

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MELISSA, COLLIN COUNTY, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 7, 2023, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF MELISSA CERTAIN PROPOSED AMENDMENTS TO THE EXISTING HOME RULE CHARTER OF THE CITY OF MELISSA; DIRECTING THAT THE ELECTION BE ADMINISTERED BY THE COLLIN COUNTY ELECTIONS ADMINISTRATOR; DESIGNATING EARLY VOTING POLLING PLACES AND HOURS; DESIGNATING ELECTION DAY POLLING PLACES AND HOURS; ORDERING NOTICES OF ELECTION TO BE GIVEN AS PRESCRIBED BY LAW IN CONNECTION WITH THE ELECTION; PROVIDING FOR THE APPOINTMENT OF ELECTION JUDGES; AUTHORIZING THE MAYOR AND CITY SECRETARY TO TAKE ALL ACTIONS NECESSARY TO COMPLY WITH APPLICABLE ELECTION LAWS; AUTHORIZING THE CITY MANAGER TO EXECUTE AN ELECTION ADMINISTRATION SERVICES CONTRACT; AND PROVIDING A SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Melissa, Texas (“City Council”), on its own motion, duly authorizes and hereby orders a special election to be held within the City of Melissa, Collin County, Texas (“Melissa”), on November 7, 2023, for the purpose of submitting to the qualified voters of Melissa certain proposed amendments to the existing Home Rule Charter of Melissa (“City Charter”), pursuant to and in accordance with Section 9.004 of the Texas Local Government Code and Section 15.06 of the City Charter; and

WHEREAS, the City Council finds that Melissa has complied with all legal requirements for ordering the special election.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MELISSA, TEXAS:**

**SECTION 1: Findings Incorporated.** The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**SECTION 2: Special Election Ordered.** A special election (“Election”) is hereby ordered to be held on November 7, 2023 (“Election Day”), for the purpose of submitting to the qualified voters of Melissa certain proposed amendments to the existing City Charter, as set forth in Section 3 and Exhibit A of this Ordinance. The proposed amendments to the City Charter shall be submitted to the qualified voters in the form of ballot propositions as set forth in Section 4 and Exhibit B of this Ordinance. The Election shall be administered by the Collin County Elections Administrator.

**SECTION 3: Proposed Charter Amendments.** At the Election, the proposed amendments to the City Charter, attached hereto as Exhibit A and incorporated as if fully set forth herein, shall be submitted

to the qualified voters of Melissa in the form of ballot propositions as set forth in Section 4 and Exhibit B of this Ordinance.

SECTION 4: Official Ballot Propositions. The proposed amendments to the City Charter shall be submitted to the qualified voters of Melissa at the Election on ballots in the form of propositions set forth in Exhibit B, attached hereto and incorporated as if fully set forth herein, in conformance with the requirements of the Texas Election Code.

SECTION 5: Early Voting. Early voting by personal appearance shall be available at: the Melissa City Hall, Municipal Court Room, 3411 Barker Avenue, Melissa, Texas 75454; or the Collin County Elections Office, 2010 Redbud Blvd., Room #102, McKinney, Texas 75069, which is designated as the main early voting polling place. Early voting will begin on Monday, October 23, 2023, and continue through Friday, October 27, 2023, during the normal working hours of 8:00 a.m. to 5:00 p.m., with extended voting hours on October 28, 2023 from 7:00 a.m. to 7:00 p.m.; October 29, 2023 from 11:00 a.m. to 5:00 p.m.; October 30, 2023 from 7:00 a.m. to 7:00 p.m.; and November 3, 2023 from 7:00 a.m. to 7:00 p.m. Applications for ballots by mail shall be requested from and mailed to Bruce Sherbet, Early Voting Clerk, 2010 Redbud Blvd., Suite 102, McKinney, TX 75069, or faxed to 972-547-1996 or emailed to [absenteemailballoting@collincountytx.gov](mailto:absenteemailballoting@collincountytx.gov). (If faxed or emailed, the original application must be mailed and received within 4 days.) Applications for ballots by mail must be received no later than the close of business on October 27, 2023.

Voters may vote at any of the additional Early Voting locations open under full contract services with the Collin County Elections Administrator, which may be designated after the date of this Ordinance. This previous sentence shall also be posted in the Notice of Election. Early voting times and locations are subject to change.

SECTION 6: Election Day Voting. Election Day voting by personal appearance shall be at the Melissa City Hall, Municipal Court Room, 3411 Barker Avenue, Melissa, Texas 75454; the Collin County Elections Office, 2010 Redbud Blvd., #102, McKinney, Texas 75069; and any of the additional Election Day Vote Centers open under full contract services with Collin County Elections Administrator, from 7:00 a.m. to 7:00 p.m.

SECTION 7: Voting Equipment and Materials. For early voting in person, early voting by mail, election day voting and provisional voting, the following voting equipment will be used: ExpressVote Universal Voting System, EVS 6.1.1.0; ES&S DS200 Digital Precinct Scanner, EVS 6.1.1.0; and ES&S Model DS850 High-Speed Scanner/Tabulator, Version 1, EVS 6.1.1.0, along with the required ancillary parts and services required for such voting tabulation system.

SECTION 8: Election to Comply with Applicable Laws. The City Secretary is hereby authorized and directed to publish and/or post, in the time and manner prescribed by law, all notices required to be so published and/or posted in connection with the conduct of this Election. The Election and notice of the Election shall be conducted in accordance with the Texas Election Code and other applicable law, and all qualified and registered voters of Melissa shall be eligible to vote at the Election.

SECTION 9: Appointment of Election Judges. Upon the receipt of recommendations from the City Secretary and/or the Collin County Elections Administrator, the City Council shall appoint the early

voting and Election judges. In the event that the appointed judges are unable to execute or complete their duties for any reason, the City Secretary and/or the Collin County Elections Administrator may identify alternate judges that the City Council shall appoint as soon as possible.

**SECTION 10: Authority of Mayor, City Manager and City Secretary.** The Mayor and the City Secretary, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Texas Election Code and any other state or federal law in carrying out and conducting the Election, whether or not expressly authorized herein. The City Manager is authorized to execute a contract with the Collin County Elections Administrator for election administration services.

**SECTION 11: Severability.** Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause and phrase thereof regardless of whether any one or more sections, subsections, sentences, clauses or phrases may be declared unconstitutional and/or invalid.

**SECTION 12: Savings/Repealing.** All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portion of conflicting ordinances shall remain in full force and effect.

**SECTION 13: Effective Date.** This order for an election becomes effective immediately upon its passage.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MELISSA, TEXAS** on this 7th day of August, 2023.



Jay Northcut, Mayor

**ATTESTED AND  
CORRECTLY RECORDED:**



Hope Cory, City Secretary



**Exhibit A**  
**Proposed Charter Amendments**

Below are the proposed amendments to the City Charter. Words and punctuation proposed to be added are underlined; words and punctuation proposed to be deleted are marked with ~~strikethrough~~. The proposed amendments to the City Charter are designated below in order of their appearance on the ballot along with the ballot proposition associated with each such proposed amendment.

**PROPOSITION A**

Shall City of Melissa Charter Section 5.02(1) be amended to require candidates for elective City offices to pay a nonrefundable filing fee or submit a petition in lieu of a filing fee?

**SECTION 5.02 Filing for Office**

(1) Candidates for elective City offices shall file for office in accordance with the Texas Election Code. Each candidate's application for a place on the ballot must be accompanied by a nonrefundable filing fee of One Hundred Dollars (\$100.00) or, in lieu of the payment of a filing fee, a petition signed by no less than fifty (50) qualified voters of the City or one-half of one percent of the total votes received in the City by all candidates for Mayor in the most recent mayoral election, whichever is greater.

...

---

**PROPOSITION B**

Shall City of Melissa Charter Sections 3.05(4), 3.05(5), and 3.05(6) be amended to grant the City Council authority to fill a vacancy occurring in the office of the Mayor or a Council Member if the remainder of the unexpired term of the vacated office is twelve (12) months or less, as permitted under state law?

**SECTION 3.05 Vacancies, Forfeiture and Filling of Vacancies**

...

(4) If there is a A vacancy in the office of Mayor, shall a new Mayor shall be elected be filled by special election within one hundred twenty (120) days after such vacancy occurs, in accordance with the Texas Constitution and the Texas Election Code, except that if the remainder of the unexpired term of the vacated office is twelve (12) months or less, then the City Council is authorized to fill the unexpired term by appointment on the affirmative vote of a majority of the full membership of the City Council.

(5) A vacancy in the office of a Council Member shall be filled by special election within one hundred twenty (120) days after such vacancy occurs, in accordance with the Texas Constitution and the Texas Election Code, except that if the remainder of the unexpired term of the vacated office is twelve (12) months or less, then the City Council is authorized to fill the unexpired term by appointment on the affirmative vote of a majority of the full

membership of the City Council. If the vacated office is that of Mayor Pro-Tem, the City Council shall elect a new Mayor Pro-Tem at the next regular meeting.

(6) Vacancies filled by special election or by appointment shall be for the remainder of the term that was vacated.

---

## PROPOSITION C

Shall City of Melissa Charter Sections 3.13(3), 3.14(4), 3.15(1), 3.15(2), 3.15(3), 6.17, 8.01(3) and 11.02 be amended to provide for publication of certain notices by means other than publication in the official newspaper of the City or as otherwise specified, all as may be allowed by state law?

### SECTION 3.13 Passage of Ordinances in General

...

(3) Unless otherwise required by law, every ordinance shall become effective upon adoption or at any later time(s) specified in the ordinance, except that every ordinance imposing any penalty, fine or forfeiture shall become effective only after having been published in its entirety or summary form after adoption, in a newspaper designated as the official newspaper of the City, or by such other means as may be allowed by State law in accordance with State law.

...

### SECTION 3.14 Emergency Ordinances

...

(4) Emergency ordinances shall become effective upon adoption and shall be published or made available as soon thereafter as practicable. Every emergency ordinance so adopted, except one authorizing the borrowing of money as described herein, is automatically repealed as of the sixty-first (61<sup>st</sup>) day following the day on which it became effective. The ordinance may be re-enacted if the emergency still exists.

### SECTION 3.15 Authentication, Recording, Codification, Printing and Distribution

(1) All ordinances and resolutions adopted by the City Council shall be authenticated by seal and signature of the person performing the duties of the City Secretary and numbered consecutively as adopted. They shall be properly indexed and placed in a book kept open made available for public inspection.

(2) The City Council may codify the ordinances of the City. If adopted, the codification shall be known and cited as "The Melissa City Code" and shall be in full force and effect without the necessity of such code or any part thereof being published in accordance with State law. The caption, descriptive clause and other formal parts of the ordinances of the City may be omitted without affecting the validity of such ordinances when codified. Every general ordinance enacted subsequent to such codification shall be enacted as an

amendment to the code. For the purpose of this section, general ordinances shall be deemed to be those ordinances of a permanent or continuing nature which affect the residents of the City at large. Copies of the code shall be ~~furnished to City Officers, placed in City offices and~~ made available ~~for purchase by~~ to the public ~~at a reasonable price to be fixed by the City Council.~~

(3) The City Council shall cause all ordinances and amendments to this Charter to be ~~printed promptly made available~~ following their adoption. ~~A copy of each ordinance and amendment shall be placed in appropriate City offices for public reference. Printed ordinances and Charter amendments shall be sold to the public at a reasonable price to be fixed by the City Council.~~

#### **SECTION 6.17 Publication of Proposed and Referred Ordinances**

The person performing the duties of City Secretary of the City shall publish at least twice in ~~accordance with state law~~ the official newspaper of the City, ~~or by such other means as may be allowed by state law~~, the proposed or referred ordinance or resolution within fifteen (15) days before the date of the election, and shall give such other notices and do such other things relative to such election as are required by law in municipal elections and by the ordinance or resolution calling said election.

#### **SECTION 8.01 Authority, Composition and Procedures**

...

(3) All boards, commissions or committees of the City shall keep and maintain minutes of any proceedings held and ~~shall submit a written report of such proceedings make them available to the City Council no more than three (3) weeks following each meeting.~~

...

#### **SECTION 11.02 Official Newspaper/Official Media Designation**

Unless otherwise required by State Law, the City Council shall declare an official newspaper of general circulation in the City. All ordinances, notices and other matters required by this Charter, City ordinance, or the Constitution and laws of the State of Texas shall be published ~~or made available~~ in accordance with State Law.

---

#### **PROPOSITION D**

Shall City of Melissa Charter Sections 6.01, 6.02, 6.12, 6.13, 6.14 and 15.02 be amended replace the term “registered voters” with the term “qualified voters”?

#### **SECTION 6.01 Scope of Recall**

Any elected City official, whether elected to office by ~~register qualif~~ied voters or appointed by the City Council to fill a vacancy, shall be subject to recall and removal from office by the ~~qualified registered~~ voters of the City on grounds of incompetency, misconduct, or malfeasance in office.

#### **SECTION 6.02 Petitions for Recall**

Before the question of recall of such officer shall be submitted to the qualified~~registered~~ voters of the City, a petition demanding such question to be so submitted shall first be filed with the person performing duties of City Secretary, which said petition must be signed by qualified voters of the City of at least ten percent (10%) of the total number of qualified~~registered~~ voters in the City at the last regular City election. Each signature on a recall petition shall conform to the requirements for information as set forth in the Texas Election Code, as amended.

## **SECTION 6.12 General Power of Initiative and Referendum**

The qualified~~registered~~ voters of the City, in addition to the method of legislation herein before provided, shall have the power of direct legislation by the initiative and referendum.

- (1) Initiative: Such power shall not extend to the budget or capital program or any ordinance not subject to initiative as provided by state law, relating to appropriation of money, issuing of bonds, levy of taxes or salaries of City officers or employees.
- (2) Referendum: Such power shall not extend to the budget or capital program or any emergency ordinance or ordinance not subject to referendum as provided by state law, relating to appropriation of money, issuing of bonds, or levy of taxes.

## **SECTION 6.13 Initiative**

Following a review by the City Attorney for enforceability and legality, qualified~~registered~~ voters of the City 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 ~~registered~~qualified voters of the City. Said petition must be signed by qualified voters of the City of at least ten percent (10%) of the total number of ~~registered~~qualified voters in the City at the last regular City election. 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 Article, and shall be verified by oath in the manner and form provided for recall petitions in this Article. The petition may consist of one (1) or more copies as permitted for recall petitions. Such petition shall be filed with the person performing the duties of City Secretary. Within twenty-one (21) 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 to the City Council, it shall become the duty of the City Council, within two (2) regularly scheduled City Council meetings after the receipt thereof, to pass and adopt such ordinance or resolution without alteration as to meaning or effect in the opinion of the persons filing the petition, or to call a special election, to be held within thirty (30) days thereafter and/or on a date allowed under the Texas Election Code, at which the ~~registered~~qualified voters of the City 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. Any election order so issued shall comply fully with the Texas Election Code. Unless otherwise provided by law, any election for an initiative under this Charter shall be held on the first authorized uniform election date that occurs after the sixty-fifth (65<sup>th</sup>) day after the petition was presented to the City Council.

## **SECTION 6.14 Referendum**

Registered~~Qualified~~ voters of the City may require that any ordinance or resolution, with the exception of ordinances or resolutions appropriating money, authorizing the issuance of public securities or levying taxes, passed by the City Council be submitted to the voters of the City for approval or disapproval, by submitting a petition for this purpose within thirty (30) days after final passage of said ordinance or

resolution, or within thirty (30) days after its publication. Said petition shall be addressed, signed, and verified as required for recall petitions in this Article and shall be submitted to the person performing the duties of City Secretary. The person performing the duties of City Secretary shall present said petition to the City Council in the same manner as provided for a recall petition. Thereupon the City Council shall immediately reconsider such ordinance or resolution and, if the City Council does not entirely repeal the same, shall submit it to popular vote as provided in Section 6.13 of this Charter. Pending the holding of such election, each ordinance or resolution shall be suspended from taking effect and shall not later take effect unless a majority of the qualified voters voting thereon at such election shall vote in favor thereof. Unless otherwise provided by law, any election for a referendum under this Charter shall be held on the first authorized uniform election date that occurs after the sixty-fifth (65<sup>th</sup>) day after the petition was presented to the City Council.

## **SECTION 15.02 Petition to Amend Charter**

Amendments to this Charter may be framed and submitted to the qualified voters of the City in the manner provided by the Constitution and the laws of the State of Texas; including upon the City Council's own motion or upon petition by ten percent (10%) of the registeredqualified voters in the City or twenty-thousand (20,000) registeredqualified voters of the City, whichever is less. Each signature on a petition to amend shall conform to the requirement for information as set forth in the Texas Election Code, as amended.

---

## **PROPOSITION E**

Shall City of Melissa Charter Section 6.12 be amended to specify that the power of initiative and referendum shall not extend to the budget or capital program or any ordinance or resolution relating to appropriation of money, issuing of bonds, levy of taxes, salaries of City officers or employees, the Comprehensive Plan, amendments of the Zoning Ordinance or other ordinances or resolutions not subject to initiative or referendum as provided by state law?

## **SECTION 6.12 General Power of Initiative and Referendum**

The registered voters of the City, in addition to the method of legislation herein before provided, shall have the power of direct legislation by the initiative and referendum. However, the power of initiative and referendum shall not extend to the budget or capital program or any ordinance or resolution relating to appropriation of money, issuing of bonds, levy of taxes, salaries of City officers or employees, the Comprehensive Plan, amendments of the Zoning Ordinance or other ordinances or resolutions not subject to initiative or referendum as provided by state law.

- (1) Initiative: Such power shall not extend to the budget or capital program or any ordinance not subject to initiative as provided by state law, relating to appropriation of money, issuing of bonds, levy of taxes or salaries of City officers or employees.
- (2) Referendum: Such power shall not extend to the budget or capital program or any emergency ordinance or ordinance not subject to referendum as provided by state law, relating to appropriation of money, issuing of bonds, or levy of taxes.

---

## PROPOSITION F

Shall City of Melissa Charter Sections 5.02(2)(F), 5.04(1), 6.11, 6.16, 6.22, 9.02(3), 9.04(3), 15.02 and 15.07 be amended to modify or eliminate provisions that conflict with state law?

### SECTION 5.02 Filing for Office

...

(2) Candidates for elective City offices shall meet the following qualifications:

...

(F) ~~Reserved. No employee of the City shall continue in such position after filing for an elective office provided for in this Charter;~~

...

### SECTION 5.04 Official Results

(1) The candidate for elective office receiving a majority of the votes cast shall be declared the winner. In the event that no candidate receives a majority of all votes cast for any one place at such election, the City Council shall, upon completion of the official canvass of the ballots, issue a call for a runoff election to be held within thirty (30) days following the issuance of such call, or in accordance with the Texas Election Code. At such runoff election, the two (2) candidates receiving the highest number of votes ~~(or three (3) persons in case of tie for second place)~~ for any one place in the first election shall again be voted for.

...

### SECTION 6.11 Failure of the City Council to Call an Election – Recall

In case that all the requirements of this Charter shall have been met and the City Council shall fail or refuse to receive the recall petition, or order such recall election, or discharge any other duties imposed on the City Council by the provisions of this Charter with reference to such recall, then ~~any petitioning citizen may file an application for a writ of mandamus with the appropriate court to require the discharge the District Judge of Collin County, Texas, shall discharge any~~ of such duties herein provided to be discharged by the person performing the duties of City Secretary or by the City Council.

### SECTION 6.16 Form of Ballots

The ballots used when voting upon such proposed and referred ordinances, resolutions or measures, shall set forth their nature sufficiently to identify them and shall also set forth upon separate lines the words:

“For the Ordinance” or

“Against the Ordinance” or

“For the Resolution” or

“Against the Resolution” or  
“For the Measure” or  
“Against the Measure”

## **SECTION 6.22 Failure of the City Council to Call an Election – Initiative or Referendum**

In case that all of the requirements of this Charter shall have been met and the City Council shall fail or refuse to receive the initiative or referendum petition, or order such initiative or referendum election, or discharge any other duties imposed on the City Council by the provisions of this Charter with reference to such initiative or referendum, then any petitioning citizen may file an application for a writ of mandamus with the appropriate court to require the discharge the District Judge of Collin County, Texas, shall discharge any of such duties herein provided to be discharged by the person performing the duties of City Secretary or by the City Council.

## **SECTION 9.02 Duties and Powers**

...

- (3) A vote of three-fourths (3/4<sup>th</sup>s), a supermajority, of the City Council, or four (4) votes, whichever is greater, is required to overrule a recommendation of the Commission that a proposed zoning amendment, supplement, or change be denied.

## **SECTION 9.04 The Comprehensive Plan: Procedure and Legal Effect**

...

- (3) Following the adoption by the City Council of the Comprehensive Plan, and any revisions thereto, it shall serve as a guide to all future City Council action concerning land use and development regulations and expenditures for capital improvements. Any proposal which deviates from the Comprehensive Plan regarding land use and development regulations shall not be authorized until and unless the location and extent thereof shall have been submitted to and approved by the Commission. In case of denial, the Commission shall communicate its reasons to the City Council, which shall have the power to overrule such denial with a vote of three-fourths (3/4<sup>th</sup>s) of the City Council, or four (4) votes, whichever is greater, and upon such overruling, the City Council or the appropriate office, department or agency shall have authority to proceed.

## **SECTION 15.02 Petition to Amend Charter**

Amendments to this Charter may be framed and submitted to the qualified voters of the City in the manner provided by the Constitution and the laws of the State of Texas; including upon the City Council’s own motion or upon petition by ten-five percent (105%) of the registered voters in the City or twenty-thousand (20,000) registered voters of the City, whichever is less, or as otherwise required by state law. Each signature on a petition to amend shall conform to the requirement for information as set forth in the Texas Election Code, as amended.

**SECTION 15.07 Failure of the City Council to Call an Election Following Receipt of Valid Petition to Amend**

In case that all the requirements of this Charter shall have been met and the City Council shall fail or refuse to receive the petition to amend, or order such election, or discharge any other duties imposed on the City Council by the provisions of this Charter or state law with reference to such election to amend, then any petitioning citizen may file an application for a writ of mandamus with the appropriate court to require the discharge the District Judge of Collin County, Texas, shall discharge any of such duties herein provided to be discharged by the person performing the duties of City Secretary or by the City Council.

---

**PROPOSITION G**

Shall City of Melissa Charter Sections 14.01, 14.08 and 14.09 be amended to incorporate and refer to State law regarding nepotism, conflicts of interest and gifts?

**SECTION 14.01 Nepotism**

A City official comply with applicable state laws regarding the appointment or confirmation of appointment of certain close relatives. No person related within the second degree by affinity or within the third degree by consanguinity to the Mayor or any Council Member or the City Manager shall be employed by or contracted with for the City. This shall not apply to the following:

- (1) Any person employed by the City prior to the person related in the above degree filing to run for elective office or being nominated for an appointment, or
- (2) Any person who is a seasonal employee or intern of the City.

**SECTION 14.08 Conflict of Interest**

No officer, whether elected or appointed, or any employee, whether full or part-time, of the City shall have a substantial financial interest, direct or indirect, in any contract, other than employment contracts, with the City; or have a substantial financial interest, direct or indirect in the sale to the City of any land, materials, supplies or services, except on behalf of the City as an officer or employee, except as allowed by state law. Any willful violation of this section shall constitute malfeasance in office and any officer or employee found guilty thereof shall thereby forfeit his or her office or position. Any violation of this section with the knowledge, express or implied, of the person or the corporation contracting with the governing body of the City shall render the contract involved voidable by the City Manager or the City Council.

**SECTION 14.09 No Officer to Accept Gifts, Etc.**

A City official shall comply with applicable state laws regarding the acceptance, agreement to accept or solicitation of gifts and other benefits and the disclosure thereof.

- (1) No officer or employee of the City shall ever accept, directly or indirectly, any gift, favor or privilege during the term of office of such officer, or during employment of such employee. Notwithstanding, no officer or employee is prohibited from engaging in the following activities:
  - (A) Attending social functions, ground breakings, or civic events pertinent to the public relations and operations of the City;
  - (B) Exchange gifts with his or her family and relatives;
  - (C) Receiving campaign contributions as provided for in the Texas Election Code;

(D) Exchanging gifts at church functions or City parties or functions where only City officers and employees and their families are invited or attend;

(E) Exchanging gifts or receiving a bonus from his or her place of full-time employment; or

(F) Activities that would not be considered a violation of the City's personnel policy.

(2) Any officer or employee of the City who shall violate the provisions of this section shall be guilty of a misdemeanor and may be punished by any fine that may be prescribed by ordinance for this offense, and may forthwith be removed from office or employment.

---

## PROPOSITION H

Shall City of Melissa Charter Section 3.04(1) be amended to clarify the authority of the Mayor as it relates to the power to veto and authority to sign contracts and other legal documents on behalf of the City?

### SECTION 3.04 Mayor and Mayor Pro-Tem

(1) The Mayor shall attend and preside at meetings of the City Council. The Mayor shall participate in the discussion of all matters coming before the City Council and shall have a vote on all matters before the City Council but shall have no power to veto. The Mayor shall also represent the City in intergovernmental relationships, present an annual state of the City message, and perform other duties specified by the City Council and/or imposed by this Charter and by ordinances and resolutions passed in pursuance thereof. Additionally, the Mayor may sign, after authorization by the City Council, all contracts and conveyances made or entered into by the City and all bonds, warrants and any other obligation issued under the provisions of this Charter, in the manner prescribed in the ordinance or resolution authorizing the signing of any such obligation. The Mayor shall be recognized as head of the City government for all ceremonial purposes, and by the Governor for purposes of military law, but shall have no regular administrative duties.

...

---

## PROPOSITION I

Shall City of Melissa Charter Section 3.04(2) be amended to specify the time for electing the Mayor Pro-Tem and to provide that the Mayor Pro-Tem shall serve in such capacity until a majority of the City Council votes to elect a new Mayor Pro-Tem?

### SECTION 3.04 Mayor and Mayor Pro-Tem

...

(2) The Mayor Pro-Tem shall be a Council Member elected by the City Council at the first regular meeting after each election of Mayor and/or Council Members or after each general election date if the City does not hold an election, except that in the event a runoff election

~~is required for any such office, the City Council shall not elect a Mayor Pro-Tem until the runoff election is completed and the duly elected candidate(s) have been officially seated on the City Council every General election date regardless of whether or not the City holds an election on that particular year or at the first regular meeting after any applicable runoff election, whichever is later. The Mayor Pro-Tem shall serve in such capacity until a majority of the City Council votes to elect a new Mayor Pro-Tem.~~ The Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor, and in this capacity shall have the rights conferred upon the Mayor.

---

## PROPOSITION J

Shall City of Melissa Charter Section 6.14 be amended to specify the number of signatures required on a referendum petition?

### SECTION 6.14 Referendum

Registered voters of the City may require that any ordinance or resolution, with the exception of ordinances or resolutions appropriating money, authorizing the issuance of public securities or levying taxes, passed by the City Council be submitted to the voters of the City for approval or disapproval, by submitting a petition for this purpose within thirty (30) days after final passage of said ordinance or resolution, or within thirty (30) days after its publication. ~~Said petition must be signed by qualified voters of the City of at least ten percent (10%) of the total number of qualified voters in the City at the last regular City election.~~ Said petition shall be addressed, signed, and verified as required for recall petitions in this Article and shall be submitted to the person performing the duties of City Secretary. The person performing the duties of City Secretary shall present said petition to the City Council in the same manner as provided for a recall petition. Thereupon the City Council shall immediately reconsider such ordinance or resolution and, if the City Council does not entirely repeal the same, shall submit it to popular vote as provided in Section 6.13 of this Charter. Pending the holding of such election, each ordinance or resolution shall be suspended from taking effect and shall not later take effect unless a majority of the qualified voters voting thereon at such election shall vote in favor thereof. Unless otherwise provided by law, any election for a referendum under this Charter shall be held on the first authorized uniform election date that occurs after the sixty-fifth (65<sup>th</sup>) day after the petition was presented to the City Council.

---

## PROPOSITION K

Shall City of Melissa Charter Sections 5.02(2)(D) and 14.07 be amended to remove the requirement that candidates for elective City office and persons who hold an appointive or compensative position of the City shall not be in arrears in payment of taxes or other liabilities due the City after notice of any delinquency?

### SECTION 5.02 Filing for Office

...

- (2) Candidates for elective City offices shall meet the following qualifications:

...

(D) ~~Reserved Shall not, at the time of filing or while in office, be in arrears in payment of taxes or other liabilities due the City after notice of any delinquency;~~

...

#### **SECTION 14.07 Indebtedness to City Reserved**

~~No person who, after notice of any delinquency, shall be in arrears in the payment of taxes or any other liabilities due the City, shall be qualified to hold an appointive or compensative position of the City.~~

---

#### **PROPOSITION L**

Shall the City of Melissa Charter be amended to add Section 11.08 to grant the City Council authority to make non-substantive revisions to the City Charter without obtaining separate approval of the voters in a Charter amendment election, authorizing non-substantive changes to be made to the Charter through the passage of an ordinance?

#### **SECTION 11.08 Non-substantive Revisions**

- (1) The City Council may, without approval of the voters, adopt an ordinance that makes the following types of revisions to this Charter:
  - (A) Renumbering, revising headings and rearranging parts thereof; and
  - (B) Correcting errors in spelling, grammar, cross-references and punctuation.
- (2) A revision adopted under this section is not intended to and is not to be interpreted as making any substantive change in any Charter provision.

---

#### **PROPOSITION M**

Shall City of Melissa Charter Sections 3.18 and 13.04 be amended to remove obsolete transitional provisions that are no longer necessary?

#### **SECTION 3.18 Code of Ethics**

The City Council shall adopt, maintain, and enforce, by ordinance or resolution, a Code of Ethics for the purpose of, among other things, establishing and defining the bounds of reasonable ethical behavior by the City Council and all appointed City Officials. ~~The initial adoption of this Code of Ethics shall occur within one hundred eighty days (180) of the effective date of this Charter.~~

#### **SECTION 13.04 Officers and Employees**

~~Except as specifically provided, nothing in this Charter shall affect or impair the rights or privileges of persons who are City officers or employees at the time of its adoption. Upon adoption of this Charter, the person then serving as the City Administrator shall be deemed to be the City Manager.~~

---

#### **Exhibit B**

### **Ballot Propositions**

At the Election, the following ballot propositions shall be submitted to the qualified voters of Melissa in conformance with the requirements of the Texas Election Code:

#### **PROPOSITION A**

Shall City of Melissa Charter Section 5.02(1) be amended to require candidates for elective City offices to pay a nonrefundable filing fee or submit a petition in lieu of a filing fee?

FOR THE MEASURE: \_\_\_\_\_ AGAINST THE MEASURE: \_\_\_\_\_

#### **PROPOSITION B**

Shall City of Melissa Charter Sections 3.05(4), 3.05(5), and 3.05(6) be amended to grant the City Council authority to fill a vacancy occurring in the office of the Mayor or a Council Member if the remainder of the unexpired term of the vacated office is twelve (12) months or less, as permitted under state law?

FOR THE MEASURE: \_\_\_\_\_ AGAINST THE MEASURE: \_\_\_\_\_

#### **PROPOSITION C**

Shall City of Melissa Charter Sections 3.13(3), 3.14(4), 3.15(1), 3.15(2), 3.15(3), 6.17, 8.01(3) and 11.02 be amended to provide for publication of certain notices by means other than publication in the official newspaper of the City or as otherwise specified, all as may be allowed by state law?

FOR THE MEASURE: \_\_\_\_\_ AGAINST THE MEASURE: \_\_\_\_\_

#### **PROPOSITION D**

Shall City of Melissa Charter Sections 6.01, 6.02, 6.12, 6.13, 6.14 and 15.02 be amended replace the term “registered voters” with the term “qualified voters”?

FOR THE MEASURE: \_\_\_\_\_ AGAINST THE MEASURE: \_\_\_\_\_

#### **PROPOSITION E**

Shall City of Melissa Charter Section 6.12 be amended to specify that the power of initiative and referendum shall not extend to the budget or capital program or any ordinance or resolution relating to appropriation of money, issuing of bonds, levy of taxes, salaries of City officers or employees, the Comprehensive Plan, amendments of the Zoning Ordinance or other ordinances or resolutions not subject to initiative or referendum as provided by state law?

FOR THE MEASURE: \_\_\_\_\_ AGAINST THE MEASURE: \_\_\_\_\_

## **PROPOSITION F**

Shall City of Melissa Charter Sections 5.02(2)(F), 5.04(1), 6.11, 6.16, 6.22, 9.02(3), 9.04(3), 15.02 and 15.07 be amended to modify or eliminate provisions that conflict with state law?

FOR THE MEASURE: \_\_\_\_\_ AGAINST THE MEASURE: \_\_\_\_\_

## **PROPOSITION G**

Shall City of Melissa Charter Sections 14.01, 14.08 and 14.09 be amended to incorporate and refer to State law regarding nepotism, conflicts of interest and gifts?

FOR THE MEASURE: \_\_\_\_\_ AGAINST THE MEASURE: \_\_\_\_\_

## **PROPOSITION H**

Shall City of Melissa Charter Section 3.04(1) be amended to clarify the authority of the Mayor as it relates to the power to veto and authority to sign contracts and other legal documents on behalf of the City?

FOR THE MEASURE: \_\_\_\_\_ AGAINST THE MEASURE: \_\_\_\_\_

## **PROPOSITION I**

Shall City of Melissa Charter Section 3.04(2) be amended to specify the time for electing the Mayor Pro-Tem and to provide that the Mayor Pro-Tem shall serve in such capacity until a majority of the City Council votes to elect a new Mayor Pro-Tem?

FOR THE MEASURE: \_\_\_\_\_ AGAINST THE MEASURE: \_\_\_\_\_

## **PROPOSITION J**

Shall City of Melissa Charter Section 6.14 be amended to specify the number of signatures required on a referendum petition?

FOR THE MEASURE: \_\_\_\_\_ AGAINST THE MEASURE: \_\_\_\_\_

## **PROPOSITION K**

Shall City of Melissa Charter Sections 5.02(2)(D) and 14.07 be amended to remove the requirement that candidates for elective City office and persons who hold an appointive or compensative position of the City shall not be in arrears in payment of taxes or other liabilities due the City after notice of any delinquency?

FOR THE MEASURE: \_\_\_\_\_ AGAINST THE MEASURE: \_\_\_\_\_

## **PROPOSITION L**

Shall the City of Melissa Charter be amended to add Section 11.08 to grant the City Council authority to make non-substantive revisions to the City Charter without obtaining separate approval of the voters in a Charter amendment election, authorizing non-substantive changes to be made to the Charter through the passage of an ordinance?

FOR THE MEASURE: \_\_\_\_\_ AGAINST THE MEASURE: \_\_\_\_\_

## **PROPOSITION M**

Shall City of Melissa Charter Sections 3.18 and 13.04 be amended to remove obsolete transitional provisions that are no longer necessary?

FOR THE MEASURE: \_\_\_\_\_ AGAINST THE MEASURE: \_\_\_\_\_

*[The remainder of this page intentionally left blank.]*