

NOTICE OF ELECTIONS

ELECTIONS WILL BE HELD MAY 12, 2007 IN ELECTION PRECINCT NO. 19 AT THE COMMUNITY CENTER BUILDING (408 N. ALISTER STREET, PORT ARANSAS, TEXAS) FOR THE PURPOSE OF: ELECTING THE FOLLOWING CITY OFFICIALS:

THREE COUNCIL MEMBERS PLACE 1, 3, & 5
 THE POLLS WILL REMAIN OPEN FROM 7 A.M. TO 7 P.M. ON ELECTION DAY MAY 12, 2007
 EARLY VOTING BY PERSONAL APPEARANCE WILL BE CONDUCTED EACH WEEKDAY AT :COMMUNITY CENTER 408 N. ALISTER STREET, PORT ARANSAS, TEXAS
 BETWEEN THE HOURS OF 8 A.M. AND 5 P.M. BEGINNING ON APRIL 30, 2007 THROUGH MAY 4, 2007, 9 A.M. TO 1 P.M. ON MAY 5TH AND 7 A.M. TO 7 P.M. ON MAY 7TH AND 8TH, 2007.

APPLICATIONS FOR BALLOT BY MAIL SHALL BE MAILED TO:
 ESTHER ARZOLA
 CITY OF PORT ARANSAS
 710 W. AVENUE A
 PORT ARANSAS, TEXAS 78373-4128
 DIANA T. BARRERA, COUNTY CLERK
 901 LEOPARD STREET/P. O. BOX 2627
 CORPUS CHRISTI, TX 78403
 APPLICATIONS FOR BALLOTS BY MAIL MUST BE RECEIVED NO LATER THAN THE CLOSE OF BUSINESS ON MAY 4, 2007

POR LA PRESENTE SE ORDENA QUE SE LLEVARIA A CABO UNA ELECCION EN EL PRECINTO ELECTORAL NUM. 19 EN EL EDIFICIO CENTRAL DE LA COMUNIDAD (408 N. ALISTER STREET-PORT ARANSAS, TEXAS) EL DIA 12 DE MAYO, 2007 CON EL PROPOSITO DE:
 ELEGIR: TRES (3) CONCEJALES - SITIO #1, 3, y 5
 LA VOTACION EN AUSENCIA EN PERSONA SE LLEVARA A CABO DE LUNES A VIERNES EN EL EDIFICIO DE LA COMUNIDAD
 408 N. ALISTER STREET
 PORT ARANSAS, TEXAS
 ENTRE LAS 8 A.M. DE LA MANANA Y LAS 5 P.M. DE LA TARDE EMPEZANDO EL DIA 30 DE ABIL, Y TERMINADO EL DIA 4 DE MAYO, 2007
 Y EL DIA 5 LAS 9 A.M. A 1 P.M., Y LOS DIAS 7 Y 8, 2007 DE LAS 7 A.M. Y TERMINADO A LAS 7 P.M.

EL SITIO DE VOTACION ES ABIERTO EL DIA 12 DE MAYO 2007 ENTRE LAS 7 A.M. Y TERMINADO A LAS 7 P.M. DE LA TARDE.
 LAS SOLICITUDES PARA BOLETAS QUE SE VOTARAN EN AUSENCIA POR CORREO DEBERAN ENVIARSE A:
 ESTHER ARZOLA
 CITY OF PORT ARANSAS
 710 W. AVENUE A
 PORT ARANSAS, TEXAS 78373-4128
 DIANA T. BARRERA, COUNTY CLERK
 901 LEOPARD STREET/P. O. BOX 2627
 CORPUS CHRISTI, TX 78403
 LAS SOLICITUDES PARA BOLETAS QUE SE VOTARAN EN AUSENCIA POR CORREO DEBERAN RECEBRIRSE PARA EL FIN DE LAS HORAS DE NEGOCIO EL DIA 4 DE MAYO, 2007

CLAUDE BROWN., MAYOR
 February 15, 2007

CITY OF PORT ARANSAS
 RESOLUTION NO. 2007 - 08
A RESOLUTION ORDERING AN ELECTION TO BE HELD ON MAY 12, 2007, IN THE CITY OF PORT ARANSAS FOR THE PURPOSE OF SUBMITTING AMENDMENTS TO THE PORT ARANSAS CITY CHARTER; DESIGNATING THE PLACE OF HOLDING SUCH ELECTION; NAMING THE OFFICERS THEREOF; PRESCRIBING THE FORM OF BALLOT; PROVIDING FOR NOTICES; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ARANSAS, TEXAS: RESOLUTION ARTICLE I.

That the City Council, pursuant to and in accordance with its Charter and Section 9.004 and Section 9.005, Texas Local Government Code, does hereby submit the following proposed amendments (designated Proposition 1 through and including 27 in Article II of this Resolution) to the Port Aransas City Charter to the legally qualified voters of the City at the City Election to be held on May 12, 2007. On Exhibit 1 hereto attached, said Exhibit being a copy of all provisions of the Charter proposed for Amendment, all words proposed to be omitted from present Charter provisions are designated by unbroken lines superimposed over words and all matter proposed to be added (new matter) is underscored by unbroken lines, the various provisions hereinafter designated to be amended to read as they appear on the said Exhibit with the omission of those words upon which there is superimposed an unbroken line. There appear at the end of some of the propositions Explanatory Notes@ which are in a different type from the propositions themselves, do not constitute part of the propositions, and are intended only to help explain the propositions.

RESOLUTION ARTICLE II. CHARTER AMENDMENT

Proposition 1. Shall Article III, Section 4 be amended to provide that the City Council or the City Manager can approve the payment or reimbursement of expenses incurred by Councilpersons in the performance of their duties? [Explanatory Note: The Charter now provides that only the Council has approval authority but does not give the Manager that authority.]
 Yes _____
 No _____

CHARTER AMENDMENT

Proposition 2. Shall Article III, Section 12(d) be changed to require that copies of proposed ordinances be made available to citizens at City Hall and to specify that a reading of

the caption is sufficient to qualify as a reading in all cases?
 Yes _____
 No _____

CHARTER AMENDMENT
 Proposition 3. Shall Article III, Section 13 be amended by eliminating the requirement that an emergency ordinance requires the vote of 5 Council persons? [Explanatory Note: The general rule of the Charter that 4 votes are required for any Council action would still apply.]
 Yes _____
 No _____

CHARTER AMENDMENT
 Proposition 4. Shall Article III, Section 14(c) be changed to (1) eliminate the requirement that a copy of every adopted ordinance and resolution be placed in a public library and (2) to add a requirement that a copy of every adopted ordinance and rate setting resolution be placed on the City website? [Explanatory Note: Copies of Ordinances and Resolutions are always available at City Hall upon request and they also fall under the Texas Open Records Act.]
 Yes _____
 No _____

CHARTER AMENDMENT
 Proposition 5. Should Article III, Section 15, which authorizes the Council to inquire into the conduct of employees and city departments and as part of such an inquiry to subpoena people and compel them to produce records and to punish by fine and contempt those who disobey, be changed by deleting the specific powers to subpoena people, compel production of records, and punish by fine or contempt those who disobey?
 Yes _____
 No _____

CHARTER AMENDMENT
 Proposition 6. Shall Article IV, Section 1(b) be amended to allow the Council to consider the performance of the City Manager as a factor in determining his compensation?
 Yes _____
 No _____

CHARTER AMENDMENT
 Proposition 7. Shall Article IV, Section 1(e)(7) be changed to give the City Manager 90 days instead of 60 days after the end of the fiscal year to submit to the Council an annual report, which includes an audit produced by an accounting firm of all the city's fund groups?
 Yes _____
 No _____

CHARTER AMENDMENT
 Proposition 8. Shall Article IV, Section 2(b)(3) be amended to require the City Secretary to keep and maintain records for the time required by State Law?
 Yes _____
 No _____

CHARTER AMENDMENT
 Proposition 9. Shall Article IV, Section 3(e) be changed to provide that the Municipal Court Clerk, being a city employee, is appointed by the City Manager rather than by the Municipal Court Judge?
 Yes _____
 No _____

CHARTER AMENDMENT
 Proposition 10. Shall Article IV, Section 5(a), (b), (e) and (f) be amended to provide that the City Manager rather than the Council has the power to appoint, remove and set compensation for the City Engineer and a new subpart (h) be added to provide that the Council, not the Manager, shall nevertheless continue to exercise such authority over the engineers now serving until they depart city service? [Explanatory Note: The Council has appointed the current City Engineers and as long as the City Engineers continue to serve in that capacity they will be under the direction of the Council. This proposition provides that when they are no longer serving as City Engineers the Manager shall, from that point forward, take over control of the City Engineer position[s]. This change is consistent with the Council Manager form of government.]
 Yes _____
 No _____

CHARTER AMENDMENT
 Proposition 11. Shall Article IV, Section 6(d) be amended to eliminate the specific contract term now required for tax assessor collector?
 Yes _____
 No _____

CHARTER AMENDMENT
 Proposition 12. Shall Article IV, Section 7(b) be amended to provide that the City Council can adopt personnel rules by resolution instead of by ordinance as is now required? [Explanatory Note: The change is intended to increase efficiency and to allow the Council to more quickly respond to personnel needs and issues.]
 Yes _____
 No _____

CHARTER AMENDMENT
 Proposition 13. Shall Article IV, Section 7(d) be amended to more clearly define those situations when the Council can compel City employee residency within the City and to give the Council authority to require minimum response times for civil emergencies?
 Yes _____
 No _____

CHARTER AMENDMENT
 Proposition 14. Shall Article V, Section 1(a) and (b) be amended to comply with State law regarding the date of special elections and to compel adherence to State law in the calling of same? [Explanatory Note: The present provision of the Charter is not in compliance with State law. This proposed amendment will bring the City into compliance with State law.]
 Yes _____
 No _____

CHARTER AMENDMENT
 Proposition 15. Shall Article V, Section 2(7) be amended to change the reference to the election date to comply with the date required by State law? [Explanatory Note: The present Charter provision is not in compliance with State law. This proposed amendment will bring the City into compliance with State law.]
 Yes _____
 No _____

CHARTER AMENDMENT
 Proposition 16. Shall Article VI, Section 5 be amended to provide that initiative, referendum and recall petitions require qualified voter signatures equal to 30% of the persons who voted in the last general municipal election and to give the petitioners 60 days instead of 30 days after filing an affidavit to secure the required signatures and file their petition?
 Yes _____
 No _____

CHARTER AMENDMENT
 Proposition 17. Shall Article VII, Section 4(b) be amended to clarify that emergency appropriations may be made by emergency ordinance on one reading and to delete the requirement of 5 votes? [Explanatory Note: The general Charter rule requiring 4 votes for any Council action would still apply.]
 Yes _____
 No _____

CHARTER AMENDMENT
 Proposition 18. Shall Article VII Section 4(b) be amended to increase from 10% to 30% of the tax levy the level of emergency appropriations which can be made by the Council in a year in the event of a disaster declaration by the governor? [Explanatory Note: This would allow the City to pay for expenses such as hurricane debris clearing while awaiting federal reimbursement.]
 Yes _____
 No _____

CHARTER AMENDMENT
 Proposition 19. Shall Article VII, Section 11 be amended to provide that depositor rules regarding interest on and security for deposits may be established by the Council by Resolution instead of requiring an ordinance?
 Yes _____
 No _____

CHARTER AMENDMENT
 Proposition 20. Shall Article VII, Section 11 be amended to provide that the City Manager be authorized to establish and oversee financial business protocols governing the procedures for withdrawal of money or disbursement of funds rather than requiring that the Council do so by ordinance?
 Yes _____
 No _____

CHARTER AMENDMENT
 Proposition 21. Shall Article VIII, Section 4 be amended to eliminate the requirement that the City must act by Ordinance to protect its liens and security interests securing taxes owed to it to allow the city to act more quickly and efficiently and prevent the loss of delinquent tax and fee revenue?
 Yes _____
 No _____

CHARTER AMENDMENT
 Proposition 22. Shall Article IX, Section 2(f) be amended to provide that the Library Board is to act as an advisor to the City Manager rather than the Council, as much of its business concerns the regular operations of the library? [Explanatory Note: This proposed amendment is consistent with the Council Manager form of government.]
 Yes _____
 No _____

CHARTER AMENDMENT
 Proposition 23. Shall Article IX, Section 2(f) be amended to eliminate the authority of the Library Board to supervise and govern the library and nominate the librarian? [Explanatory Note: This proposed amendment is intended to make this board's powers more consistent with that of other boards and with the Council-Manager form of government.]
 Yes _____
 No _____

CHARTER AMENDMENT
 Proposition 24. Shall Article IX, Section 2(f) be amended to provide that the City Manager, the Council, or the Chairman of the Library Board, can call meetings of the Library Board? [Explanatory Note: As now written, only the Council or Library Board Chairman can call a meeting.]
 Yes _____
 No _____

CHARTER AMENDMENT
 Proposition 25. Shall Article X, Section 2(b)(4) and Article VII Section 5(a) be amended to eliminate the requirement that the Planning & Zoning Commission submit annually to the City Manager its recommendations regarding capital improvements needed within the next 5 years and the requirement that the capital program presented by the Manager to the Council include the Planning & Zoning Commission's proposed capital program? [Explanatory Note: The Manager now submits a capital improvements plan annually to the City Council.]
 Yes _____
 No _____

CHARTER AMENDMENT
 Proposition 26. Shall Article XI be totally replaced with a new Article XI giving the City general authority regarding franchising? [Explanatory Note: This amendment makes the provision consistent with State and Federal law.]
 Yes _____
 No _____

CHARTER AMENDMENT
 Proposition 27. Shall Article XII, Section 31 be amended by adding a new provision granting the Council authority, in those cases where state or federal law clearly renders unlawful a provision of the Charter, the power to amend the Charter by Ordinance, to the extent necessary to eliminate the illegality?
 Yes _____
 No _____

RESOLUTION ARTICLE V.
 Absentee voting for the above designated election shall be held at the Community Center Building, 408 N. Alister, Port Aransas, Nueces County, Texas 78373. The place constituting the Absentee Voting Clerk's mailing address to which ballot applications and ballots voted by mail may be sent is 710 W. Avenue A, in the City of Port Aransas, Nueces County, Texas 78373 or Diana T. Barrera, 901 Leopard Street/P. O. Box 2627, Corpus Christi, TX 78403. The place of absentee voting shall remain open for at least eight (8) hours on each day of absentee voting which is not a Saturday, Sunday or an official state holiday, beginning on the 12th day and continuing through the fourth day preceding the date of said election except Saturday, May 5, 2007 hours are from 9:00 a.m. to 1:00 p.m. and Monday and Tuesday May 7 & 8, 2007 hours are from 7:00 a.m. to 7:00 p.m. Said place of voting shall remain open between the hours of 8:00 o'clock A.M. to 5:00 o'clock P.M. on each such day except as mentioned above. The Election Clerks of Absentee Voting shall be and are appointed to be Betsy Churgai and Bee Johnson.

RESOLUTION ARTICLE VI.
 Said election shall be held under the provisions of the Charter of the City of Port Aransas, Texas, the Constitution and Laws of said state, and the Voting Rights Act of 1965, and amendments thereto, insofar as they may be applicable.

RESOLUTION ARTICLE VII.
 The City Secretary is hereby directed and instructed to post a properly executed copy of the Order and Notice of this election at each of the polling places named above. Said Notice shall be posted not less than thirty (30) days before the date of such election and said notice shall be posted in both English and Spanish.

RESOLUTION ARTICLE VIII.
 The City Secretary is hereby directed and instructed to cause to be published a properly executed copy of the Order and Notice of this election in the official newspaper of general circulation published within said City on the same day of each of two (2) successive weeks, the date of the first publication to be not less than fourteen (14) days immediately preceding such election, and said Notice shall be published in both English and Spanish, and said Notice shall include a copy of all proposed amendments as reflected on Exhibit 1 hereto attached.

RESOLUTION ARTICLE IX.
 This Resolution shall take effect and be in full force and effect from and after the date of its passage, and it is so ordained, resolved and ordered.

RESOLUTION ARTICLE X.
 If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be unconstitutional, such holdings shall not affect the validity of the remaining portions of this Resolution.

PASSED, RESOLVED, APPROVED AND ADOPTED this 26th day of February, 2007.

CITY OF PORT ARANSAS
 BY _____
 The Hon. Claude Brown, Mayor

ATTEST:
 Esther Arzola, City Secretary

RESOLUTION EXHIBIT 1 PROVISIONS OF PORT ARANSAS CHARTER PROPOSED FOR AMENDMENT

ARTICLE III. THE CITY COUNCIL

Section 4. Compensation.
 Members of the city council shall serve without compensation; provided, however, that they shall be entitled to all necessary expenses incurred in the performance of their

RESOLUTION ARTICLE III.

RESOLUTION ARTICLE IV.

The election is hereby scheduled and set for May 12, 2007. The polling place shall be Voting Precinct No. 19 at Port Aransas Community Center in the City of Port Aransas, Nueces County, Texas. The polls shall be open from 7:00 o'clock A.M. until 7:00 o'clock P.M. on the day of the election. Voting shall be by voting machines.

The Election Judge shall be and is hereby appointed to be Maudina Bomarito and the Assistant Election Judge shall be and is hereby appointed to be Clara Wilbanks, both being duly qualified citizens and residents of the City of Port Aransas, Nueces County, Texas. The Election Judge shall appoint two Election Clerks and they are hereby authorized to aid and assist the Election Judge and The Assistant Election Judge.