

ORDINANCE NUMBER 2021-1679

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF BROWNSVILLE ORDERING AND CALLING A CHARTER AMENDMENT ELECTION DURING THE GENERAL ELECTION, BEING MAY 1, 2021, ON THE QUESTIONS OF ADOPTING TEN (10) AMENDMENTS TO ITS HOME RULE CHARTER; PROVIDING FOR TERM LIMITS OF MAYOR AND COMMISSIONERS; INCREASING TERM LIMIT FOR MUNICIPAL JUDGES; AMENDING EMERGENCY MEASURES, CIVIL SERVICE COMMISSION, AND ELECTION PROCEDURES TO ALIGN WITH STATE LAWS; AMENDING PARKS AND PLAYGROUNDS TO ALIGN WITH ORDINANCE; PROVIDING FOR AN AUDIT AND OVERSIGHT COMMITTEE; PROVIDING FOR COLLABORATION OF CITY BOARDS WITH CITY COMMISSION; AND PROVIDING FOR PUBLIC UTILITIES BOARD COLLABORATION WITH CITY COMMISSION; AND RELATED MATTERS.

WHEREAS, the Charter of the City of Brownsville, a home rule city organized and existing under the Constitution and Laws of the State of Texas, has not been amended within the preceding two years; and

WHEREAS, on December 3, 2019, the City Commission appointed members to a Charter Review Committee to propose, should it deem necessary, amendments to the City Charter to improve the effective application of said Charter, and to report its findings and present its proposed amendments, if any, to the City Commission;

WHEREAS, on December 8, 2020, the Charter Review Committee appointed by the City Commission, reported its findings and presented eight (8) proposed amendments to said charter, the substance of each of which is hereinafter set forth;

WHEREAS, Local Government Code Sec. 9.004, regarding Charter Amendments for Home Rule Cities, specifies that the governing body of a municipality on its own motion may submit proposed charter amendments to the municipality's qualified voters for their approval at an election, and specifies that the Charter Amendment election be ordered by ordinance at an election to be held on the first uniform election date prescribed in the Election Code or on the earlier of the date of the next municipal general election or presidential general election, and further specifies that the election date must allow sufficient time to comply with other requirements of law and must occur on or after the 30th day after the date the ordinance is adopted; and

WHEREAS, it is officially found and determined that the meeting at which this Ordinance was adopted was open to the public, and public notice of the time, place, and purpose of said meeting was given, all as required by the Texas Open Meetings Act and Charter of the City of Brownsville; and,

WHEREAS, The City of Brownsville will be holding a general election for members of the City Commission on May 1, 2021 (hereinafter called "General Election"); a date that occurs on or after the 30th day after the date of adoption of this ordinance; and

WHEREAS, the City Commission of said City desires to submit the hereinafter set forth amendments to said Charter to the electorate of the City of Brownsville:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BROWNSVILLE:

SECTION 1. Election Date; Propositions. This election will be held in conjunction with the General Election. This election shall be held in and throughout the City of Brownsville on Saturday the 1st day of May 2021, between the hours of 7:00 AM and 7:00 PM, which is within the time prescribed by law, at the places designated for the General Election, and at which the following Propositions will be submitted to the duly qualified voters of the City of Brownsville, for their action.

Proposition #1: Shall Article V, Sec. 2 of the City Charter establish a term limit for the office of Mayor to be for no more than two four-year terms, with conditions 1) a person who has held this office for any portion of a term to which some other person was elected may not be elected to the office of mayor more than once, 2) this provision will not cause the Mayor's current term to be terminated prior to the completion of his elected term, 3) will become effective at the next municipal election and 4) shall apply to current Mayor?

FOR []
AGAINST []

Upon the adoption of this Charter amendment, the following will be added to Article V, Sec. 2 - Term Limits:

Mayor—A person may not be elected to, or serve on, the city commission as the mayor for more than two four-year terms, and a person who has held the office of mayor for any portion of time of a term to which some other person was elected mayor may not be elected to the office of mayor more than once. A person subject to mayoral term limits will not be prevented from becoming a candidate for city commissioner (either District or At-Large) and serving if elected, subject to the term limits established for city commissioners. Any time served prior to the approval of this amendment shall count towards the lifetime term limit. However, it shall not prohibit any Mayor from completing their current term or a term that begins 2021, but would prohibit any other candidate from running for a term they cannot complete because of term limits.

Proposition #2: Shall Article V, Sec. 2 of the City Charter establish a term limit for the office of City Commissioner to be for no more than two four-year terms, with conditions 1) a person who has held this office for any portion of a term to which some other person was elected may not be elected to the office of city commissioner more than once, 2) this provision will not cause the City Commissioner's current term to be terminated prior to the completion of their elected term, 3) will become effective at the next municipal election and 4) shall apply to current City Commissioners?

FOR []
AGAINST []

Upon the adoption of this Charter amendment, the following will be added to Article V, Sec. 2 - Term Limits:

City Commissioner—A person may not be elected to, or serve on, the city commission as a city commissioner (either District or At-Large) for more than two four-year terms, and a person who has held a position as a city commissioner for any portion of time of a term to which some other person was elected to the position may not be elected to a position as city commissioner more than once. A person subject to the city commissioner term limits herein will not be prevented from becoming a candidate for mayor and serving if elected, subject to the term limits established for the office of mayor. Any time served prior to the

approval of this amendment shall count towards the lifetime term limit. However, it shall not prohibit any City Commissioner from completing their current term or a term that begins 2021, but would prohibit any other candidate from running for a term they cannot complete because of term limits.

Proposition #3: Shall Art. II. Sec. 22[31] – Appoint of Municipal Court Judges of the City Charter be amended to increase terms for Municipal Court Judges from two (2) to four (4) years?

FOR []
AGAINST []

Currently Article II, Sec. 22[31] –Appoint of Municipal Court Judges reads:

[31]To appoint as soon as practicable after the adoption of this Charter, some suitable person for the position of judge or recorder of the corporation court, who shall discharge the duties of said office under the terms and provisions of the state law creating said court, and subject to the provisions of this Charter.

Upon the adoption of this Charter amendment, Article II, Sec. 22[31] – Appoint of Municipal Court Judges will read as follows:

~~[31] to appoint, as soon as practicable after the adoption of this Charter, some suitable a~~ person, authorized to practice law under the laws of the State of Texas, as the Presiding Municipal Court Judge, as well as to appoint individuals to serve as Associate Municipal Court Judges. All appointed judges shall serve a term of four years, and shall discharge the duties of said office under the terms and provisions of the state law creating said court, and subject to the provisions of this Charter.

Proposition #4: Shall Article V. Section 16 Emergency Measures of the City Charter be amended to align Emergency Measures with state procurement?

FOR []
AGAINST []

Currently Article V. Section 16 reads:

An emergency measure is an ordinance or resolution for the immediate preservation of the public peace, property, health or safety, or providing for the usual daily operation of a municipal department, in which the emergency is set forth and defined as a preamble thereto. Ordinances appropriating money, not exceeding two hundred fifty dollars (\$250.00), and ordinances for the payment of salaries and wages, may be passed as emergency measures, but no measure making a grant, renewal or extension of a franchise, or other special privilege, or regulating the rate to be charged for its services by any public utility, shall ever be passed as an emergency measure.

Upon the adoption of this Charter amendment, Article V. Section 16 will read as follows:

An emergency measure is an ordinance or resolution for the immediate preservation of the public peace, property, health or safety, or providing for the usual daily operation of a municipal department, in which the emergency is set forth and defined as a preamble thereto. Ordinances appropriating money ~~not exceeding two hundred fifty dollars (\$250.00)~~ and ordinances for the payment of salaries and wages, may be passed as emergency measures in accordance with the laws of the State of Texas governing public procurement, but no measure making a grant, renewal or extension of a franchise, or

other special privilege, or regulating the rate to be charged for its services by any public utility, shall ever be passed as an emergency measure.

Proposition #5: Shall Article V. Section 22-A Civil Service of the City Charter be amended to align the Civil Service Commission with state statute?

FOR []
AGAINST []

Currently Article V. Section 22-A Civil Service reads:

The city commission, shall promptly after the adoption of this amendment, appoint a civil service commission of five members for a term of two years and until their successors have been appointed and have qualified, to be compensated as provided by ordinance, none of whom shall hold any public office, or be a candidate for any public office, none of whom shall hold any office or employment of emolument under any city, county, state or other government, or be related within the second degree by affinity or the third degree by consanguinity to any person who holds such office or employment, who shall hold office for two years, and whose duty it shall be to recommend civil service regulations to be adopted by the city commission and thereafter to be administered by said civil service commission in accordance with the provisions of said ordinances, which ordinances, when enacted and adopted, shall supersede the provisions of this Charter with reference to employment of appointive officers and employees of the City of Brownsville, but which shall not entitle any officer or employee of said city to employment except during such time as said ordinances are in effect and have not been amended or repealed. It shall, further, be their duty, at the expiration of each two years, to recommend in writing any Charter provisions they may deem to be necessary to the effective administration of civil service regulations.

Upon the adoption of this Charter amendment, Article V. Section 22-A Civil Service will read as follows:

The city commission, shall promptly after the adoption of this amendment, appoint a civil service commission, composed and qualified as required by state statute, ~~of five members for a term of two years and until their successors have been appointed and have qualified, to be compensated as provided by ordinance, none of whom shall hold any public office, or be a candidate for any public office, none of whom shall hold any office or employment of emolument under any city, county, state or other government, or be related within the second degree by affinity or the third degree by consanguinity to any person who holds such office or employment, who shall hold office for two years, and whose duty it shall be to recommend civil service regulations to be adopted by the city commission and thereafter to be administered by said civil service commission in accordance with the provisions of said ordinances, which ordinances, when enacted and adopted, shall supersede the provisions of this Charter with reference to employment of appointive officers and employees of the City of Brownsville, but which shall not entitle any officer or employee of said city to employment except during such time as said ordinances are in effect and have not been amended or repealed. It shall, further, be their duty, to recommend in writing any Charter provisions they may deem to be necessary to the effective administration of civil service regulations.~~

Proposition #6: Shall Article V. Section 4A Nominations of the City Charter be amended to align ballot nominations with state statute?

FOR []
AGAINST []

Currently Article V. Section 4A Nominations reads:

Subsection 1. Nomination by petition. The mode of nomination of candidates for the city commission provided for by this Charter shall be by petition. The name of any elector of the city shall be printed upon the ballot whenever a petition, as hereinafter prescribed, shall have been filed in his behalf with the city secretary. Such a petition shall be signed by not less than one hundred nor more than five hundred electors. No elector shall sign more than one petition for the same office, and should an elector do so, his signature shall be void as to the petition or petitions last filed.

Subsection 2. Signatures to and form of nomination papers. The signatures to the nomination petition need not all be appended to one paper, but to each separate paper there shall be attached an affidavit of the circulator thereof, stating the number of signers of such paper and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer, giving the street and number, or other description sufficient to identify the same.

The form of the nomination petition shall be substantially as follows:

"We, the undersigned electors of the City of Brownsville, hereby nominate _____ whose residence is _____ for the office of _____ to be voted at the election to be held in the City of Brownsville, on the _____ day of _____, 19____, and we individually certify that we are qualified to vote for a candidate for the office named, and that we have not signed any other nomination petition for the same office.

Name _____
(Space for Signature)

Street and Number _____
THE STATE OF TEXAS)
COUNTY OF CAMERON)

_____ being duly sworn, deposes and says that he is the circulator of the foregoing petition papers containing signatures, and that the signatures appended thereto were made in his presence and are the signatures of the persons whose name they purport to be.

(Signed) _____

Sworn to and subscribed before me this the _____ day of _____ 19____

/s/
Title

This petition, if found insufficient by the City Commission shall be returned to _____ at No. _____ Street."

Subsection 3. Filing and verification of nomination papers. All nomination papers comprising a petition shall be assembled and filed with the city secretary as one instrument, not earlier than ninety days nor later than thirty days before the election. Within five days after the filing of a nomination petition the city secretary shall notify the person who filed such petition whether or not it is found to be signed by the required number of qualified voters. If a petition be found insufficient, the city secretary shall return it immediately to the person who filed it, with the statement certifying wherein the petition is found insufficient. Within the regular time allowed for the filing of petitions, such petition may be amended and filed again as a new petition, or a different petition may be filed for the same candidate. Any eligible person placed in nomination as hereinbefore provided shall have his name printed on the ballots if within five days after notification to him by the city secretary he shall have filed with such secretary a written acceptance of the nomination. In no event shall such person or group of persons appear on the ballots by national political party designation. Nothing in this paragraph shall be construed to prohibit candidates being grouped under local designations. Any three or more candidates, upon making application to the city secretary, shall have their names placed upon the ballots grouped in a column, separate and apart from other candidates. All candidates not making such application shall be placed in one column, and any disagreement as to position in said column, shall be determined by lot. The petition of each person nominated to be a member of the commission shall be preserved by the election authorities until the expiration of the term of office for which he has been elected.

Subsection 4. The city commission shall make all needful rules and regulations, not inconsistent with this Charter or the general laws for the conduct of all elections, general and special, for the prevention of fraud in the elections and for the recount of ballots, in case of doubt or fraud, provided, the following rules and regulations shall apply to all elections, to-wit:

a. The city commission shall appoint all election officers and designate the voting places, but may appoint one of their number or the city manager to fill vacancies among such election officers thereafter in the event of the failure or refusal of any of them to serve. Said appointments shall be made not less than two weeks prior to the day of the holding of any election and the city secretary shall within one day thereafter mail to each candidate for office at such election the list of election officers so appointed.

b. The city commission shall have power and authority to appoint supervisors of elections, selecting such supervisors from lists furnished to said city commission not less than five days prior to said election. Each supervisor shall reside in the election precinct in which he serves. Nothing in this provision shall prohibit the appointment of supervisors by agreement among the candidates as provided by state law.

c. The polls shall open at eight o'clock in the morning and close promptly at seven o'clock in the evening and no votes shall be cast after seven o'clock in the evening, nor shall any vote received after seven o'clock in the evening be counted.

d. If any election officer, except as permitted by state law, shall give out information relative to the number of votes cast for or against any candidate during the period the polls are open for voting, or talk over the telephone or communicate with any person outside the polling place other than duly appointed election officials, or leave the polling place, such election officer shall be immediately removed and another appointed in his place.

e. The city commission shall have the power and authority to prohibit professional canvassers from working for or against any candidate in the general city election.

Upon the adoption of this Charter amendment, Article V. Section 4A Nominations will read as follows:

Subsection 1. Nomination. The mode of nomination of candidates for the city commission provided for by this Charter shall be by petition or by payment of a filing fee of two-hundred and fifty (\$250.00) dollars for district commissioner nominations and five-hundred (\$500.00) for mayor and commissioner at-large nominations, or in the amount as prescribed in ordinance. The name of any elector of the city shall be printed upon the ballot by payment, by cashier's check, of a filing fee by the elector or by petition, as hereinafter prescribed, and shall have been filed in his behalf with the city secretary. Such a petition, shall be signed by not less than one hundred nor more than five hundred electors. No elector shall sign more than one petition for the same office, and should an elector do so, his signature shall be void as to the petition or petitions last filed. ~~shall be signed by not less than one hundred nor more than five hundred electors. No elector shall sign more than one petition for the same office, and should an elector do so, his signature shall be void as to the petition or petitions last filed~~ 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 election.

Subsection 2. Signatures to and form of nomination papers. The signatures to the nomination petition ~~need not all be appended to one paper, but to each separate paper there shall be attached an affidavit of the circulator thereof, stating the number of signers of such paper and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer, giving the street and number, or other description sufficient to identify the same~~ 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.

Subsection 3. Filing and verification of nomination papers. All nomination papers comprising a petition shall be assembled and filed with the city secretary ~~as one instrument, not earlier than ninety days nor later than thirty days before the election~~ 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. ~~Within five days after the filing of a nomination petition the city secretary shall notify the person who filed such petition whether or not it is found to be signed by the required number of qualified voters. 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.~~ If a petition be found insufficient, the city secretary shall return it immediately to the person who filed it, with the statement certifying wherein the petition a

statement certifying wherein the petition is found insufficient. Within the regular time allowed for the filing of petitions, such petition may be amended and filed again as a new petition, or a different petition may be filed for the same candidate. ~~Any eligible person placed in nomination as hereinbefore provided shall have his name printed on the ballots if within five days after notification to him by the city secretary he shall have filed with such secretary a written acceptance of the nomination. In no event shall such person or group of persons appear on the ballots by national political party designation. Nothing in this paragraph shall be construed to prohibit candidates being grouped under local designations. Any three or more candidates, upon making application to the city secretary, shall have their names placed upon the ballots grouped in a column, separate and apart from other candidates. All candidates not making such application shall be placed in one column, and any disagreement as to position in said column, shall be determined by lot. The petition of each person nominated to be a member of the commission shall be preserved by the election authorities until the expiration of the term of office for which he has been elected. The petition of each person nominated to be a member of the commission shall be preserved by the election authorities until the expiration of the term of office for which he has been elected.~~

Subsection 4. The city commission shall make all needful rules and regulations, not inconsistent with this Charter or the general laws for the conduct of all elections, general and special, for the prevention of fraud in the elections and for the recount of ballots in case of doubt or fraud, ~~provided, the following rules and regulations shall apply to all elections, to-wit:~~

~~a. The city commission shall appoint all election officers and designate the voting places, but may appoint one of their number or the city manager to fill vacancies among such election officers thereafter in the event of the failure or refusal of any of them to serve. Said appointments shall be made not less than two weeks prior to the day of the holding of any election and the city secretary shall within one day thereafter mail to each candidate for office at such election the list of election officers so appointed.~~

~~b. The city commission shall have power and authority to appoint supervisors of elections, selecting such supervisors from lists furnished to said city commission not less than five days prior to said election. Each supervisor shall reside in the election precinct in which he serves. Nothing in this provision shall prohibit the appointment of supervisors by agreement among the candidates as provided by state law.~~

~~c. The polls shall open at eight o'clock in the morning and close promptly at seven o'clock in the evening and no votes shall be cast after seven o'clock in the evening, nor shall any vote received after seven o'clock in the evening be counted.~~

~~d. If any election officer, except as permitted by state law, shall give out information relative to the number of votes cast for or against any candidate during the period the polls are open for voting, or talk over the telephone or communicate with any person outside the polling place other than duly appointed election officials, or leave the polling place, such election officer shall be immediately removed and another appointed in his place.~~

~~e. The city commission shall have the power and authority to prohibit professional canvassers from working for or against any candidate in the general city election.~~

Proposition #7: Shall Article II, Section 21 Parks and Playgrounds of the City Charter be amended to repeal sections established by ordinance?

FOR []

AGAINST []

Currently Article II. Section 21 Parks and Playgrounds reads:

Said city shall have exclusive control over all city parks and playgrounds, and may control, regulate and remove all obstructions and prevent encroachments thereupon, and may provide for raising, grading, filling, terracing, landscape gardening, erecting buildings, providing amusement therein, establishing walks and paving driveways around, in and through said parks, playgrounds and other public grounds; and shall have power to set up and maintain a system of parks for the use of the public, and shall have power to acquire park sites by gift, purchase or condemnation; and said powers so granted shall, in part, but not exclusively, be exercised as follows, to-wit:

Subsection 1. As soon as practicable the city commission of said city shall designate the resacas now owned by the city as public parks, and shall acquire by gift, purchase or condemnation all lands in the city resaca not now owned by the city, and sufficient land bordering said resaca on either side for roads on each side thereof, and insofar as practicable, said city commission shall provide that the costs of making any such improvements shall be paid by the property owners owning property in the territory specially benefited in enhanced value by reason of making such improvements, and a personal charge be made against such owners as well as a lien fixed by special assessment against any such property and in other respects the provisions in Article 1180 of Revised Civil Statutes of Texas, 1925, shall be followed in acquiring and improving said resaca lands for park purposes.

Subsection 2. There shall be and is hereby established the office of park superintendent, appointment to which office and the salary to be paid therefor shall be as in the case of other non-elective city employees and officers.

Subsection 3. Upon the adoption of this amendment, there shall be appointed by the city commission three members of a park commission for terms, respectively, of one, two and three years, the successors to whom shall each be appointed for a term of three years, who shall serve without compensation and who shall constitute an advisory body, to advise with and make recommendations to the city manager with reference to park management, care and planting of trees, shrubs, flowers and other ornamental plants, and the improvement and maintenance of city parks.

Subsection 4. The city commission may annually appropriate monies from the general fund of the city to the aggregate amount of not to exceed one-half mill on each one dollar assessed valuation of the taxable property within the city in any one year for the extension, improvement, maintenance and care of the city park system.

Upon the adoption of this Charter amendment, Article II. Section 21 Parks and Playgrounds will read as follows:

Said city shall have exclusive control over all city parks and playgrounds, and may control, regulate and remove all obstructions and prevent encroachments thereupon, and may provide for raising, grading, filling, terracing, landscape gardening, erecting buildings, providing amusement therein, establishing walks and paving driveways

around, in and through said parks, playgrounds and other public grounds; and shall have power to set up and maintain a system of parks for the use of the public, and shall have power to acquire park sites by gift, purchase or condemnation; and said powers so granted shall, in part, but not exclusively, be exercised in consult with a citizen advisory committee and as managed and maintained by appropriate municipal departments and resources.

as follows, to-wit:

~~Subsection 1. As soon as practicable the city commission of said city shall designate the resacas now owned by the city as public parks, and shall acquire by gift, purchase or condemnation all lands in the city resaca not now owned by the city, and sufficient land bordering said resaca on either side for roads on each side thereof, and insofar as practicable, said city commission shall provide that the costs of making any such improvements shall be paid by the property owners owning property in the territory specially benefited in enhanced value by reason of making such improvements, and a personal charge be made against such owners as well as a lien fixed by special assessment against any such property and in other respects the provisions in Article 1180 of Revised Civil Statutes of Texas, 1925, shall be followed in acquiring and improving said resaca lands for park purposes.~~

~~Subsection 2. There shall be and is hereby established the office of park superintendent, appointment to which office and the salary to be paid therefor shall be as in the case of other non-elective city employees and officers.~~

~~Subsection 3. Upon the adoption of this amendment, there shall be appointed by the city commission three members of a park commission for terms, respectively, of one, two and three years, the successors to whom shall each be appointed for a term of three years, who shall serve without compensation and who shall constitute an advisory body, to advise with and make recommendations to the city manager with reference to park management, care and planting of trees, shrubs, flowers and other ornamental plants, and the improvement and maintenance of city parks.~~

~~Subsection 4. The city commission may annually appropriate monies from the general fund of the city to the aggregate amount of not to exceed one-half mill on each one dollar assessed valuation of the taxable property within the city in any one year for the extension, improvement, maintenance and care of the city park system.~~

Proposition #8: Shall Article V of the City Charter be amended by adding Section 28a to create an Audit and Oversight Committee, which would provide advice and guidance to the City Commission on the adequacy and effectiveness of City initiatives and management practices?

FOR []
AGAINST []

Upon the adoption of this Charter amendment, the following will be added as Article V – Administrative Provisions, Section 28a Audit and Oversight Committee:

There is established by this Charter the Audit and Oversight Committee.

(a) The Committee shall assist City Commission and management by providing independent advice and guidance on the adequacy of the entity's initiatives regarding values and ethics, governance structure, risk management, internal control framework, oversight of the internal audit activity, external auditors and other providers of assurance, as well as financial statements and public accountability reporting.

(b) The Committee shall provide City Commission with advice and guidance regarding the adequacy and effectiveness of management's practices and potential improvements to those practices.

(c) The Committee shall consist of 5 members. The appointment of each member shall be approved by a vote of no less than 5 out of the 7 members of City Commission. The members of the Committee should collectively possess sufficient knowledge of audit, finance, computer technology, law, governance, and risk and control.

(d) In discharging its responsibilities, the Committee, and its designees, shall have unrestricted access to members of city management, city employees, and information it deems necessary to discharge its duties.

(e) The Committee shall institute and oversee any special investigations or activities related to its purpose which are necessary in discharging its duties. In conducting such investigations, the committee may compel the attendance of witnesses, the production of books and papers and other evidence, and for that purpose may issue subpoenas or attachments as provided by City Charter. (f) The Committee shall meet at least quarterly, and all meetings of the Committee shall be posted and conducted in accordance with the Texas Open Meetings Act.

(g) The Committee shall employ a city auditor who shall oversee all administrative and operational functions of the Office of the City Auditor. The city auditor, under the supervision of the Committee, shall develop policies and procedures for implementing the purpose and responsibility of the Committee.

(h) The Committee shall report to the City Commission annually, summarizing the committee's activities and recommendations.

(i) City Commission shall adopt an ordinance implementing the terms of this subsection.

Proposition #9: Shall Article V of the City Charter be amended to require City committees, boards and commissions or other City commissioned entities to work collaboratively with the Brownsville City Commission to accomplish common goals of eliminating duplication of services, creating administrative efficiency, providing for joint service efforts, and ensuring quality of service at the lowest cost in terms of both fees and tax rates?

FOR []
AGAINST []

Upon the adoption of this Charter amendment, the following will be added as Article V. Section 34. – City Boards and City Commission Collaboration:

(f) The Citizens of the City of Brownsville recognize that collaboration between all City boards, committees and commissions, or other City commissioned entities and the Commission of the City of Brownsville is advantageous and beneficial through the coordination of planning and policy issues for the purposes of accomplishing common

goals of eliminating duplication of services, creating administrative efficiency, providing for joint service efforts and ensuring quality of service to the citizens at the lowest cost in terms of fees and tax rates. Based on this recognition, all City boards, committees and commissions, or other City commissioned entities shall work collaboratively with the Brownsville City Commission towards these, and other important, common goals. As part of the collaborative process City boards, committees and commissions, or other City commissioned entities shall provide to the City Commission an annual report updating the City Commission on progress towards common goals. The annual report shall be provided to the City Commission no later than end of each fiscal year.

Proposition #10: Shall Article VI. Utilities Board, Section 4. – Miscellaneous of the City Charter be amended to require the City of Brownsville City Council and the Public Utilities Board to work collaboratively with the common goals of eliminating duplication of services, creating administrative efficiency, providing for joint service efforts, and ensuring quality of service at the lowest cost in terms of both utility rates and tax rates?

FOR []
AGAINST []

Upon the adoption of this Charter amendment, the following will be added as Article VI. Utilities Board, Section 4 (f):

(f) The Citizens of the City of Brownsville recognize that collaboration between the Public Utilities Board and the City of Brownsville is advantageous and beneficial through the coordination of planning and policy issues for the purposes of the common goals of eliminating duplication of services, creating administrative efficiency, providing for joint service efforts and ensuring quality of service at the lowest cost in terms of both utility rates and tax rates. Based on this recognition the Public Utilities Board and the City if of Brownsville City Commission shall work collaboratively towards these common goals. As part of the collaborative process the Public Utilities Board shall provide to the City Commission an annual report updating the City Commission on progress towards these common goals. The annual report shall be provided to the City Commission no later than end of each fiscal year.

Section 2. Early Voting. It is hereby so ordered that early voting by personal appearance shall be conducted by the Cameron County Elections Administrator at the following seven (7) locations in Brownsville, Texas, beginning on Monday, April 19, 2021, and ending on Tuesday, April 27, 2021, including Saturday, April 20, 2021 (weekend), or for such additional days as provided by law. Main site: Cameron County Courthouse Former Elections Department, 954 E. Harrison St. Branch sites: Brownsville Public Library, Main Branch at 2600 Central Blvd., Brownsville Public Library-Southmost Branch at 4320 Southmost Blvd., Texas Southmost College Jacob Brown Auditorium at 600 International Blvd, Brownsville Community Health Center-New Horizon Medical Center at 191 E. Price Road, Good Shepherd Community Church at 300 W. Morrison Rd., and the Brownsville Events Center, 1 Events Center Blvd. Application for early voting ballot by mail must be received no later than 5:00 P.M. on Tuesday, April 20, 2021, and said ballots must be returned to the Cameron County Elections Administrator no later than 5:00 P.M. on May 3, 2021. The Cameron County Elections Administrator is hereby appointed to serve as the Early Voting Clerk. Applications for a mail ballot can be sent to: Cameron County Elections Department, PO Box 3587, Brownsville, Texas 78523. The elections administrator is authorized to provide mobile voting and temporary early voting locations compatible with General Election.

Section 3. Form of Ballot and Voting System. EXCEPT as hereinafter provided with reference to early voting, it has been determined, and it is hereby so ordered, that for this election, the voting in all precincts shall be by the use of electronically coded paper ballots or a voting system certified by the Texas Secretary of State. The City of Brownsville shall contract with the Cameron County Elections Administrator to conduct their City Elections, and the voting system used by Cameron County and certified by the Texas Secretary of State is the EVS 5.2.2.0, ExpressVote, and AutoMARK. Ballots will be scanned and tabulated using the ES&S DS200 Precinct Scanner and Tabulator. The AutoMARK ADA-Compliant Ballot Marking Device shall be provided for voters who are blind, visually impaired, or a have a disability or condition that makes it difficult to traditionally mark a ballot, as at least one accessible voting equipment or a direct recording device is required at each early voting and election day polling place by state and federal law.

Each amendment may not contain more than one subject, and the ballot shall be prepared so that a voter may approve or disapprove any one or more amendments without having to approve or disapprove all of the amendments.

The official ballot for said election shall be prepared in accordance with the Texas Election Code to permit the electors to vote "FOR" or "AGAINST" the aforesaid PROPOSITIONS, with the ballots to contain such provisions, markings and language as required by law, and with such PROPOSITIONS to be set forth substantially as provided in Section 1 of this document.

Section 5. Qualified Voters. Only the duly qualified voters of the City of Brownsville determined to be eligible to vote in the General Election shall be permitted to vote in this election, and the ballots and manner of holding such election shall be governed by the laws governing other general elections, insofar as the same by the applicable, except where otherwise provided by the Constitution, statues, and the Charter of the City of Brownsville, and immediately thereafter the officers holding the same shall make due returns of the results thereof in the manner provided by law;

Section 6. Election Precincts, Polling Places and Election Judges. For this election, the election precincts into which the City of Brownsville is divided shall be the precincts for this election and the early voting and election day polling locations shall be at the location selected by the Cameron County Elections Administrator for the General Election, as listed in the Resolution ordering the General Election and the election officers for each such precinct shall be those selected by the Cameron County Elections Administrator for the General Election; and all voters shall vote in the election precinct of their residence.

Section 7. Filling Vacancies. The Cameron County Elections Administrator is hereby appointed to fill vacancies among such election officers, hereafter, in the event of the failure or refusal of any of them to serve;

Section 8. Early Voting Ballot Board. An early voting ballot board is hereby created to process early voting results, and the Cameron County Elections Administrator in consultation with the City of Brownsville shall appoint the presiding Judge of said Board. The presiding Judge shall appoint at least two other members of the board.

Section 9. Bilingual Election Materials. All election materials (including notice of the election, ballots, instruction cards, affidavits, and other forms which voters may be required to sign) and all early and later voting materials shall be printed in both English and Spanish, or Spanish translation

thereof, and/or other assistance shall be provided, as required by the Texas Election Code and by all federal and as required by applicable state and federal laws, each as amended.

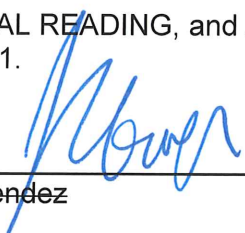
Section 10. Notice. Notice of said election, including a substantial copy of this ordinance, signed by the Mayor, attested by the City Secretary, and otherwise as prescribed by law, shall be given. Notice of said election shall be published in a newspaper of general circulation published in the municipality and shall be published on the same day in each of two successive weeks, with the first publication occurring before the 14th day before the date of the election. The notice must also include a substantial copy of the proposed amendments and include an estimate of the anticipated fiscal impact to the municipality if each of the proposed amendments are approved at the election.

Section 11. Publication of Notice. The City Secretary is hereby ordered and directed to cause such notice to be published in *The Brownsville Herald*, a newspaper of general circulation, published in the City of Brownsville, which publication shall be made on the same day in each of two successive weeks, with the first publication occurring before the 14th day before the date of the election, as required by the Local Government Code Sec. 9.004. A copy of such notice shall be posted on the City's Elections Webpage, bulletin board and in a window in the City Hall-Federal Building, located at the City Hall, Federal Building, located at 1001 E. Elizabeth Street, Brownsville, Texas, used for the posting of notices of the meetings of the governing body of the City of Brownsville and at City Plaza, located at 1034 E. Levee Street, and at all mandatory locations and at any additional optional locations. When such publication and posting has been done, the City Secretary shall attach a certificate to the original of such notice showing compliance with this order and shall keep the same, together with a clipping from such newspaper of the notice as published, and City Secretary shall request a publisher's affidavit from the newspaper. The City Secretary may contract with Cameron County Elections Administrator to publish the notice of election in a newspaper of general circulation, as practicable.

Section 12. Effective Date of Ordinance. This Ordinance shall become effective immediately upon its adoption.

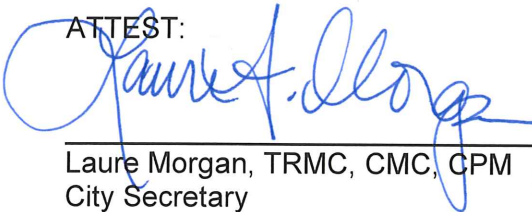
INTRODUCED at a PUBLIC HEARING AND PASSED ON First Reading on the 19th day of January, 2021.

PASSED AND APPROVED ON SECOND AND FINAL READING, and ADOPTED AND ENACTED on this the 2nd day of February, 2021.



Trey Mendez
Mayor
John Cowen, Jr.
Mayor Pro Tem

ATTEST:



Laure Morgan, TRMC, CMC, CPM
City Secretary

