in land so condemned and such power and authority shall include the right to condemn public property for such purposes. The city shall have and possess the power of condemnation for any municipal or public purposes even though not specifically enumerated in this charter.~~

Section 3.07 Powers of the City Council

All powers of the city and the determination of all matters of policy shall be vested in the city council. ~~Without limitation of the foregoing and among the other powers that may be exercised by the city council, the following are hereby enumerated for greater certainty:~~

- ~~(a) — Remove from office any officer or member of any board or commission and inquire into the conduct of any office, department or municipal affairs.~~
- ~~(b) — Establish, consolidate or abolish administrative departments and distribute the work of divisions.~~
- ~~(c) — Adopt the budget of the city.~~
- ~~(d) — Authorize the issuance of bonds by a bond ordinance.~~
- ~~(e) — Provide for such additional boards and commissions, not otherwise provided for in this charter, as may be deemed necessary, and appoint the members of all such boards and commissions. Such boards and commissions shall have all powers and duties now or hereafter conferred and created by this charter, by city ordinance or by law.~~
- ~~(f) — Adopt and modify the zoning plan and the building code of the city.~~
- ~~(g) — Adopt and modify the official map of the city.~~
- ~~(h) — Adopt, modify and carry out plans proposed by the planning commission for the clearance of slum districts and rehabilitation of blighted areas.~~
- ~~(i) — Adopt, modify and carry out plans proposed by the planning commission for the replanning, improvement and redevelopment of any area or district which may have been destroyed in whole or in part by disaster.~~
- ~~(j) — Regulate, license and fix the charges or fares made by any person, firm or corporation owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire or the transportation of freight for hire on the public streets and alleys of the city.~~
- ~~(k) — Adopt and modify the fire code of the city. Provide for the establishment and designation of fire limits and prescribe the kind and character of buildings or structures or improvements to be erected therein, and provide for the erection of fireproof buildings within said limits, and provide for the condemnation of dangerous structures or buildings or dilapidated buildings, or buildings calculated to increase the fire hazard and prescribe the manner of their removal or destruction within said limits.~~
- ~~(l) — Fix the salaries and compensation of the city officers and employees.~~

~~(m) — Provide for a sanitary sewer and water system, and require property owners to connect their premises with sewer system, and provide for penalties for failure to make sanitary sewer connections.~~

~~(n) — Provide for sanitary garbage disposal, set fees and charges therefor, and provide penalties for failure to pay such fees and charges.~~

~~(o) — Provide for an electrical system, set fees and charges therefor, and provide penalties for misuses of same.~~

~~(p) — Exercise exclusive dominion, control and jurisdiction including the right to close and abandon streets and alleys in, upon, over and under the public streets, avenues, sidewalks, alleys, highways, boulevards and public grounds of the city and provide for the improvement of same as provided in TEX. TRANS. CODE, Chapter 313 as now or hereafter amended.~~

~~(q) — Compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the City of Gonzales.~~

Section 8.03 — Planning Commission

~~The city council shall have the authority to appoint a city planning commission in accordance with the general laws of the State of Texas as provided for in TEX. LOC. GOV'T CODE, Chapter 211, as now or hereafter amended.~~

Section 9.17 — Power to Tax

~~The city council shall have the power under the provisions of the state law to levy, assess and collect an annual tax upon real and personal property within the city to the maximum provided by the constitution and general laws of the State of Texas. The city council shall also have the power to levy occupation taxes on such occupations as consistent with the general laws of the State of Texas.~~

Section 9.18 — Property Subject to Tax; Method of Assessment

~~All real and personal property within the City of Gonzales not expressly exempted by law shall be subject to annual taxation.~~

Section 9.19 — Tax Liens

~~The tax levied by the city is hereby declared to be a lien, charge or encumbrance upon the property as of January 1st upon which the tax is due, which lien, charge or encumbrance the city is entitled to enforce and foreclose in any court having jurisdiction over the same, and the lien, charge or encumbrance on the property is such as to give the state courts jurisdiction to enforce and foreclose~~

~~said lien on the property on which the tax is due, not only as against any resident of this state or person whose residence is unknown, but also as against nonresidents. All taxes upon real estate shall especially be a lien and a charge upon the property of which the taxes are due, which lien may be foreclosed in any court having jurisdiction. Such lien shall be prior to all other claims, and no gift, sale, assignment or transfer of any kind, or judicial writ of any kind, can ever defeat such lien.~~

Section 9.20 — Issuance of Bonds

~~The City of Gonzales shall have the power to issue bonds and levy a tax to support the issue for permanent improvements and all other lawful purposes~~

Measure 2

Section 3.06 Vacancies

~~When a vacancy occurs in the city council, the remaining members of the council shall within ten days appoint a qualified person to fill the unexpired term. However, the city council shall not appoint more than one councilmember in any twelve-month period, and in case a vacancy has been filled by the city council within twelve months prior to the subsequent vacancy, or if more than one vacancy occurs at the same time or before a prior vacancy has been filled, the city council shall call a special election within ten days from the date the last vacancy occurred, to be held within forty-five days thereafter, for the purpose of electing the successor or successors to the office or offices vacated.~~

A. Vacancies. The office of a Council Member or office of the Mayor shall become vacant upon death, resignation, removal from office by recall, a declaration of vacancy by City Council as provided for in Section 3.02, or as otherwise provided by law.

B. Filling Vacancies. In the event of a vacancy in the City Council, if there are 365 days or more remaining on the term of the vacated City Council office, the City Council shall call a special election to fill such vacancy. If there are less than 365 days remaining in the term of the vacant City Council office, the City Council may, by majority vote of the remaining Members of City Council, at its discretion, leave the office vacant, appoint a new Mayor or Councilmember to fill such vacancy or call a special election to fill such vacancy.

Section 5.05 Election by Majority

At any regular or special municipal election the candidates in each place on the ballot, including the candidate for mayor, receiving the majority of votes cast, shall be declared elected. In the absence of a majority of the votes cast for that position a run-off election shall be held in accordance with State law, ~~within thirty (30) days following the official canvassing of the preceding regular or special election.~~

Section 6.11 — Failure of City Council to Call an Election

~~In case all of the requirements of this charter shall have been met and the city council shall fail or refuse to receive the recall petition, or order such recall election, or discharge any other duties imposed upon said city council by the provisions of this charter with reference to such recall, then all recall documents shall be delivered to the county judge of Gonzales County, Texas, who shall discharge any of such duties herein provided to be discharged by the person performing the duties of city secretary or by the city council.~~

Section 6.07 Election to be Called

If the officer whose removal is sought does not resign, then it shall become the duty of the city council to order an election be held on the next authorized uniform election date. ~~If, after the recall election date is established the officer vacates his/her position then the election shall be cancelled in accordance with State law.~~ and fix a date for holding such recall election, the date of which election shall be not less than twenty-five (25) nor more than thirty-five (35) days from the date such petition was presented to the city council, or from the date of the public hearing if one was held.

Section 7.02 Initiative

Qualified voters of the City of Gonzales may initiate legislation by submitting a petition addressed to the city council, which requests the submission of a proposed ordinance or resolution to a vote of the qualified voters of the city. Said petition must be signed by qualified voters of the city equal in number to 20% of the number of votes cast at the last regular municipal election of the city, or 150, whichever is greater, and each copy of the petition shall have attached to it a copy of the proposed legislation. The petition shall be signed in the same manner as recall petitions are signed, as provided in Section 6.02 of this charter. The petition may consist of one or more copies as permitted for recall petitions in Section 6.04 of this charter. Such petition shall be filed with the person performing the duties of city secretary. Within ten (10) days after the filing of such petition, the person performing the duties of city secretary shall present said petition and proposed ordinance or resolution to the city council. Upon presentation of the petition and draft of the proposed ordinance or resolution, it shall become the duty of the city council, within ten days after the receipt thereof, to pass and adopt such ordinance or resolution without alteration as to meaning or effect in the opinion of the persons filing the petition, or to call a special election within to be

~~held on the next uniform election date authorized by State law, within thirty-five (35) days at which the qualified voters of the City of Gonzales shall vote on the question of adopting or rejecting the proposed legislation. However, if any other municipal election is to be held within sixty days after the filing of the petition, the question may be voted on at such election.~~

Measure 3

Section 6.02 Petitions for Recall

Before the question of recall of a councilmember shall be submitted to the qualified voters of the city, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of city secretary; which said petition shall be signed by qualified voters of the councilmember district equal in number to at least ~~35%~~ 25% of the total number of registered voters registered to vote in that district at the last regular City election ~~number of votes cast in that district at the last regular municipal election of the city, but in no event less than 80 such petitioners~~. In the recall of the mayor the petition shall be signed by qualified voters of the city equal in number to at least 35% of the total of the number of votes cast in each district at the last regular municipal election of the city, but in no event less than 150 such petitioners. A recall petition shall meet the requirements of Texas Election Code Chapter 277 or as amended.

Measure 4

Section 6.02 Petitions for Recall

Before the question of recall of a councilmember shall be submitted to the qualified voters of the city, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of city secretary; which said petition shall be signed by qualified voters of the councilmember district equal in number to at least 35% of the total number of votes cast in that district at the last regular municipal election of the city, but in no event less than 80 such petitioners. In the recall of the mayor the petition shall be signed by qualified voters of the city equal in number to at least ~~35%~~ 25% of the total of the ~~number of votes cast in each district at the last regular municipal election of the city, but in no event less than 150 such petitioners~~

number of registered voters registered to vote at the last regular City election. A recall petition shall meet the requirements of Texas Election Code Chapter 277 or as amended.

Measure 5

Section 7.02 Initiative

Qualified voters of the City of Gonzales may initiate legislation by submitting a petition addressed to the city council, which requests the submission of a proposed ordinance ~~or resolution~~ to a vote of the qualified voters of the city. Said petition must be signed by qualified voters of the city equal in number to 20% of the number of votes cast at the last regular municipal election of the city, or 150, whichever is greater, and each copy of the petition shall have attached to it a copy of the proposed legislation. The petition shall be signed in the same manner as recall petitions are signed, as provided in Section 6.02 of this charter. The petition may consist of one or more copies as permitted for recall petitions in Section 6.04 of this charter. Such petition shall be filed with the person performing the duties of city secretary. Within ten (10) days after the filing of such petition, the person performing the duties of city secretary shall present said petition and proposed ordinance or resolution to the city council. Upon presentation of the petition and draft of the proposed ordinance ~~or resolution~~, it shall become the duty of the city council, within ten days after the receipt thereof, to pass and adopt such ordinance ~~or resolution~~ without alteration as to meaning or effect in the opinion of the persons filing the petition, or to call a special election within thirty-five (35) days at which the qualified voters of the City of Gonzales shall vote on the question of adopting or rejecting the proposed legislation. However, if any other municipal election is to be held within sixty days after the filing of the petition, the question may be voted on at such election.

Section 7.03 Referendum

Qualified voters of the City of Gonzales may require that any ordinance ~~or resolution~~, with the exception of ordinances or resolutions levying taxes or any other ordinance not subject to referendum as provided by state statute or common law, 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 30 days after final passage of said ordinance ~~or resolution~~, or within 30 days after its publication. Said petition shall be addressed, prepared and signed as required for petitions initiating legislation as provided in Section 7.02 of this charter and shall be submitted to the person performing the

duties of city secretary. Within ten (10) days 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 ordinance ~~or resolution~~ and, if it does not entirely repeal the same, shall submit it to popular vote as provided in Section 7.02 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 voting at such election shall vote in favor thereof.

Measure 6

Section 7.09 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 for a period of three years from the date said ordinance became effective and then only upon by an affirmative vote of two-thirds of the City Council, except by the city council may, in response to a referendum petition or by submission as provided in Section 7.04 of this charter submit an amendment or repeal to a vote by the Citizens at any time.

Measure 7

Section 8.02 Development of Property

The city council shall cooperate in every manner possible with persons interested in the development of property within or beyond the city limits. No expenditure of public funds, however, shall be authorized for the development of privately-owned subdivisions situated within or beyond the corporate limits of the city, except for the extension of utilities or services to such areas and expenditure of public funds by the Economic Development Corporation as allowed by Local Government Code Chapter 501 or the Texas Constitution.

Measure 8

Section 11.02 Personal Interest

~~No officer or employee of the city shall have a financial interest, direct or indirect, in any contract with the city, nor shall be financially interested, directly or indirectly, in the sale to the city of any~~

~~land, or rights or interest in any land, materials, supplies or service. The above provision shall not apply where the interest is represented by ownership of stock in a corporation involved, provided such stock ownership amounts to less than 1% of the corporation stock. Any violation of this section shall constitute malfeasance in office, and any officer or employee of the city found guilty thereof shall thereby forfeit his/her office or position. Any violation of this section with the knowledge, express or implied, of the person or corporation contracting with the city shall render the contract voidable by the city manager or the city council.~~

For purposes of this Section term "City Official" means any individual subject to the requirements of Texas Local Government Code, Chapter 171.

It is hereby prohibited for City Council members or a City Official to violate the rules and regulations regarding conflicts of interests as set out in the Texas Local Government Code, Chapter 171.

Measure 9

Section 7.02 Initiative

Qualified voters of the City of Gonzales may initiate legislation by submitting a petition addressed to the city council, which requests the submission of a proposed ordinance or resolution to a vote of the qualified voters of the city. Said petition must be signed by qualified voters of the city equal in number to ~~20%~~ 25% of the number of registered voters registered to vote at the last regular City election. ~~number of votes cast at the last regular municipal election of the city, or 150, whichever is greater,~~ and each copy of the petition shall have attached to it a copy of the proposed legislation. The petition shall be signed in the same manner as recall petitions are signed, as provided in Section 6.02 of this charter. The petition may consist of one or more copies as permitted for recall petitions in Section 6.04 of this charter. Such petition shall be filed with the person performing the duties of city secretary. Within ten (10) days after the filing of such petition, the person performing the duties of city secretary shall present said petition and proposed ordinance or resolution to the city council. Upon presentation of the petition and draft of the proposed ordinance or resolution, it shall become the duty of the city council, within ten days after the receipt thereof, to pass and adopt such ordinance or resolution without alteration as to meaning or effect in the opinion of the persons filing the petition, or to call a special election within thirty-five (35) days at which the qualified voters of the City of Gonzales shall vote on the question of adopting or rejecting the proposed legislation. However, if any other municipal election is to be held within sixty days after the filing of the petition, the question may be voted on at such election.

Measure 10

Section 11.11 Charter Review Commission

The city council shall appoint a charter review commission consisting of five citizens of the City of Gonzales at the July City Council meeting in ~~even-numbered~~ years ending in zero (“0”) and five (“5”). Each councilmember shall appoint one (1) member to the commission. The charter review commission shall be empaneled from August 1st through January 31st. The final report of the commission shall be presented to the council no later than the February regular council meeting.

Measure 11

Section 4.05 City Attorney

The city council shall appoint a competent and duly licensed attorney practicing law in the City of Gonzales, Texas, who shall be the city attorney. He/she shall receive for his/her services such compensation as may be fixed by the city council and shall hold his/her office at the pleasure of the city council. The city attorney, or such other attorneys selected by ~~him/her with the approval of~~ the city council, shall represent the city in all litigation. He/she shall be the legal advisor of and attorney and counsel for, the city and all officers and departments thereof.