

# 2023 CHARTER AMENDMENT SUMMARY



On November 7, 2023 voters will be asked to vote on Propositions A - M which, if approved, would amend the City of Melissa City Charter. Here is a summary of each proposition.

## PROPOSAL A:

Shall the 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?

## DISCUSSION:

Currently, the Charter does not require any non-refundable filing fee or any petition requirement to file for a place on the ballot for elected public office for the City. The Texas Election Code and federal law require an option for a petition in lieu of a fee, if charged. The Commission recommends 50 valid signatures for a petition for a place on the ballot, which would be 5% of the most recent local turnout.

## PROPOSAL B:

Shall the 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?

## DISCUSSION:

Currently, Melissa cannot appoint to fill a vacancy, even if there is 12 months or less in the remaining term of a vacated office. In the event there is a vacancy and there is 12 months or less remaining on the respective term, the amendments proposed would allow for an appointment to be made by the City Council if there is 12 months or less, which is currently allowed by State law.

## PROPOSAL C:

Shall the 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?

## DISCUSSION:

Current State Law requires public notices such as zoning changes, public hearings, etc. to be run in the newspaper of record. The proposed changes would allow the City to use other authorized media for publications, but only if the law is changed.

## PROPOSAL D:

Shall the 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"?

## DISCUSSION:

Because the current Charter uses both terms interchangeably, this amendment would clear up any potential ambiguity that could lead to unnecessary disputes. A registered voter can become unqualified to vote if, for example, the voter moves outside the City or is convicted of a felony after registering to vote.

## PROPOSAL E:

Shall the 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?

## DISCUSSION:

This amendment consolidates the Initiative and Referendum section for clarity and to add that zoning ordinances and/or City planning documents are not eligible for Initiative and Referendum actions, as the prohibitions for what is the subject on an Initiative or Referendum question are the same.

## PROPOSAL F:

Shall the 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 eliminate provisions that conflict with state law?

## DISCUSSION:

The amendment would remove the Charter provisions that are no longer in accordance with current State Law

## PROPOSAL G:

Shall the 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?

## DISCUSSION:

The amendment would remove the Charter's detailed language regarding these topics and reference the regulations of State Law so that as these laws are strengthened or modified by State Law, they apply equally and consistently to the City of Melissa.

## PROPOSAL H:

Shall the 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?

## DISCUSSION:

To avoid any ambiguity about the Mayor's ability to veto, the proposed revision makes it clear that the power to veto is not included in Melissa's governing standards. Additionally, the current Charter language authorizing the Mayor to sign documents on behalf of the City after being authorized by the City Council does not correspond with the typical action where the Council authorizes the City Manager to sign on behalf of the City.

## PROPOSAL I:

Shall the City of Melissa Charter Section 3.04 (2) be amended to clarify 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?

## DISCUSSION:

The proposed revision attempts to make clear that the Mayor Pro Tem position is selected immediately after the General Election date that the Melissa Mayor and/or City Council Members are regularly elected. In Melissa's case, the Mayor Pro Tem would be selected in May of each year. The language also provides authority for Council to vote to replace the Mayor Pro Tem at any time, which arguably does not exist under the current language.

## PROPOSAL J:

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

## DISCUSSION:

The amended language makes it clear that the threshold is 10% of the total number of qualified voters in the City at the last regular City election, which mirrors the requirement in Section 6.13, Initiative. The petition requirement is a clarification that was inadvertently left out in the 2011 version.

## PROPOSAL K:

Shall the 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?

## DISCUSSION:

This type of limitation has been the subject of litigation in Texas, with cities most often being on the losing side. The Commission recommends removing it to avoid risk of a legal challenge on Equal Protection and other grounds.

## PROPOSAL 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?

## DISCUSSION:

To be very clear and transparent with the voters, "non-substantive" is specifically defined as the following: Renumbering, revising headings and rearranging parts thereof; and correcting errors in spelling, grammar, cross-references and punctuation.

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## PROPOSAL M:

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

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## DISCUSSION:

These sections were required when the Charter was originally adopted in 2011 to address when the provisions of the original Charter would take effect. This proposition would modify Section 3.18 and delete Section 13.04 in its entirety. It is important to restate that the amendment to Section 3.18 still requires the City Council to adopt, maintain, and enforce a Code of Ethics.



For more information on the  
Melissa Charter Amendment Election visit  
**[CityOfMelissa.com](https://www.cityofmelissa.com)**

**Early voting:**  
October 23 - November 3, 2023

**Election Day:**  
Tuesday, November 7, 2023