



CITY OF

# MISSION

## CHARTER

### AMENDMENT

## ELECTION

**EARLY VOTING:**  
MON., APRIL 22 - TUES., APRIL 30

**ELECTION DAY:**  
SATURDAY, MAY 4, 2024

# AGENDA

- Welcome
- Background
- Charter Review Committee
- 2024 Charter Amendment Election 2024
- Proposed Amendments
- Election Information
- Questions?



# BACKGROUND

## Mission's City Charter

**1961** Charter Election - Mission's Home Rule Charter Adopted

**1987** Charter Election 2 - Amendments

**2008** Charter Election 3 - One Amendment  
Changing uniform election month to May

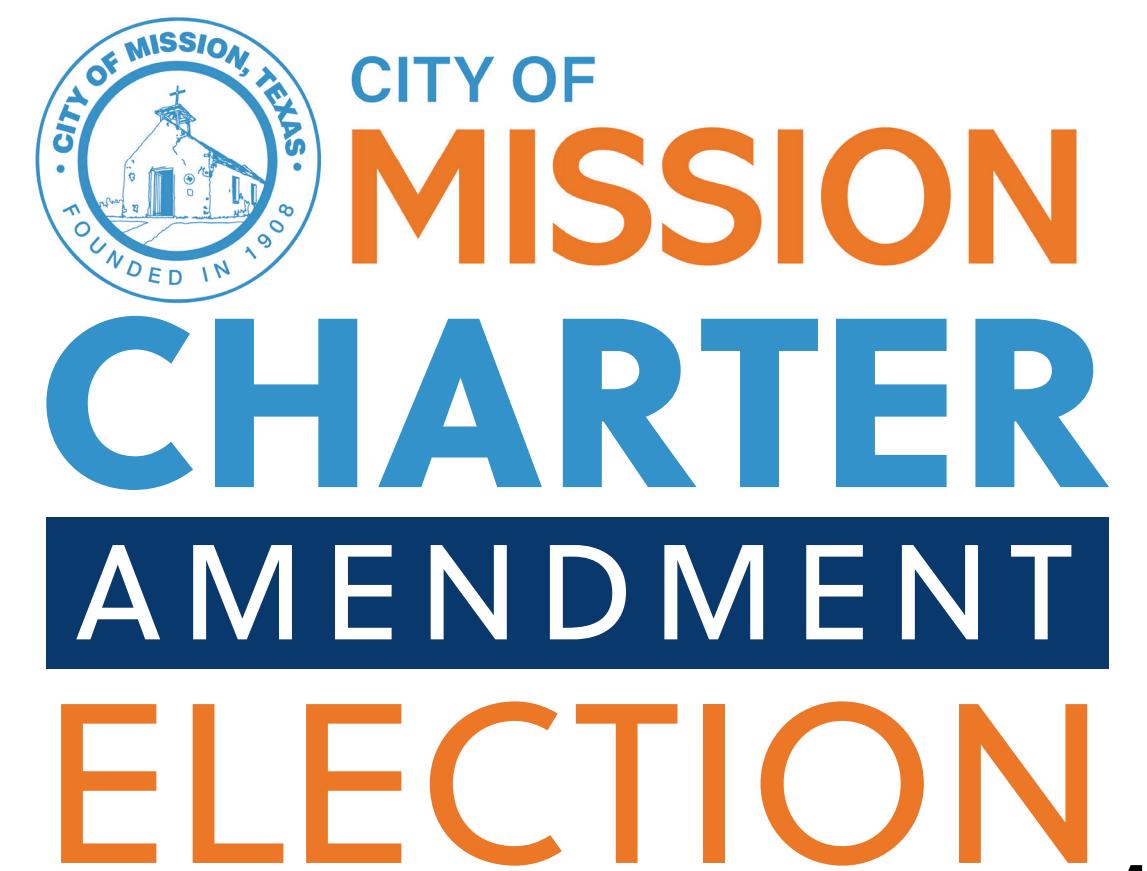
The City of Mission has not considered a holistic review and set of revisions of the City's Charter since 1987.



# CHARTER REVIEW COMMITTEE

In September 2023, the Mission City Council created a Charter Review Committee to:

- Review the City's Charter regarding possible revisions
- Determine which articles and sections of the Charter need amendment, deletion, or addition
- Develop a list of possible amendments to the Charter for review by the City Council and present those recommendations



# CHARTER REVIEW COMMITTEE

## MEMBERS

- Letty Garcia
- Julio Cerdá, Chairman
- Kevin Sanchez
- Hector Ramirez
- Joe Vargas, Vice Chairman
- JD Villarreal



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# CHARTER REVIEW COMMITTEE

## MEETINGS

- October 30, 2023
- November 14, 2023
- November 20, 2023
- December 4, 2023



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# 2024 CHARTER ELECTION

On February 12, 2024, the Charter Review Committee presented its final recommendations for City Charter amendments to the Mission City Council.

At the same meeting, the Mission City Council ordered a Special Charter Election to be held on May 4, 2024, and approved the proposed Charter Election ballot language reflecting the proposed amendments.



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# RECOMMENDED CHANGES

- Necessary updates to address legal or governance concerns
- Periodic clean-up
- Promote consistency
- Comply with state law requirements
- Grammatical, organizational
- Reduce to plain English
- Proposed additional city oversight

# CHARTER PROPOSITIONS

## MISSION PROPOSITION A

Shall Section 1.01 of the City Charter be amended to provide that the provisions of the charter shall be construed liberally to favor the City of Mission?

## PROPOSED CHANGES

The municipal government provided by this Charter shall be known as the "Council-Manager Government." Pursuant to its provisions and subject only to the limitations imposed by the state constitution, the statutes of this state and by this Charter, all powers of the City shall be vested in an elective council, hereinafter referred to as the "City Council" which shall enact local legislation, adopt budgets, determine policies and appoint the City Manager, who in turn shall execute the laws and administer the government of the City. All powers of the City shall be exercised in the manner prescribed by this Charter, or if the manner be not prescribed in such manner as may be prescribed by ordinance, the state constitution or the statutes of the state.

**ADD:** The powers of the City of Mission under this Charter shall be construed liberally in favor of the City, and the specific mention of a particular general powers in the Charter shall not be construed as limiting in any way the general powers stated herein.

# CHARTER PROPOSITIONS

## MISSION PROPOSITION B

Shall Article 1 of the City Charter be amended to simplify the provisions relating to expansion and contraction of the city's boundaries by deleting Sections 1.03 through 1.06, providing that the procedures for annexation are to be conducted according to the provisions of state law, and renumbering the remaining sections?

## PROPOSED CHANGES

### ADD:

#### Section 1.03. Extension of Boundaries.

The City Council shall have the power, by ordinance, to fix the boundary limits of the City of Mission; and to provide for the alteration and extension of said boundary limits, and the annexation of additional territory lying adjacent to the City, with or without the consent of the territory and inhabitants annexed. The City's power of annexation shall be conducted in accordance with applicable state law or ordinance.

# CHARTER PROPOSITIONS

## Section 1.04. Contraction of Boundaries.

Whenever there exists within the corporate limits of the City of Mission any territory not suitable or necessary for City purposes, the City Council may, upon a petition signed by a majority of the qualified voters residing in such territory if the same be inhabited, or without any such petition if the same be uninhabited, by ordinance duly passed, discontinue said territory as part of said City; said petition and ordinance shall specify accurately the metes and bounds of the territory sought to be eliminated from the City and shall contain a plat designating such territory so that the same can be definitely ascertained; and when said ordinance has been duly passed the same shall be entered upon the minutes and records of said City, but said territory shall still be liable for its pro rata share of any debts incurred while said area was a part of said City, and the City shall continue to levy, assess and collect taxes on the property within said territory to pay the indebtedness incurred while said area was a part of the City as though the same had not been [been] excluded from the boundaries of the City.

## **DELETE:**

### Section 1.03. Extension of city limits upon petition.

The boundaries and limits of the City of Mission, as now or hereafter existing, may be extended so as to include within the corporate limits of said city, any territory or several areas adjoining such limits as then existing, whenever a majority of the inhabitants within such territory, area or areas, qualified to vote for members of the State Legislature, shall petition the City Council, in writing, to become a part of said City and attach to said petition the affidavit of one (1) or more of their number to the effect that said petition is signed by a majority of such qualified voters; and thereupon the City Council, at any regular session held not sooner than ten (10) days after the presentation of such petition, may, by ordinance, annex such territory, area or several areas to the City of Mission, and thenceforth the said territory, area or

# CHARTER PROPOSITIONS

several areas so annexed shall be a part of the City of Mission, and the inhabitants thereof shall be entitled to all rights and privileges of other citizens and shall be bound by the acts, ordinances, resolutions and regulations of the said City made in conformity thereto and passed in pursuance of this Charter, or any amendment thereof.

State law reference(s) — Annexations, V.T.C.A., Local Government Code § 43.021 et seq.

## Section 1.04. Extended city limits by action of city council.

The City Council shall have the authority and power to, by ordinance, fix the boundary limits of the City of Mission, and to provide for the extension of said boundary limits and the annexation of additional territory lying adjacent to said City, with or without the consent of the inhabitants of the territory annexed: Provided, that upon the introduction of any such ordinance and before final passage thereof, there shall have been given the notice thereof and the hearing thereon provided in the next succeeding section hereof. When said ordinance is finally passed, the said territory so annexed shall be a part of the City of Mission and the inhabitants shall be bound by the acts, ordinances, resolutions and regulations of said City made in conformity thereto and passed in pursuance of the Charter, or any amendment thereof.

## Section 1.05. Notice and hearing on extension of boundaries.

Before enacting the ordinance provided and referred to in either of the preceding sections numbered 1.03 and 1.04, the City Council shall hold a public hearing after notice thereof given by publication in one (1) issue of some newspaper of general circulation within the City of Mission, Texas, at least ten (10) days prior to the date set for such hearing, setting forth therein the territory, area, or several areas proposed to be brought within the City limits (at which hearing the

# CHARTER PROPOSITIONS

inhabitants of such territory, area or areas, and the owners of property within the same, may in person or by counsel offer evidence and present their views in favor of or against such inclusion, in addition to the presentation of evidence for or against the same on the part of the then existing City of Mission, the inhabitants and taxpayers thereof) and upon such hearing shall find from the evidence submitted that the inclusion of such territory, area, areas, or some portion thereof, to be described in the findings of the Council, is adjacent to the City limits and that the inclusion thereof within said limits would be a benefit to the owners of the property therein, and that the inclusion of such territory or portions thereof would likewise be a benefit to the then existing City of Mission. The findings made by the City Council, after such notice and hearing shall be final and conclusive as to the facts so found and shall be a sufficient and legal basis for the enactment of the ordinances above provided for. In the event State law requires a home rule city to follow a different procedure for notice and hearing prior to annexation than that prescribed in this section, the State law shall control. (Amended 1-17-1987)

## Section 1.06. Contraction of boundaries.

Whenever there exists within the corporate limits of the City of Mission any territory not suitable or necessary for City purposes, the City Council, may, upon a petition signed by a majority of the qualified voters residing in such territory if the same be inhabited, or without any such petition is [if] the same be uninhabited, by ordinance duly passed discontinue said territory as part of said City. Said petition and ordinance shall specify accurately the metes and bounds of the territory sought to be eliminated from the City and shall contain a plat designating such territories so that the same can be definitely ascertained; and when said ordinance has been duly passed the same shall be entered upon the minutes and records of said City, and from and after the entry of such ordinance said territory shall cease to be a

# CHARTER PROPOSITIONS

part of said City, but said territory shall still be liable for its pro rata share of any debts incurred while said area was a part of said City, and the City shall continue to levy, assess and collect taxes on the property within said territory to pay the indebtedness incurred while said area was a part of the City as though the same had not been excluded from the boundaries of the City.

# CHARTER PROPOSITIONS

## MISSION PROPOSITION C

Shall Section 2.01 of the City Charter be amended to simplify the enumeration of the city's powers and to provide that it will have the power of local government to the fullest extent permitted by law?

## PROPOSED CHANGES

### ADD/DELETE:

The City of Mission shall have the power of local self-government to the furthest extent permitted by law, 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 The City 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, including those necessary to preserve the government, interests, health, welfare and good order of the City and its inhabitants. All powers shall be exercised and enforced in the manner prescribed by the laws of the State of Texas, in this Charter and the City's ordinances.

The City of Mission may exercise any of its powers to perform any of its functions, and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise with the State of Texas or any agency thereof, or with the Federal Government or any agency thereof, or with the government of any county, city or political subdivision to accomplish any lawful municipal purpose.

# CHARTER PROPOSITIONS

The City of Mission shall have the power to, among other things, construct and maintain, within or without its corporate limits, streets, flood control and sanitary facilities, and water and storm drainage facilities, in, over, under or upon all public property or easements granted for that purpose and to levy assessments for the costs of such improvements. The City shall have the power to collect attorney's fees for the collection of assessments as allowed under state law. It shall have the power to cause liens to be established for the purpose of securing the payment of such levies and shall have the power to compel the use of such improvements by the citizens of the City of Mission. 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 whether inside or outside the city limits, and shall have the right to lease or let its property whether inside or outside the city limits, subject to the limitation 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 issuance and sale of bonds, warrants or notes for the City and such bonds may be issued for any and all purposes for which home rule and general law cities are authorized to issue bonds, and for any other public purpose or improvement, and in the manner and form provided by law; may issue any bonds which may be voted on the same day on which the election is held for the adoption of this Charter; 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 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 Mission; 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.

# CHARTER PROPOSITIONS

## MISSION PROPOSITION D

Shall Section 3.01.C of the City Charter be amended to provide, to the extent permitted by law, that the regular municipal elections for the City of Mission to elect a Mayor and/or member of City Council shall be held during the November uniform election date?

## PROPOSED CHANGES

### ADD/DELETE:

C. To the extent permitted by law, the regular municipal election for the City of Mission to elect a Mayor and/or member of City Council shall be held during the November uniform election date. The regular election for 1987 shall be held the first Saturday in April. The regular election day for the year 1989 and subsequent years shall be held the third Saturday in January [first Saturday in May]. The term of office for all members of the City Council shall be for four (4) years and until the successor to the office is elected and qualified.

# CHARTER PROPOSITIONS

## MISSION PROPOSITION E

Shall Section 3.01.H of the City Charter be amended to establish a term limit for the office of mayor of three (3) four-year terms?

## PROPOSED CHANGES

**ADD:** H. Mayor Term Limits: A person may not be elected to, or serve on, the City Council as the mayor for more than three (3), consecutive or nonconsecutive, four-year terms. Any person serving as mayor, either elected or appointed, for an unexpired term created by a vacancy prescribed by law shall not have such term apply to maximum term limit provided herein. A person subject to mayor term limits shall not be prevented from becoming a candidate for Councilmember. Term limits shall not apply to any of the other four (4) Councilmember positions.

- Editor's note(s)—Former section 3.01(c) was amended by a Charter amendment adopted at an election held on May 4, 2024. Previous language provided that the City of Mission's regular municipal elections be held on the first Saturday in May. The May 2024 amendment provided that the regular election date be changed to the November uniform election date, subject to approval and authorization by the Texas Legislature.

# CHARTER PROPOSITIONS

## MISSION PROPOSITION F

Shall Section 3.06 of the City Charter be amended to revise the process for filling vacancies on the city council to be consistent with the requirements of the Texas Constitution?

## PROPOSED CHANGES

### ADD/DELETE:

When a vacancy occurs, in the City Council and the respective unexpired term is twelve (12) months or less, the remaining members thereof must, within ten days, appoint, by majority vote, a qualified person to fill the unexpired term of such vacancy; . However, as required by law, should the respective unexpired term be longer than twelve (12) months, the unexpired term shall be filled by an election ordered and conducted in accordance with the election laws of the State of Texas. ~~provided, however, the City Council shall not appoint more than one (1) Council member in any twelve-month period, and in the event of the occurrence of a vacancy in the City Council within a twelve-month period in which a vacancy in the City Council has been filled by the City Council, or in the event that more than one (1) vacancy shall occur at the same time, then in any such event a special election shall be held for the purpose of electing the successor or successors, and such election shall be ordered and conducted in accordance with the elections laws of the State of Texas. Should all positions on the City Council become vacant at one (1) time, then in such event, the County Judge of Hidalgo County, Texas, is hereby empowered and directed to issue notice of such special election for and on behalf of said City, and to appoint qualified persons as election officials.~~

# CHARTER PROPOSITIONS

## MISSION PROPOSITION G

Shall Section 3.09 of the City Charter be amended to provide meetings of the city council must be conducted in accordance with the Texas Open Meetings Act?

## PROPOSED CHANGES

### ADD:

The City Council shall hold at least one regular meeting in each month at a time to be fixed by it for such regular meetings, and may hold as many additional regular meetings during the month as may be necessary for the transaction of the business of the City and its citizens. All regular meetings of the City Council shall be public and shall be held at a place designated in advance. The Mayor or any two members of the City Council may call special meetings of the City Council at any time. All meetings of the City Council must be conducted in accordance with the Texas Open Meetings Act, as amended, or successor statute.

# CHARTER PROPOSITIONS

## MISSION PROPOSITION H

Shall Section 3.11 of the City Charter be amended to revise the process for publishing city ordinances to also include other means as allowed by state law?

## PROPOSED CHANGES

### ADD:

Every ordinance shall be introduced in written or printed form and, upon passage, shall take effect immediately or at the time indicated in the ordinance unless otherwise provided therein; provided that any ordinance imposing a penalty, fine or forfeiture for a violation of its provisions shall become effective from and after its publication one (1) time as provided herein; subject to the provisions of Article 7 of this Charter. The City Secretary shall give notice of the passage of every ordinance imposing a penalty, fine or forfeiture for a violation of the provisions thereof, by causing the caption or title, including the penalty, of any such ordinance to be published in a newspaper of general circulation in the City of Mission at least once after the passage of such ordinance **or as otherwise allowed by state law.** He shall note on every ordinance, the caption of which is hereby required to be published, and on the record thereof, the fact that the same has been published as required by the Charter and the date of such publication, which shall be *prima facie* evidence of the legal publication and promulgation of such ordinance; provided that the provisions of this section shall not apply to the correction, amendment, revision and codification of the ordinances of the City for publication in book or pamphlet form. Except as otherwise provided in Article 7 and Article 10 of this Charter, it shall not be necessary to the validity of

# CHARTER PROPOSITIONS

any ordinance that it shall be read more than one (1) time or considered at more than one (1) session of the City Council. Every ordinance shall be authenticated by the signature of the Mayor and City Secretary and shall be systematically recorded and indexed in an ordinance book in a manner provided by the Council. It shall only be necessary to record the caption or title of ordinances in the minutes or journal of Council meetings. The City Council shall have power to cause the ordinances of the City to be corrected, amended, revised, codified and printed in Code form as often as the Council deems advisable, and such printed Code, when adopted by the Council, shall be in full force and effect without the necessity of publishing the same or any part thereof in a newspaper. Such printed Code shall be admitted in evidence in all courts and places without further proof.

# CHARTER PROPOSITIONS

## MISSION PROPOSITION I

Shall Section 3.14 of the City Charter be amended to provide that audits of the city's books and accounts are to be filed with the City Secretary?

## PROPOSED CHANGES

### ADD/DELETE:

At the close of each fiscal year, and at such other times as the City Council may deem necessary the books and accounts of the City shall be audited by a Certified Public Accountant, who shall be selected by the City Council. All audit reports shall be filed with the **City Council Secretary**, shall be available for public inspection, and shall be made a part of the archives of the City. The City Council shall make available a semiannual simplified financial report to be published in the local newspaper.

# CHARTER PROPOSITIONS

## MISSION PROPOSITION J

Shall Section 3.14 of the City Charter be amended to remove the requirement that the city's semiannual simplified financial report be published in a local newspaper?

## PROPOSED CHANGES

### **DELETE:**

At the close of each fiscal year, and at such other times as the City Council may deem necessary the books and accounts of the City shall be audited by a Certified Public Accountant, who shall be selected by the City Council. All audit reports shall be filed with the City Council Secretary, shall be available for public inspection, and shall be made a part of the archives of the City. The City Council shall make available a semiannual simplified financial report ~~to be published in the local newspaper.~~

# CHARTER PROPOSITIONS

## MISSION PROPOSITION K

Shall Section 3.15 of the City Charter be added to establish the position of internal auditor?

## PROPOSED CHANGES

### ADD:

#### Section 3.15. Internal Auditor.

The Internal Auditor shall be appointed by the City Council and, for auditing purposes, shall have direct functional reporting to the City Council by means of the City's Audit Committee. This Charter shall not prevent the Internal Auditor from reporting directly to City Council or any other level within the organization that allows the internal audit activity to fulfill its responsibilities. In addition to any audits permitted under the terms of this section, the Mayor or any two members of City Council may request that the Internal Auditor conduct an audit, whereinafter the auditor shall report any such results to Council in compliance with all other terms of this section.

The Internal Auditor's Office shall conduct audits of city departments in accordance with generally acceptable accounting principles and The International Professional Practices Framework (IPPF) promulgated by The Institute of Internal Auditors (IIA), its Code of Ethics and the Definition of Internal Auditing.

The results of any audit(s) shall be reported by the auditor to the City's Audit Committee and City Manager; any preliminary audit findings or other draft documents and work papers of the auditor or the audit committee shall be confidential and shall not be released; for the day-to-day administrative matters, the Internal Auditor's Office shall report to the City Manager or its designee.

# CHARTER PROPOSITIONS

## MISSION PROPOSITION L

Shall Sections 4.02 and 4.08 of the City Charter be amended to clarify that the chief of police and the fire chief are appointed by and responsible to the city manager and revising the existing language so that the sections relating to the fire and police departments are consistent?

## PROPOSED CHANGES

### ADD/DELETE:

#### Section 4.02. Police Department of Police.

The City shall continue to maintain and support a competent and adequate Police Department for the protection of property and lives within the corporate limits. The Department Head of the Mission Police Department, the Chief of Police, shall be appointed by the City Manager and confirmed by the City Council. There shall be established and maintained a Department of Police to preserve order within the City and to secure the residents of said City from violence and the property therein from injury or loss.

A. Chief of Police. The Chief of Police shall be the Chief Administrative Officer of the Department of Police. He The Chief of Police shall, with the approval of the City Manager, appoint and remove the employees of said department and shall perform such duties as may be required of him by the City Council. The Chief of Police shall be appointed by the City Manager for an indefinite term. The Chief of Police shall be responsible to the City Manager for the administration of his department and the carrying out of the directives of the City Council.

# CHARTER PROPOSITIONS

B. Special police. No persons except as otherwise provided by general law of this Charter or the ordinances passed pursuant thereto shall act as special police or special detectives.

## Section 4.08. Fire Department

The City shall continue to maintain and support a competent and adequate Fire Department for the protection of property and lives from fire within the corporate limits. The Department Head of the Mission Fire Department, the Fire Chief, shall be appointed by the City Manager and confirmed by the City Council. The Fire Chief shall, with the approval of the City Manager, appoint and remove the employees of said department and shall perform such duties as may be required of him by the City Council. The Fire Chief shall be responsible to the City Manager for the administration of his department and the carrying out of the directives of the City Council.

# CHARTER PROPOSITIONS

## MISSION PROPOSITION M

Shall Section 4.05.B of the City Charter be amended to remove the requirement that Mission Municipal court judges be qualified voters of the City of Mission?

## PROPOSED CHANGES

### ADD/DELETE:

B. The judge or judges of said court shall be a qualified voter ~~or voters of the City of Mission in the state of Texas~~, shall be appointed by the City Council, shall hold his office at the pleasure of the City Council, shall receive such salary as may be fixed by the City Council, shall be under the administrative direction of the City Manager and said judge shall not be an elected official. The City Secretary or an assistant City Secretary shall be ex officio clerk of said court.

# CHARTER PROPOSITIONS

## MISSION PROPOSITION N

Shall Section 4.05.B of the City Charter be amended to remove the requirement that the City Secretary or an assistant City Secretary be ex officio clerk of the municipal court?

## PROPOSED CHANGES

### **DELETE:**

B. The judge or judges of said court shall be a qualified voter or voters of the City of Mission in the state of Texas, shall be appointed by the City Council, shall hold his office at the pleasure of the City Council, shall receive such salary as may be fixed by the City Council, shall be under the administrative direction of the City Manager and said judge shall not be an elected official. ~~The City Secretary or an assistant City Secretary shall be ex officio clerk of said court.~~

# CHARTER PROPOSITIONS

## MISSION PROPOSITION O

Shall various sections of the City Charter, including Section 4.05 (terms of municipal law judges), Section 5.01 (conduct of elections), Section 9.18(appraisal and rendition of property), Section 11.02 (financial interest in transactions with the city) and Section 11.03 (drilling operations in the city), to define the city's responsibilities and limitations in terms of the controlling state statute?

## PROPOSED CHANGES

### ADD/DELETE:

#### Section 4.05. Municipal court.

F. The judge or judges of said court shall serve for a term of two years. A municipal court judge who is not reappointed by the 91st day following the expiration of a term of office shall, absent action by the appointing authority, continue to serve for another term of office beginning on the date the previous term of office expired, as prescribed by Chapter 29 of the Texas Government Code as now or hereafter amended.

#### Section 5.01. Elections.

All City of Mission elections shall be conducted in accordance with the Texas Election Code as amended.

The City Council shall fix the places for holding ~~the regular~~ city elections. The City Council may by resolution order a special election, fix the date and places for holding same and provide for all means for holding such special election. Notice of the election shall be provided as required by the election laws of the State of Texas.

# CHARTER PROPOSITIONS

## Section 9.18. Property subject to tax.

All real and personal property within the City of Mission as well as all other lawful subjects of taxation shall be subject to annual taxation. The City Assessor and Collector shall assess the value of such property in accordance with the laws of the State of Texas governing taxation. The responsibility for appraisal of all property and preparation and submission of the appraisal roll shall be accomplished in compliance with the provisions of the Property Tax Code of the State of Texas, provided, however, that all property within the City of Mission not expressly exempted by law, shall be rendered for taxation in accordance with all applicable state statutes as now or hereinafter amended, and such statutes control over the provisions of the city charter in the event of conflict.

## Section 11.02. Personal interest.

No member of City Council, officer or employee of the City shall have a financial interest, directly or indirectly, in the sale to the City of any land, or rights in any land, materials, supplies or services, except as authorized in accordance with the constitution and laws of the State of Texas. 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 and [any] land, or rights or interest in any land, materials, supplies or service. The above provision shall not apply in any case where the sale to the City of any land or an interest therein is made in a condemnation proceeding or under threat of condemnation, or where the interest is represented by ownership of stock in a corporation involved, provided such stock ownership amounts to less than one (1) percent of the corporation's 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 office or position. Any violation of this section with the knowledge, expressed or implied, of the person or corporation contracting with the City shall render the contract voidable by the City Manager or the City Council.

(Amended 1-17-1987)

# CHARTER PROPOSITIONS

## Section 11.03. Drilling operations.

As may be permitted by state law, including but not limited to the Texas Natural Resources Code, The the City Council may, by ordinance, prohibit the drilling of oil, gas and other mineral wells, or may provide regulations for the drilling, spacing, completion and operation of oil, gas and other mineral wells. The City Council may, by ordinance, prohibit the drilling of water wells for commercial, industrial and agricultural purposes, and may provide regulations for the drilling and use of water wells for commercial, industrial and agricultural and domestic purposes.

# CHARTER PROPOSITIONS

## MISSION PROPOSITION P

Shall Section 4.06 of the City Charter be amended to define the duties of the city attorney and provide guidelines to limit the use of outside counsel?

### PROPOSED CHANGES

#### ADD/DELETE:

Section 4.06. City Attorney.

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

The City Attorney shall, with the approval of the City Manager, appoint and remove the employees of said department and shall perform such duties as may be required of him by the City Council.

# CHARTER PROPOSITIONS

The City Attorney's Office shall oversee legal services for the City of Mission, its boards, committees, or other City commissioned entities for the purpose of accomplishing common goals of eliminating duplication of services, creating administrative efficiency, providing for joint legal service efforts, and ensuring the quality of legal service to the city at the least cost in terms of fees and tax rates. Outside counsel may be retained in cases of extraordinary importance, legal specialization required, assignment by insurance or bond requirements, or in an emergency. In such a contingency, the City Council shall fix in advance, as far as practicable, the compensation to be allowed under such extra or outside counsel by resolution.

Cross reference(s)—Municipal Court, ch. 58.

# CHARTER PROPOSITIONS

## MISSION PROPOSITION Q

Shall Section 4.09 of the City Charter be amended to remove Council's authority to combine the city's Police and Fire Departments into one (1) department?

## PROPOSED CHANGES

### ADD/DELETE:

Section 4.09. Other departments.

Except as applied to the city's Police and Fire Departments, the City Council may abolish or consolidate such offices and departments as it may deem to be to the best interest of the City, and may divide the administration of any such departments as it may deem advisable; ~~may combine the Police and Fire Departments into one (1) department,~~ may create new departments and may discontinue any offices or departments at its discretion, except those specifically established by this Charter.

# CHARTER PROPOSITIONS

## MISSION PROPOSITION R

Shall the City Charter be amended by revising Section 5.03 to set out the qualifications and procedures for candidates filing to run for the office of mayor or councilmember, deleting Section 5.04 (official ballot), Section 5.05(laws governing city elections), and Section 5.06 (canvassing elections) as matters governed by state statute, and renumbering the remaining section in article 5 accordingly?

## PROPOSED CHANGES

### ADD/DELETE:

Section 5.03. Filing for office.

A. Candidates for Mayor or Council Member shall file an application for office in accordance with the Texas Election code as amended.

1) Such application shall be accompanied by a filing fee of five hundred dollars (\$500.00). The name of any candidate of the city shall be printed upon the ballot by payment, by cashier's check, of a filing fee by the candidate or by petition, as hereinafter prescribed, and shall have been filed in its behalf with the city secretary. Such a petition, is required to be filed in connection with a candidate's application for a place on the ballot for an office, the minimum number of signatures that must appear on the petition is the greater of: (1) 25; or (2) one-half of one percent of the total vote received in the territory from which the office is elected by all candidates for mayor in the most recent mayoral general

# CHARTER PROPOSITIONS

election.

2) The signatures to the nomination petition will be on the most current "Petition in Lieu of Filing Fee for Candidate Filing" form or its equivalent as prescribed by the Texas Election Code and Texas Secretary of State.

3) All nomination papers comprising a petition shall be assembled and filed with the city secretary together with the candidate's sworn application as one instrument, no earlier than the first day to file an application for a place on the ballot and no later than the last day for a candidate to file an application for a place on the ballot, as prescribed the Texas Election Code. If an application is accompanied by a petition, the petition is considered part of the application, and the review must be completed as soon as practicable after the date the application is received by the authority. As soon as practicable after the filing an application for a place on the ballot and the filing of a nomination petition or payment of a filing fee, the City Secretary shall notify the person who filed an application and such petition or filing fee whether or not the petition is found to be signed by the required number of qualified voters and whether the application complies with the requirements as to form, content, and procedure.

B. Candidates for Mayor or Council Member shall meet the following qualifications:

- 1) Be a qualified voter in the City and State at the time of taking office, as determined by state law.
- 2) Be a resident of the City of Mission.
- 3) Have resided continuously in the corporate limits of the City for six (6) months immediately preceding the date of the election.
- 4) Not be in violation of any provision of this Charter.
- 5) Be eighteen (18) years of age or older on the first day of the term to be filled at the election.
- 6) Satisfy any of the eligibility requirements prescribed by law for the office for which they are a candidate.

# CHARTER PROPOSITIONS

C. No candidate for Mayor or Council Member may file in a single election for more than one (1) office or position as provided by this Charter or state law.

D. No employee of the City shall continue in any City employee position after filing for an elective office in the Charter. Any person having the qualifications set forth for councilman in this Charter shall have the right to file an application to have his name placed on the official ballot as a candidate for any elective office. Such application in writing by such candidate and accompanied by his loyalty affidavit as prescribed by the laws of the State of Texas filed with the City Secretary not later than 5:00 p.m. of the 45th day before election day, shall entitle such applicant to a place on the official ballot.

(Amended 1-17-1987)

## Section 5.04. The official ballot.

The names of all candidates for office except such as may have withdrawn, died or become ineligible, shall be printed on the official ballots without party designations in the order determined in a drawing of lots conducted by the City Council. All official ballots shall be printed at least twenty (20) days prior to the date of any general or special election, and absentee voting shall be governed by the general election laws of the State of Texas.

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## Section 5.05. Laws governing city elections.

All City elections shall be governed by this Charter and by the laws of the State of Texas governing elections.

(Amended 1-17-1987)

# CHARTER PROPOSITIONS

## Section 5.06. Conducting and canvassing elections.

The election judges and other necessary election officials for conducting all such elections shall be appointed by the City Council. The election judges shall conduct the election, determine, record and report the results as provided by the general election laws of the State of Texas. Not earlier than the second day or later than the sixth day after election day, the City Council shall meet, open returns, canvass and officially declare the result of the election as to candidates and questions, and issue certificates of election to candidates elected. Officers of the City when elected shall take office from and after their certification of election and after taking and subscribing the oath of office.

(Amended 1-17-1987)

## Section 5.04 7. Oath of office.

# CHARTER PROPOSITIONS

## MISSION PROPOSITION S

Shall the City Charter be amended by revising various sections of Article 7 to clarify the procedure for calling an initiative or referendum election where an ordinance is sought to be adopted or repealed pursuant to a citizen petition including making clear that the power of referendum does not extend ordinances appropriating money, to clarify the rule for interpreting inconsistent ordinances adopted at the same election, to change the period during which an initiated ordinance may not be amended or repealed by the city council to two rather than four years, and to conform publication standards to those set out in state law?

## PROPOSED CHANGES

### ADD/DELETE:

Section 7.02. Initiative.

Qualified voters of the City of Mission 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. Such petition must be signed by qualified voters of the City equal in number to thirty (30) percent of the number of votes cast at the last preceding regular municipal election of the City, or two and in no case less than two hundred (200) voters, 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 this Charter, and shall be

# CHARTER PROPOSITIONS

verified by oath in the manner and form provided for recall petitions in section 6.03 of this Charter. The petition may consist of one (1) or more copies as permitted for recall petitions in this Charter. Such petition shall be filed with the person performing the duties of City Secretary. If the petition is found to satisfy the requirements established herein by the City Secretary, then the City Secretary shall certify that fact to the City Council at the next regular meeting. Within five (5) 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 (10) days after receiving it, to pass and adopt said 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 to be held within not less than thirty (30) days nor more than sixty (60) days thereafter, at which the qualified voters of the City of Mission shall vote on the question of adopting or rejecting the proposed legislation. However, if any other municipal election is to be held within sixty (60) 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 Mission, may require that any ordinance or resolution, with the exception of ordinances or resolutions levying taxes and ordinances and resolutions relating to the issuance, sale and delivery of bonds, appropriating money, or warrants, passed by the City Council be submitted to the voters of the City of Mission for approval or disapproval, by submitting a petition for this purpose within thirty (30) days after the final passage of said ordinance or resolution, or within thirty (30) days after its publication. Said petition shall be addressed, prepared, signed and verified as required for petitions initiating legislation and shall be submitted to the person performing the duties of City Secretary. Upon the filing of such petition, the person performing the duties of City Secretary shall present said petition to the

# CHARTER PROPOSITIONS

City Council at its next meeting. Thereupon the City Council shall reconsider such ordinance or resolution, and if it does not entirely repeal the same, shall submit it to popular vote as provided in accordance with the provisions required for an initiative petition 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 thereon at such election shall vote in favor thereof.

## Section 7.06. Publication of proposed and referred ordinances.

The person performing the duties of the City Secretary shall publish at least once in a newspaper of general circulation in the City the proposed or referred ordinance or resolution at least fifteen (15) days before the date of the election, and shall give such other notices the proposed or referred ordinance or resolution to comply with the minimum standards imposed by state law and do such other things relative to such election as are required in general municipal elections or by the ordinance or resolution calling said election.

## Section 7.08. Inconsistent ordinances.

If a provision of two (2) or more ordinances or resolutions approved at the same election are inconsistent, they shall go into effect in respect of such of their provisions as are not in conflict and the ordinance or resolution receiving the highest number of votes shall prevail insofar as their provisions conflict.

# CHARTER PROPOSITIONS

## 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 except by the City Council in response to a referendum petition or by submission as provided in section 7.04 of this Charter for a period of ~~four~~ two (4 ~~2~~) years, after which time the ordinance or resolution may be amended or repealed by the City Council, in the same manner that other ordinances or resolutions are amended or repealed.

## Section 7.11. Franchise ordinances.

~~Nothing contained in this article shall~~ not be construed to be in conflict with any of the provisions of Article 10 of this Charter pertaining to ordinances granting franchises when valuable rights shall have accrued thereunder.

# CHARTER PROPOSITIONS

## MISSION PROPOSITION T

Shall Section 8.01 of the City Charter be amended to define the authority of the Planning and Zoning Commission to advise the City Council on zoning matters and to provide that the City of Mission and its Planning and Zoning Commission shall have authority of planning and zoning and of subdivision and platting of land to the full extent permitted by the Constitution and laws of the State of Texas.

## PROPOSED CHANGES

### ADD/DELETE:

Section 8.01. The Planning and Zoning Commission.

(a) The Planning and Zoning Commission of the City of Mission shall hereafter consist of seven (7) members appointed by the City Council. Every member of the Planning and Zoning Commission shall be a resident citizen of the City of Mission and shall be a qualified voter.

(a)(b) The Planning and Zoning Commission shall act as an advisory body to the City Council relating to divide the city into zones or districts, and to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lots that may be occupied, the size of the yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes in such zones or districts; and in the case of designated places and areas of historic and cultural importance, to regulate and restrict the construction, alteration, reconstruction, or razing of buildings and other structures; and also to formulate and adopt other policies and plans relative to

# CHARTER PROPOSITIONS

the future growth and development of the city. The city shall also have all other powers relating to city planning and zoning, and all powers relating to subdivision and platting of land, both within and without the city, subject only to the limitations imposed by the constitution and laws of the State of Texas public and civic improvements, City planning and zoning, the opening, widening and changing of streets and highways, routing and extending public utilities, controlling and regulating traffic upon the public streets, and other matters relating to municipal planning and development deemed by the City Council beneficial to the City of Mission. The Planning and Zoning Commission of the City of Mission shall also have and exercise such powers over platting and subdividing lands, both within and without the City, and within an area extending five (5) miles beyond the City limits as may be prescribed by ordinance of the City Council and shall exercise such additional powers and have such additional duties and responsibilities as may be prescribed by ordinance of the City Council not inconsistent with subject only to the limitations imposed by the Constitution and laws of the State of Texas and the provisions of this Charter.

# CHARTER PROPOSITIONS

## MISSION PROPOSITION U

Shall Article 9 of the City Charter be amended to clarify the time by which the city manager is to present a proposed budget, to clarify the time and place of a public hearing on the budget, to delete the requirement that the annual budget include a contingency appropriation of up to three percent of the total budget, to clarify that the estimated expenditures in the budget shall not exceed estimated revenues, to provide for public availability of copies of the budget, to conform the subject of and procedures for taxation to the requirements of the State of Texas Property Tax Code, and to make non substantive typographic changes. (§§ 9.02, 9.07, 9.11, 9.13, 9.14, 9.18, and 9.22)

## PROPOSED CHANGES

### **ADD/DELETE:**

Section 9.02. Preparation and submission of budget.

The City Manager, ~~between~~ sixty (60) ~~and ninety (90)~~ days prior to the beginning of each fiscal year, shall submit to the Council a proposed budget, which budget shall provide a complete financial plan for the fiscal year, and shall contain the following:

# CHARTER PROPOSITIONS

## Section 9.07. Public hearing on budget.

At the time and place set forth in the notice required by section 9.06, ~~or at any time and place to which such public hearing shall from time to time be adjourned~~, the City Council shall hold a public hearing on the budget submitted and all interested persons shall be given an opportunity to be heard for or against any item or the amount of any item therein contained.

## Section 9.11. Effective date of budget; certification; copies made available.

Upon final adoption, the budget shall be in effect for the fiscal year. A copy of the budget, as finally adopted, shall be filed with the person performing the duties of City Secretary, the County Clerk of Hidalgo County, and the State Comptroller of Public Accounts at Austin. The final budget shall be printed, ~~mimeographed~~ or otherwise reproduced and copies shall be made available for the use of all offices, departments and agencies and for the use of interested persons and civic organizations ~~as provided in the Texas Public Information Act, as may be amended.~~

# CHARTER PROPOSITIONS

## Section 9.13. Reserved.

Editor's note(s)—Former section 9.13 was deleted by a Charter amendment adopted at an election held on May 4, 2024. The deleted provisions pertained to matters related to a Contingent Appropriation Authority.

### ~~Contingent appropriation.~~

~~Provisions shall be made in the annual budget and in the appropriation ordinance for a contingent appropriation in an amount not more than three (3) percent of the total budget, to be used in case of unforeseen items of expenditure. Such contingent appropriation shall be under the control of the City Manager and distributed by him, after approval of the City Council. Expenditure from this appropriation shall be made only in case of established emergencies and a detailed account of such expenditures shall be recorded and reported. The proceeds of the contingent appropriation shall be disbursed only by transfer to other departmental appropriations, the spending of which shall be charged to the departments or activities for which the appropriations are made.~~

## Section 9.14. The total estimated expenditures shall not exceed estimated resources.

The total estimated expenditures of the general fund, enterprise funds, and debt service fund shall not exceed the total estimated resources of each fund (prospective income plus cash on hand). The classification of revenue and expenditure accounts shall conform as nearly as local conditions will permit to the uniform classification as promulgated by the National Committee on Governmental Accounting or some other nationally accepted classification.

# CHARTER PROPOSITIONS

## Section 9.18. Property subject to tax.

All real and personal property within the City of Mission as well as all other lawful subjects of taxation shall be subject to annual taxation. The City Assessor and Collector shall assess the value of such property in accordance with the laws of the State of Texas governing taxation. The responsibility for appraisal of all property and preparation and submission of the appraisal roll shall be accomplished in compliance with the provisions of the Property Tax Code of the State of Texas, provided, however, that all property within the City of Mission not expressly exempted by law, shall be rendered for taxation in accordance with all applicable state statutes as now or hereinafter amended, and such statutes control over the provisions of the city charter in the event of conflict.

## Section 9.22. Taxes; when due and payable.

All taxes due the City of Mission shall be payable at the office of the City's Assessor-Collector and may be paid at any time after the tax rolls for the year have been approved, which shall not be later than October 1. Taxes shall be paid before February 1, and all such taxes not paid prior to such date shall be deemed delinquent and shall be subject to such penalty and interest as authorized by ordinance. Failure to levy and assess taxes through omission in preparation of the approved tax roll shall not relieve the person, firm or corporation so omitted from obligation to pay such current or past-due taxes as shown to be payable by recheck of the rolls and receipts for the years in question.

# CHARTER PROPOSITIONS

## MISSION PROPOSITION V

Shall the City Charter be amended to delete Section 9.16 relating to a City Department of Taxation and Section 9.19 authorizing the establishment of a joint tax office by joining with other taxing entities?

## PROPOSED CHANGES

### ADD/DELETE:

Section 9.16. Reserved. Department of Taxation.

Editor's note(s) – Former Section 9.16 was deleted by a Charter amendment adopted at an election held on May 4, 2024. The deleted provisions pertained to matters related to the Department of Taxation. The Department of Taxation for the City of Mission shall be under the control and direction of the City Assessor and Collector, which office shall be held by appointment of the City Manager. The [City] Assessor and Collector shall give a surety bond for faithful performance of his duties, including compliance with all controlling provisions of the state law bearing upon the functions of his office, in a sum which shall be fixed by the City Council of not less than five thousand dollars (\$5,000.00).

# CHARTER PROPOSITIONS

## Section 9.19. Reserved. Joint tax office.

Editor's note(s) – Former Section 9.19 was deleted by a Charter amendment adopted at an election held on May 4, 2024. The deleted provisions pertained to matters related to a Joint Tax Office. ~~The City of Mission may join any other taxing body to form a joint tax office with a joint assessor-collector.~~

(Amended 1-17-1987)

# CHARTER PROPOSITIONS

## MISSION PROPOSITION W

Shall the City Charter be amended to delete the requirement that a city treasurer be appointed?

## PROPOSED CHANGES

### ADD/DELETE:

Section 4.04. ~~City Treasurer.~~ Reserved.

Editor's note(s)—Former section 4.04 was deleted by a Charter amendment adopted at an election held on May 4, 2024.

The deleted provisions pertained to matters related to the appointment of a City Treasurer.

~~The City Manager shall appoint a competent person as City Treasurer and such assistants as the City Council may deem advisable. The City Treasurer shall perform the duties delegated to him by the City Manager and those which may be imposed upon him by the laws of the State of Texas. The duties of City Treasurer, City Secretary and City Tax Assessor and Collector may be performed by the same individual.~~

# CHARTER PROPOSITIONS

## MISSION PROPOSITION X

Shall the City Charter be amended to delete the requirement that a City Health Officer be appointed?

## PROPOSED CHANGES

### ADD/DELETE:

Section 4.07. ~~Department of Health and Sanitation.~~ Reserved.

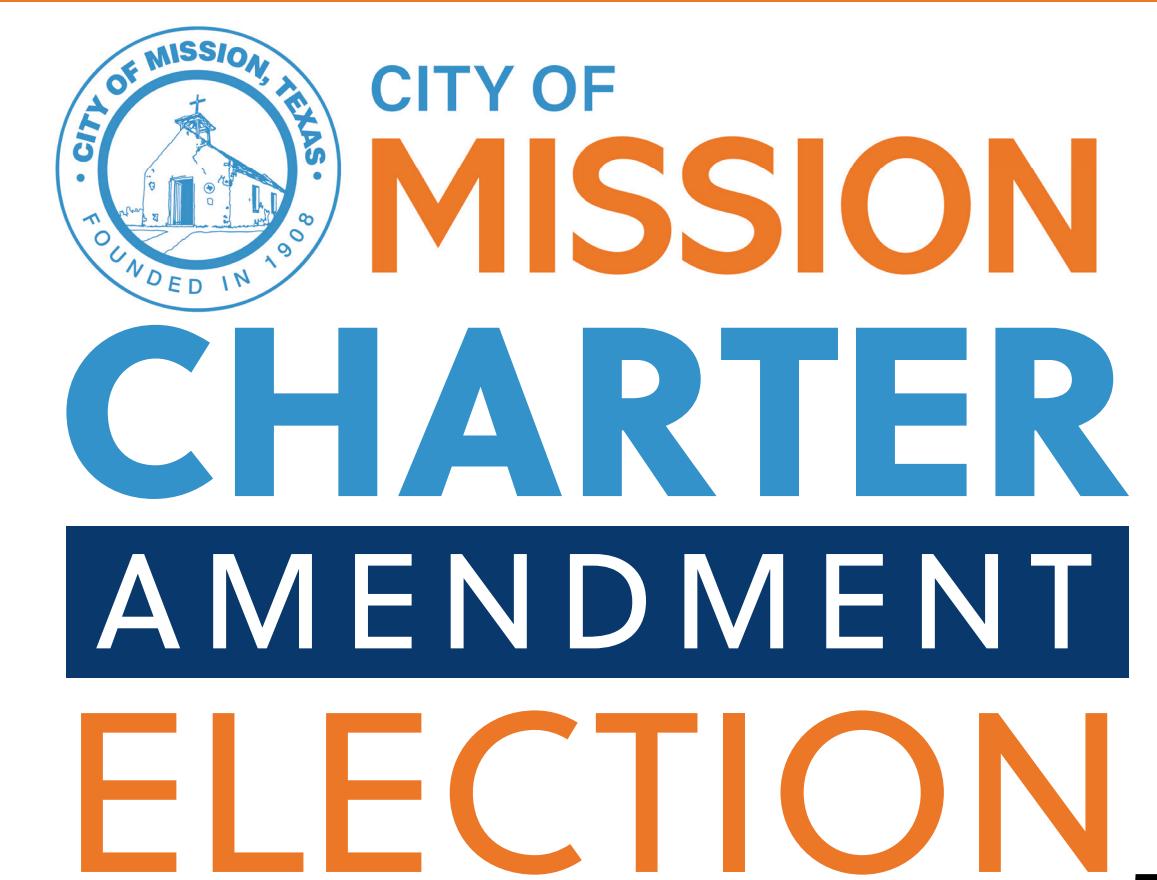
Editor's note(s)—Former section 4.07 was deleted by a Charter amendment adopted at an election held on May 4, 2024. The deleted provisions pertained to matters related to the creation of the Department of Health and Sanitation.

The City Council shall appoint a City Health Officer who shall be a licensed physician qualified to practice medicine in the State of Texas and a resident of the City of Mission. The City Health Officer shall advise the City Council on a program of public health; shall cooperate in the preparation of a sanitary code; shall cooperate with nearby cities on problems of health and sanitation; shall cooperate with the Commissioner's Court of Hidalgo County and its agencies, and with the State Health Department and other departments of state government in matters pertaining to health and sanitation.

# ELECTION INFORMATION

The proposed Charter Election will set forth amendments to the city charter which will be voted on by City of Mission citizens during the May 4, 2024 General Election.

Early voting will take place from 7 am - 7 pm starting Monday, April 22, 2024 through Tuesday, April 30, 2024 (with the exception of Sunday, April 28, 2024; no voting on that day).



# ELECTION TIMELINE | EARLY VOTING

## EARLY VOTING: MON., APRIL 22 - TUES., APRIL 30

### EARLY VOTING LOCATIONS

**Mission Parks & Recreation**  
Conference Room | 721 N. Bryan Rd.

- Monday, April 22, 2024 | 7 am - 7 pm
- Tuesday, April 23, 2024 | 7 am - 7 pm
- Wednesday, April 24, 2024 | 7 am - 7 pm
- Thursday, April 25, 2024 | 7 am - 7 pm

**Mission Boys & Girls Club Gym**  
at Bannworth Park | 1822 N. Shary Rd.

- Friday, April 26, 2024 | 7 am - 7 pm
- Saturday, April 27, 2024 | 7 am - 7 pm
- Monday, April 29, 2024 | 7 am - 7 pm
- Tuesday, April 30, 2024 | 7 am - 7 pm

## ELECTION DAY: SATURDAY, MAY 4, 2024

### ELECTION DAY VOTING LOCATIONS

*The polls will be open Election Day from 7:00 am - 7:00 pm on Saturday, May 4, 2024 at the following locations:*

**Mission Parks & Recreation | 721 N. Bryan Rd.**

**Mission Boys & Girls Club Gym at Bannworth Park | 1822 N. Shary Rd.**

**Mission High School Neuhaus Gym 1802 W. 18th (Cleo Dawson)**

# QUESTIONS?



CITY OF  
**MISSION**  
**CHARTER**  
**AMENDMENT**  
**ELECTION**