

ORDINANCE NO. 26-002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARLIN, TEXAS, CALLING FOR AND ESTABLISHING THE PROCEDURES FOR A MAY 2, 2026, ELECTION FOR THE PURPOSE OF AMENDING THE HOME RULE CITY CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; PROVIDING AN OPEN MEETINGS CLAUSE; AND PROVIDING FOR RELATED MATTERS

WHEREAS, the City Council of the City of Marlin, Texas (the “City Council”) finds that the City of Marlin, Texas (the “City”) is a home rule city with a voter-approved City Charter; and

WHEREAS, the City Council finds that changes to the City Charter will be adopted if approved by a majority of qualified voters at an election held for that purpose in accordance with Article 11, Section 5 of the Texas Constitution, Chapter 52 of the Texas Election Code, and Section 9.005 of the Texas Local Government Code; and

WHEREAS, the City Council finds that Texas Local Government Code Section 9.004 provides that an election for amendments to the City Charter may be called by the City Council on its own motion; and

WHEREAS, the City Council finds that it appointed a Charter Commission functioning as a Charter Advisory Board (“Charter Commission”) which held public hearings so the residents of Marlin could provide recommendations into changes to the City Charter; and

WHEREAS, the City Council seeks to call an election to be held on **May 2, 2026**, for the purpose of providing the voters within the City of Marlin with the opportunity to enact the changes they recommended to the Charter Commission; and

WHEREAS, the City Council finds that the laws of the State of Texas further provide that the Election Code of the State of Texas is applicable to the elections, and an ordinance must be passed establishing the procedures to be followed in the election and designating the voting places for the election; and

WHEREAS, the City Council desires to call an election for proposed amendments to the Marlin City Charter with the ballot language contained herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLIN, TEXAS, THAT:

Section 1. Findings of Fact. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 2. Election. It is hereby ordered that a special election be held in the City of Marlin on May 2, 2026, in conformance with all applicable laws and as provided in this Ordinance, for the purpose of submitting to the voters certain proposed amendments to the Charter of the City of Marlin. All amendments obtaining a majority approval in the election shall be adopted into the City Charter.

Section 3. Propositions. At the election for consideration of proposed Charter amendments, the voters of the City of Marlin may vote FOR or AGAINST each of the following amendments to the City Charter of the City of Marlin, Texas listed in Exhibit A hereto.

Section 4. Ballots and Printed Materials. The official ballots, together with such other election materials as are required by the Texas Election Code, as amended, shall be printed in both English and Spanish languages and shall contain such provisions, markings, and language as required by law.

Section 5. Notice of Election. Notice of the election shall be given in the manner as provided in the Texas Election Code and the City Charter. The notice of election shall be posted on the bulletin board used for posting notice of meetings of the governing body at City Hall and at other locations required by state law not later than the twenty-first (21st) day before the election, and by publishing said notice of election in a newspaper of general circulation, not earlier than thirty (30) days not later than ten (10) days prior to said election. The City Secretary is authorized and shall give all notices required for the election.

Section 6. Conduct of Election. The City Secretary and his/her designees and appointees, and the election judges, alternate judges and clerks properly appointed for the election, shall hold and conduct the election for the City. The election shall be held and conducted in compliance with the City Charter and state law.

Section 7. Election Precincts and Election Day Polling Places. The City has one (1) election precinct and said election shall be at the following place in said City:

Election Precinct No. 1, Marlin City Hall
101 Fortune Street, Marlin, Texas 76661

Section 8. Designation of Polling Place(s). The polls at the designated polling place(s) shall on said Election Day to be opened from 7:00 A.M. to 7:00 P .M. in the Council Chamber of the Marlin City Hall at 101 Fortune Street, Marlin, Texas 76661. The City Secretary shall tabulate and provide the election returns for votes cast for the propositions presented to the voters to amend the City Charter.

Section 9. Early Voting.

(a) Early voting by personal appearance shall commence on Monday, April 22, 2026, and continue through Tuesday, April 29, 2026, and early voting polls shall remain open for the time specified by the Texas Election Code and the respective Elections Administrator.

(b) The period to apply for a ballot by mail is January 1, 2026 through April 20, 2026. An application for ballot by mail (ABBM) must be received by the Early Voting Clerk no later than the close of business on April 20, 2026.

(c) The period to apply for a federal postcard application (FPCA) is January 1, 2026, through April 20, 2026. An FPCA must be received by the Early Voting Clerk no later than the close of business on April 20, 2026.

(d) Early Voting Conducted by the City.

1. Early voting, both by personal appearance and by mail will be conducted by the City Secretary in accordance with the Texas Election Code for the qualified voters of the City residing in the City. The City Secretary is hereby designated and appointed as an Early Voting Clerk for the general election for qualified voters of the City.

2. Applications for ballot by mail for qualified voters of the City residing in the City shall be mailed to:

Maryann Waddle
City Secretary

Mailing and Physical Address:

101 Fortune Street

Marlin, Texas 76661

Telephone Number: (254)883-1450

Email Address: citysecretary@marlintx.net

Website: <https://marlintx.net/contact>

3. The main early voting location for qualified voters of the City is: the City Council Chambers in the Marlin City Hall located at 101 Fortune Street, Marlin, Texas 76661.

4. Early voting for qualified voters of the City shall be held at the dates, times, and location authorized by the City Secretary. Any early voting polling place may be added or changed by the City Secretary upon compliance with applicable law. Early voting by personal appearance shall only be conducted on one or more Saturdays or Sundays during the early voting period upon receipt of a written request submitted by at least 15 registered voters of the territory covered by the election as required by state law.

Section 10. Election Judges and Clerks. The presiding judges, alternate presiding judges and clerks for the election shall be selected and appointed by the City Secretary, respectively, in compliance with the requirements of state law, and are hereby designated and appointed election officers for the holding of said election and such appointments are approved. The presiding judges, alternate presiding judges and clerks shall perform the functions and duties of their respective positions that are provided by state law.

Section 11. City Secretary Assistance. The City Secretary is hereby authorized and instructed to contract with Falls County in the acquisition and furnishing of all election supplies and materials necessary to conduct the election. The City Secretary is further authorized to assist with the giving of notices required for the election, and to take such other and further action as is required to conduct the election in compliance with the Texas Election Code; provided that, pursuant to any applicable election services contracts, the City Secretary or the Elections Administrator, shall have

the duty and be responsible for organizing and conducting the election in compliance with the Texas Election Code; and for providing all services specified to be provided in any applicable election services contracts.

Section 12. Necessary Actions. The Mayor and the City Secretary of the City, in consultation with the City's Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code and the Federal Voting Rights Act in carrying out and conducting the Election, whether or not expressly authorized herein, including but not limited to making changes or additions to polling places, ballot language, or procedures to the extent required or desirable or as may become necessary due to circumstances arising after the date of this Ordinance. The City Manager is further authorized to give notice of the election as required by the Texas Election Code.

Section 13. General. The general election shall be held and conducted by the City in compliance With the Texas Election Code and, to the extent not inconsistent therewith, the City Charter, and only resident qualified voters of the City shall be eligible to vote at the election. The Election Officers are hereby authorized and instructed to provide and furnish all necessary election supplies, materials, and equipment to conduct said election. Returns of the election shall be made known as soon as possible after the closing of the polls; and the election returns shall be canvassed by the City Council not earlier than May 5, 2026, nor later than May 13, 2026.

Section 14. Authorization to Execute. The Mayor is authorized to execute, and the City Secretary is authorized to attest this Ordinance on behalf of the Council; and the Mayor is authorized to do all other things legal and necessary in connection with the holding and consummation of the Election.

Section 15. Effective Date; Election Code; Preamble. This ordinance shall be in full force and effect from and after its passage on the date shown below; provided that if any term or provision of this Ordinance conflicts with, or is inconsistent with, the Texas Elections Code, the Texas Election Code shall govern, and control and the City Secretary shall comply with the Texas Elections Code. The recitals contained in the preamble are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes as part of the findings of Council.

Section 16. Emergency. Due to the urgent and significant impact of this Ordinance and the upcoming election, an emergency exists requiring immediate action without consideration at a second meeting pursuant to Section 2.11 of the Marlin City Charter.

Section 17. Severability. If any provision of this Ordinance is held invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions of this Ordinance.

Section 18. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code.*

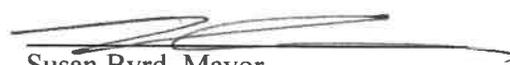
PASSED AND APPROVED on the 10th day of February 2026 with 6 AYES, 0 NAYES, and 0 ABSTENTIONS.

ATTEST:

CITY OF MARLIN, TEXAS



Maryann Waddle, City Secretary



Susan Byrd, Mayor
City of Marlin, Texas

EXHIBIT "A"

PROPOSITIONS FOR CHARTER AMENDMENT ELECTION

PROPOSITION A

Shall the Marlin City Charter be amended to include a Preamble?

This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

We the people of the city of Marlin under the constitution and laws of the State of Texas, in order to secure the benefits of local self-government and to provide for an honest and accountable government, do hereby adopt this charter and confer upon the city the following powers, subject to the following procedures and governmental structure. By this action, we secure the benefits of home rule and affirm the values of representative democracy, professional management, strong political leadership, public engagement, diversity and inclusiveness and regional cooperation.

PROPOSITION B

Shall Section 1.05 of the Marlin City Charter be amended to be divided into Sections 1.05 and 1.06 and provide clarity to the public regarding the authority of the City using the language below?

This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

~~The city shall have all of the powers granted to cities by the Constitution and laws of the State of Texas, together with all of the implied powers necessary to execute such granted powers. The city may use a corporate seal; may sue and be sued; may contract and be contracted with; may cooperate with the government of the State of Texas or any agency or political subdivision thereof; or with the Federal government or any agency thereof; to accomplish any lawful purpose for the advancement of the interest, welfare, health, morals, comfort, safety and convenience of the city and its inhabitants; may acquire property within or without its corporate limits for any municipal purpose in fee simple, or in any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and, subject to the provisions of this charter, may sell, lease, mortgage, hold, manage, improve, and control such property as may now or hereafter to be owned by it; may adopt ordinances and enact such regulations as may be expedient for the maintenance of good government, order and peace of the city and the welfare, health, morals, comfort, safety and convenience of its inhabitants. In addition to the powers enumerated herein, and subject only to the limitations imposed by the State Constitution, the laws of the State of Texas, and this~~

~~charter, the city shall have, without the necessity of express enumeration in this charter, each and every power which, by virtue of Article XI, Sec. 5 of the Constitution of Texas, the people of the city are empowered by election to grant or confer upon the city by expressly and specifically granting and enumerating the same herein.~~

City of Marlin shall have the power to ordain and establish such acts, laws, rules, regulations, resolutions, ordinances, not inconsistent with the Constitution and the laws of the State of Texas and of this Charter, as shall be needed for the government, interests, health, welfare and good order of the City of Marlin and its inhabitants. Under the name of the City of Marlin it shall be known in law and have succession and be capable of contracting and being contracted with; suing and being sued; impleading and being impleaded; answering, and being answered into, in all courts and tribunals, and in all amounts whatsoever, or which shall be subject to the laws of the State of Texas, or which shall hereafter be passed; may require, have and use a corporate seal, and change the same at pleasure.

(1) Rights Reserved All suits, taxes, penalties, fines, forfeiture, and all other rights claims and demands, of every kind and character, which have accrued under the laws in favor of said city, heretofore in force governing the same, shall belong to and vest in favor of said city, heretofore in force governing the same, shall belong to and vest in said city and shall not abate by reason of the adoption of this Charter, and shall be prosecuted and collected for the use and benefit of said City of Marlin and shall not be in any manner affected by the taking effect of this charter; but as to all of such rights, the laws under which they shall have accrued shall be deemed to be in full force and effect.

(2) Local Self-Government The City of Marlin shall possess and may exercise the full power of local self-government. It may hold, by gift, deed, devise, or otherwise, any character of property, including any charitable or trust fund, and subject to and within the limits of superior law may act in perpetual succession as a body politic.

Sec. 1.06. Other Powers

The following are hereby especially enumerated and referred to as being among the other powers which are hereby conferred upon, and which may be exercised by the City of Marlin, to-wit.

(1) All of the powers conferred upon cities and towns by applicable law, except as may hereafter be denied, limited, or extended, are hereby conferred upon the City of Marlin as fully and completely as if such powers were herein separately enumerated.

(2) All powers, privileges and immunities conferred upon cities of more than five thousand inhabitants by applicable law and such powers are hereby conferred upon the City of Marlin as fully and completely as if each of said mentioned powers were herein separately enumerated; but enumeration of special powers herein, or in the Statutes referred to, shall not be held or construed to preclude the city from exercising all powers of local government

not inhibited by the Constitution and Laws of the State of Texas .or by special limitations in this Charter contained, the purpose of this Charter being to enlarge upon the power extended by the general laws of cities incorporated thereunder, and to secure to the City of Marlin all the powers conferred by the Constitution and Laws of this State upon cities having more than five thousand inhabitants.

PROPOSITION C

Shall Section 2.01(2) and 2.01(4) of the Marlin City Charter be amended to change the term limits for all City Council members, including the Mayor, to six consecutive years and three consecutive terms?

This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 2.01

(2) The term of each council member shall be from the date he/she is elected from that same council precinct at the general municipal election two years later. No precinct council member shall serve more than the lesser of ~~four~~ six consecutive years or ~~two~~ three consecutive terms with the terms of office served prior to the passage of this Charter being included in this computation.

(4) This limitation on number of terms shall be involved not only if a council member runs for the same council place but even if he/she should change from one council precinct to another, including a change from or to the council precinct for the Mayor. A term as used in this paragraph [subsection] shall include any period of service during a council term when that period is in excess of one year, and shall include a term from which the precinct council member resigned; however, a period of service of less than one year shall not be included in the "~~two-three~~ consecutive terms" or "~~four-six~~ consecutive years" limitation, or as Mayor ~~in the "three consecutive terms" or "six consecutive years" limitation.~~

PROPOSITION D

Shall Section 2.01(4) of the Marlin City Charter be amended to provide that the term limitations do not apply if council members transition to being Mayor?

This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 2.01 Qualifications

(4) This limitation on number of terms shall ~~be involved not only~~ apply to both Mayor and City Council, and applies if a council member runs for the same council place ~~but even and~~ if he/she should change from one council precinct to another, ~~including unless there is a change from or to the a council precinct for to~~ the Mayor. A term as used in this paragraph [subsection] shall include any period of service during a council term when that period is in excess of one year, and shall include a term from which the precinct council member resigned; however, a period of service of less than one year shall not be included in the "two consecutive terms" or "four consecutive years" limitation, or as Mayor in the "three consecutive terms" or "six consecutive years" limitation.

PROPOSITION E

Shall Section 2.06(a) of the Marlin City Charter be amended to provide that determination of mental or physical disability of a councilmember may be made after certification of two licensed professionals qualified to make such determinations under the laws of the State of Texas instead of requiring two physicians qualified to practice medicine?

This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 2.06 Vacancies; Forfeiture and Filing Vacancies

(a) Vacancies: A Council member's office, including that of Mayor, shall become vacant upon such person's death, mental or physical disability, resignation, removal from office in any manner authorized by law, or forfeiture of office. Determination of mental or physical disability shall be made by the remaining members of the Council upon the certificate of two ~~physicians~~ licensed professional qualified to ~~practice medicine in~~ make such determination under the laws of the State of Texas.

PROPOSITION F

Shall Section 2.06(b) and Section 2.10 of the Marlin City Charter be amended to compile all forfeiture rules in Section 2.06(b) and expand those rules as provided in the language below?

This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 2.06 Vacancies; Forfeiture and Filing Vacancies

(b) Forfeiture: A member of the Council, including the Mayor, shall forfeit office upon:

1. Failure to comply, at any time during their current term of office, with any qualifications for the office prescribed by this Charter or by applicable law.
2. Violation of the provisions of this Charter regarding conflicts of interest while in office,
3. Failure to attend three regular meetings in their entirety without good cause and proper notice to the City Secretary.
 - a. Good cause may be illness, temporary disability, absence from the country, military service, physical or mental health emergency, family emergency (including illness or death of an immediate family member), bereavement, jury duty, court-mandated appearances, religious observations, extreme weather or natural disaster, approved civic or official duties representing the city or urgent business matters.
 - b. Proper notice shall be provided to the City Secretary, or in their absence, the Mayor, as soon as practicable, preferably at least 24 hours prior to the meeting. Notice may be given in writing (via email, letter or designated form) or verbally (via phone or in person, with written confirmation provided within 48 hours after the meeting in the case of a verbal notice. Notice shall include the date of the meeting(s) to be missed and a brief statement of the reason for absence. In cases of emergency, notice shall be provided as soon as possible, ideally within 48 hours after the meeting. The City Secretary may request reasonable documentation to verify good cause, if necessary.
4. Conviction in any court during their term of office of:
 - (a) A felony,
 - (b) A Class A or Class B misdemeanor, or
 - (c) A crime involving moral turpitude.
5. Appeal Process: A council member subject to forfeiture under subsections (b)(1), (b)(2) or (b)(3) may appeal the decision by requesting a hearing before City Council within seven (7) days of receiving notice of forfeiture. At this hearing, the council member may present evidence and arguments, and the City Council shall review the circumstances and vote to uphold or reverse the decision by a majority vote of those present and voting. For forfeiture under subsection (b)(4), a council member may request a review within seven (7) days of receiving notice to verify the fact or classification of the conviction, but the City Council shall not reconsider the validity of the conviction itself.
 - ~~(1) Final conviction of a felony or offense involving moral turpitude;~~
 - ~~(2) Ceasing to be a resident of the City. Council members elected from the first four positions, ceasing to reside in the precincts from which they were elected;~~
 - ~~(3) Failure to regularly attend council meetings without good cause. Good cause shall be illness, temporary disability, absence from the country, physical emergency or urgent business matters. There shall be a presumption of regular failure to attend when more than three consecutive regular meetings are missed.~~

Sec. 2.10 Rules of Procedure and Conduct

- ~~(d) A Councilmember and or Mayor forfeits his or her office if the Councilmember:~~
- ~~(1) fails to comply with, at any time during his or her current term of office, any qualifications for the office prescribed by this Charter or by State law;~~
 - ~~(2) is convicted in any court during his or her current term of office of (a) a felony, (b) a Class A or Class B misdemeanor, or (c) a crime involving moral turpitude;~~
 - ~~(3) violates the provisions this Charter regarding conflicts of interest while in office; or~~
 - ~~(4) fails to attend three consecutive regular Council meetings without being excused by the Council.~~

PROPOSITION G

Shall Section 2.06(c) of the Marlin City Charter be amended to provide that different rules for filling vacancies depending on if they are over or under 12 months as authorized by Article XI, Section 11 of the Texas Constitution?

This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 2.06 Vacancies; Forfeiture and Filing Vacancies

(c) Filling Vacancies:

A single vacancy upon the Council, including the Mayor, shall be filled for ~~an~~ the unexpired term of 12 months or less within thirty days of the occurrence of the vacancy by a majority vote of the remaining members of the Council, ~~or the Council may call a special election.~~ If the Council does not fill any such vacancy within thirty days, the Council, at the next regular meeting after such thirty days, shall call a special election within ninety (90) days to fill the vacancy.

If a single vacancy upon the Council, including Mayor, occurs for an unexpired term of greater than 12 months, the Council shall call a special election within ninety (90) days, or as required by applicable law.

When two or more ~~than one~~ ~~vacancy shall~~ vacancies exist at any one time, a special election shall be called by the Council within thirty days following the occurrence of the last vacancy to fill the unexpired terms of the vacancies.

PROPOSITION H

Shall Section 2.10 of the Marlin City Charter be amended to require both initial training and continued education for all members of City Council?

This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 2.10 Rules of Procedure and Conduct.

Council members shall complete the Open Meetings Act Training within 90 days of taking office and shall adhere strictly to the rules outlined therein. An additional six (6) hours of Continuing Education applicable to established duties shall be completed each year of tenure. Documentation of such training shall be maintained on file with the City Secretary and reviewed annually. Failure to comply shall result in discipline as hereinafter set out.

PROPOSITION I

Shall Section 2.10 of the Marlin City Charter be amended to create an Executive Team and identify procedures related to that team?

This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

A Council Member shall not have the direct authority to manage or issue direction to City employees or contacting City employees for information. All inquiries regarding city-related business or information ~~inquired matters~~ shall be directed to the City Manager and or other members of the Executive Team ~~of the four department heads~~ that are hired or fired by the council. The Executive Team, for the purposes of this Charter, consists of the:

1. City Secretary,
2. Police Chief,
3. City Manager,
4. Fire Chief,
5. Municipal Judge, and
6. City Attorney

Council Members shall redirect current city employees to the appropriate Executive Team member should they be contacted directly regarding any city-related business or issues.

PROPOSITION J

Shall Section 2.10 of the Marlin City Charter be amended to rules of conduct for City Council members and consequences for violations of those rules?

This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Council Members shall adhere to the Marlin City Council Members Code of Conduct and Code of Ethics.

Council Members found to be acting contrary to above paragraphs (a) – (h) may face sanctions. These sanctions may include, but are not limited to:

1. Loss of Committee Assignments – A Council Member can lose committee assignments for infractions of the code of ethics or code of conduct. A majority vote of the present and voting members is required.
2. Official Travel Restrictions – A Council Member can have official travel restricted for serious infractions of the code of ethics or code of conduct. A majority vote of the present and voting members is required.
3. Reprimand or Censure – A Council Member can be privately or publicly reprimanded or formally censured for intentionally and repeatedly failing to follow proper rules of procedure or conduct. A majority vote of the present and voting members is required.
4. Suspension from Office – Pending charges for misconduct as set out above, a Council Member may be suspended from office for up to 30 days. A majority vote of the present and voting members is required.
5. Removal – A Council Member may be removed from office for gross misconduct, moral turpitude, incompetency or malfeasance. The Council Member may be removed by a resolution approved by the majority of the present and voting membership of the City Council. Such a resolution shall set forth the reasons for the proposed removal. A copy of such a resolution shall be served immediately upon the Council Member. The Council Member shall have fifteen days in which to reply thereto in writing, and upon request, shall be afforded a public hearing, which shall occur not earlier than ten days nor later than fifteen days after such a hearing is requested. After the public hearing, if one is

requested, and after full consideration, the City Council by a majority vote of the present and voting members may adopt a final resolution of removal.

PROPOSITION K

Shall Article II of the Marlin City Charter be amended to provide procedures to require that newly elected members of City Council must be sworn in as the first item of business at the next City Council meeting?

This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Seating new members.

Each newly elected City Council Member, including the Mayor, shall take the oath of office and be officially sworn into their position as the first item of business at the next meeting of City Council after the election results are officially canvassed and declared.

PROPOSITION L

Shall Article II of the Marlin City Charter be amended to authorize the City Council to investigate City affairs and take other actions as may be necessary for any investigations, such as administering oaths, compelling witness attendance, and subpoenaing documents?

This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Investigations and Subpoenas.

The City Council shall have the power to adopt ordinances permitted the City Council to inquire into and investigate affairs of the City and the conduct of any City department, board, officer, employee, or contractor. For purposes of an authorized investigation, the ordinance may provide that City Council may administer oaths, compel the attendance and testimony of witnesses, and require the production of books, papers, records, and other evidence by subpoena and include provisions for penalties for contempt in failing or refusing to obey orders issued by the City Council as authorized by such ordinance.

PROPOSITION M

Shall Article II of the Marlin City Charter be amended to provide that issues regarding the interpretation or application of the Marlin City Charter should be submitted to City Council?

This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

City Charter Interpretation

As a matter of City governance and administration, questions regarding the interpretation or application of this Charter shall first be submitted to the City Council for determination.

PROPOSITION N

Shall Section 3.01 of the Marlin City Charter be amended to provide rules governing the position of City Manager?

This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 3.01 City Manager.

~~(a) The Council may appoint a City Manager who shall serve at the pleasure of the Council. The City Manager shall have such authority and responsibilities as may be designated and given by the Council.~~

(a). Appointment; Qualifications; Compensation.

The City Council, by a majority vote of its total membership, shall appoint a city manager and fix the manager's compensation. The city manager shall be appointed solely based on education and experience in the accepted competencies and practices of local government management. Attention should be given to how the city manager expresses support for and enacts social equity. The manager need not be a resident of the city or state at the time of appointment but may reside outside the city while in office only with the approval of the council.

(b) Acting City Manager.

(1) During the manager's temporary absence or disability, when the office of the city manager is vacant, or when the city manager is unable to act or refuses to act, the City Council shall appoint an acting city manager and shall discuss and act upon compensation for any period over thirty (30) days.

(2) When acting in place of the city manager, the acting city manager shall have all the powers and duties of the city manager and be subject to all of the limitations and restrictions placed upon the city manager

(c). Powers and Duties of the City Manager.

The city manager shall be the chief executive officer of the city, responsible to the council for the management of all city affairs placed in the manager's charge by or under this charter. The city manager shall:

(1) Appoint and suspend or remove all city employees except as otherwise provided by applicable law, the Executive Team specified in this charter, or personnel rules adopted pursuant to this charter. The city manager may authorize any administrative officer subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;

(2) Direct and supervise the administration of all departments of the city, except as otherwise provided by this charter or by applicable law;

(3) Attend all City Council meetings. The city manager shall have the right to take part in discussion but shall not vote;

(4) See that all laws, provisions of this charter, and acts of the City Council, subject to enforcement by the city manager or by officers subject to the manager's direction and supervision, are faithfully executed;

(5) Prepare and submit the annual budget and capital program to the City Council, and implement the final budget approved by council to achieve the goals of the city;

(6) Submit to the City Council and make available and accessible to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;

(7) Make available and accessible such other information as the City Council may require concerning operations;

(8) Keep the City Council fully advised as to the financial condition and future needs of the city;

(9) Make recommendations to the City Council concerning the affairs of the city and

facilitate the work of the City Council in developing policy;

(10) Provide staff support services for the mayor and council members;

(11) Assist the council to develop long-term goals for the city and strategies to implement these goals;

(12) Encourage and provide staff support for partnerships with community organizations and for regional and intergovernmental cooperation and equitable programming;

(13) Promote partnerships among council, staff, and community members in developing public policy and building a sense of community; and

(14) Perform such other duties as are specified in this charter or may be required by the City Council.

(d). Interference by City Council Prohibited

Neither the City Council nor any of its committees or members shall dictate the appointment of any person to, or removal from, office or employment or discipline by the City Manager or any of the City Manager's subordinates or in any manner interfere in the appointment or removal or discipline of employees under the City Manager's authority. Except for the purpose of inquiries and investigations, unless otherwise provided in this Charter, the City Council and Members of City Council shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the City Council nor Members of City Council shall give orders to any such officer or employee, either publicly or privately.

PROPOSITION O

Shall Section 7.07 of the Marlin City Charter be amended to provide that emergency appropriations of funds to meet a pressing need for public expenditures should be passed not by an affirmative vote of five council members but by a majority vote of councilmembers present and voting?

This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 7.07. Emergency Appropriations.

At any time in any fiscal year, the Council may, pursuant to this section, make emergency appropriations to meet a pressing need for public expenditure, for other than regular recurring requirements, to protect the public health, safety or welfare. Such appropriation shall be by ordinance adopted by the affirmative majority vote of five Council members those present and voting. Should the unappropriated and unencumbered revenues, income and available

funds of the City for such fiscal year be insufficient to meet the expenditures under the appropriation authorized by this section, thereby creating a deficit, the Council shall include the amount of such deficit in its budget for the following fiscal year, during which such deficit shall be paid off and discharged.

PROPOSITION P

Shall Section 9.08 of the Marlin City Charter be amended to provide that a Board of Equalization member requirements be changed to require a minimum of five (5) members and a maximum of seven (7) members?

This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 9.08. Other Rules and Regulations.

Except as otherwise provided by law or by this Charter, the Council shall have the power to provide by ordinance or contract for the collection of all taxes, and to make such rules, regulations and mode of procedure to enforce the collection by and payment to the City, through either the City's Tax Assessor and Collector, or through the County's Tax Assessor-Collector. So long as law provides for the central appraisal of property by the county office and employees, then appraisal of property within the City shall be done by said central appraisal office; but in the event it should ever become necessary for the City to appraise its own property, then it shall have the power under this Charter to do so. Such power shall include, but not be limited to, the appointment by the Council of a Board of Equalization of not less than ~~three~~ five (5) more than ~~five~~ seven (7) members, and the Council shall have the power to establish rules and procedures for such a Board.

PROPOSITION Q

Shall Section 11.03 of the Marlin City Charter be amended to provide rules for when and how the City Charter will be reviewed and amended?

This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec. 11.03 Amendment of the Charter.

The Charter shall be reviewed every two (2) years for amendments. Amendments to this Charter may be made in the following manner:

(a) In the event amendment is necessitated by a preemptive state or federal law, by statute, court decision or administrative action, and such preemptive law or regulation is mandatory in its governance of this City, despite any action by the voters either for or against such a proposed amendment, then, and only in such event, shall the City Council itself act to amend the Charter by ordinance. Upon the passage of such ordinance, a copy thereof, certified by the City Secretary and filed with a copy of this Charter, shall be forwarded to the Secretary of State for filing, as well as certified copies of such ordinance being filed with other appropriate offices.

(b) In all other instances, except those set forth in Section 11.05 which follows, proposed amendments shall be formulated by ~~or presented to a Charter Advisory Board committee representing a cross-section~~ comprised of the volunteer community members, to be appointed by the Council in a number, and for a term, to be determined by City Council. The council shall issue public notice to the community of the formation of the committee and request volunteers apply. Said committee shall make a report to the Council, which shall thereafter confer with legal counsel and vote as to the submission of the amendment(s) at the next reasonable date among the uniform election dates, at which time the amendment(s) shall be submitted to the voters for adoption in compliance with applicable law.

PROPOSITION R

Shall Section 11.05 of the Marlin City Charter be amended to provide greater clarity as to the types of amendments the City Council can make to the City Charter and clarify that those changes may not have a legal effect on the Charter provisions.

This proposition would amend the specifically listed sections and subsections below as indicated with underlined words being amended additions and words struck through being amended deletions. The remainder of the sections and subsections with no listed amendments remain unchanged and in full force and effect unless expressly amended by another proposition passed during the same election.

Sec.11.05. Rearrangement and Renumbering.

The Council shall have the power, by ordinance, to make non-substantive revisions to this Charter to: (1) correct typographical, grammatical, punctuation, numbering, or cross-reference errors; and (2) to amend, reformat, or reorganize provisions for clarity, provided that no such revision changes the meaning, intent, or legal effect of any Charter provision. ~~renumber and rearrange all articles, sections and paragraphs of this Charter, or any amendments thereto, and to correct any typographical errors or incorrect reference or term,~~ and, upon the passage of such ordinance, a copy thereof, certified by the City Secretary and filed with a copy of this Charter,