

NOTICE OF SPECIAL ELECTION

TO THE REGISTERED VOTERS OF THE CITY OF BRYAN, TEXAS:

Notice is hereby given that the vote centers listed below will be open from 7:00 a.m. until 7:00 p.m. on November 7, 2017, for voting in a special election on 13 proposed amendments to the Bryan City Charter, listed in Exhibit A, attached hereto and made a part of this Notice of Special Election for all intents and purposes as if set forth verbatim herein. City of Bryan registered voters can vote at any of the following polling places.

LOCATIONS OF POLLING PLACES (VOTE CENTERS)

Beacon Baptist Church, 2001 East Villa Maria Road, Bryan
Brazos Center, 3232 Briarcrest Drive, Bryan
Brazos County Administration Building, 200 South Texas Avenue, Bryan
First Baptist Church, 3100 Cambridge Drive, Bryan
Arena Hall, 2906 Tabor Road, Bryan
Lincoln Center, 1000 Eleanor, College Station
Memorial Student Center, Joe Routh Boulevard, Texas A&M University Campus, College Station
College Station ISD Administration Building, 1812 Welsh, College Station
Bryan Ballroom, 703 Palasota Drive, Bryan
Parkway Baptist Church, 1501 Southwest Parkway, College Station
College Station City Hall, 1101 Texas Avenue, College Station
Wellborn Community Center, 4119 West Greens Prairie Road, College Station
Smetana Fire Station, 3098 Fazzino Road, Bryan
Precinct 4-Brushy Volunteer Fire Department, 6357 Raymond Stotzer Parkway, College Station
Zion Church of Kurten, 977 North FM 2038, Kurten
Millican Community Center, 22284 Pierce Street, Millican
Church of the Nazarene, 2122 East William Joel Bryan Parkway, Bryan
Castle Heights Baptist Church, 4504 State Highway 21 East, Bryan
Living Hope Baptist Church, 4170 State Highway 6 South, College Station
Aldersgate Methodist Church, 2201 Earl Rudder Freeway South, College Station
Fellowship Freewill Baptist Church, 1228 West Villa Maria Road, Bryan
Christ United Methodist Church, 4201 State Highway 6 South, College Station
St. Francis Episcopal Church, 1101 Rock Prairie Road, College Station
Galilee Baptist Church, 804 North Logan, Bryan
College Heights Assembly of God, 4100 Old College Road, Bryan
George Williams Tabernacle, 1216 Eureka, Bryan

Early voting by personal appearance will be conducted by the Office of the Brazos County Elections Administrator as follows: October 23-27, 2017, Monday-Friday, 8:00 a.m. - 5:00 p.m.; October 30-November 1, 2017, Monday-Wednesday, 8:00 a.m. - 5:00 p.m.; and November 2-3, 2017, Thursday-Friday, 8:00 a.m. - 8:00 p.m. Early voting will be conducted at the following locations: Brazos County Administration Building, 200 South Texas Avenue, Bryan, Texas; Arena Hall, 2906 Tabor Road, Bryan, Texas; Galilee Baptist Church, 804 North Logan, Bryan, Texas; College Station Utilities Meeting and Training Facility, 1603 Graham Road, College Station, Texas; and Memorial Student Center, Joe Routh Boulevard, Texas A&M University, College Station, Texas.

Applications for mail ballots must be received by 5:00 p.m., on October 27, 2017, addressed to Brazos County Election Administrator's Office, 302 East 24th Street, Bryan, Texas 77803; telephone 979-361-5570; fax 979-361-5779; email thancock@brazoscountytexas.gov.

Issued this 9th day of August, 2017.

Andrew Nelson, Mayor, City of Bryan
On Behalf of the Bryan City Council

EXHIBIT A

PROPOSITION A

Shall Section 1 of the Bryan City Charter entitled "Establishment and corporate powers" subsection (a)(12) be amended to add the words "and structures" to the City's regulation of the construction of buildings as is currently allowed by state law?

It is estimated there would be no financial impact to the City of Bryan should Proposition A pass.

PROPOSITION B

Shall Section 5 of the Bryan City Charter entitled "City Council", subsection (g), be amended to change the requirement of regular city council meetings from twice a month to at least once a month, and providing additional meetings may be called by the mayor or a majority of the City Council?

It is estimated the City of Bryan would save \$19,595.16 per year should Proposition B pass.

PROPOSITION C

Shall Section 5 of the Bryan City Charter entitled "City Council", subsection (j) "Duties", subsection (j)(1)(a)2, be amended to require agenda items requested by any two Councilmembers to be placed on the agenda according to the Council's established agenda order?

It is estimated there would be no financial impact to the City of Bryan should Proposition C pass.

PROPOSITION D

Shall Section 5 of the Bryan City Charter entitled "City Council", subsection (j) "Duties", subsection (j)(1)(a)3, be amended to allow for the annual establishment of city council meeting rules and procedures, and absent such an ordinance, the provisions in the Charter regarding conducting meetings shall apply by default?

It is estimated there would be no financial impact to the City of Bryan should Proposition D pass.

PROPOSITION E

Shall Section 5 of the Bryan City Charter entitled "City Council", subsection (l) (4) "Duties of the mayor", be amended to remove from the mayoral duties the power to administer oaths since this subsection is not in compliance with state law?

It is estimated there would be no financial impact to the City of Bryan should Proposition E pass.

PROPOSITION F

Shall Section 5 of the Bryan City Charter entitled "City Council", subsection (l) (6) "Duties of the mayor", be amended to remove from the mayoral duties the power to punish for contempt of City Council and to enforce fines since the current wording is not supported by state law?

It is estimated there would be no financial impact to the City of Bryan should Proposition F pass.

PROPOSITION G

Shall Section 5 of the Bryan City Charter entitled "City Council", subsection (r)(1) "Councilmember independence", be amended to define the degree of relationship of a city councilmember to a person for appointment or employment by the City Council to a paid position to comply with state law, and to exclude election workers whose appointments are governed by the Texas Election Code?

It is estimated the City of Bryan would save \$970 per year should Proposition G pass.

PROPOSITION H

Shall Section 5 of the Bryan City Charter entitled "City Council", subsection (r)(2) "Councilmember independence", be amended to delete vague language by eliminating the term "prestige" of a city official's position and substituting the term "title" of a city official's position, for clarity?

It is estimated there would be no financial impact to the City of Bryan should Proposition H pass.

PROPOSITION I

Shall Section 5 of the Bryan City Charter entitled "City Council", subsection (r)(3) "Councilmember independence", be amended by deleting wording on discussion by or vote of a councilmember of an agenda item involving a campaign donor to instead read that elected city officials and candidates shall comply with state law as set out in the Fair Campaign Practices Act and the Texas Election Code?

It is estimated the City of Bryan would save \$60 per year should Proposition I pass.

PROPOSITION J

Shall Section 9 of the Bryan City Charter entitled "Ordinances", subsections (a) and (c) be amended to reflect that ordinance adoption requires one reading except where state law requires two readings?

It is estimated the City of Bryan would save \$4,853.78 per year should Proposition J pass.

PROPOSITION K

Shall Section 12 of the Bryan City Charter entitled "Finance, annual budget, taxation and fees", subsection (a) be amended to change the title of the Chief Finance Officer to Chief Financial Officer to reflect industry standards?

It is estimated there would be no financial impact to the City of Bryan should Proposition K pass.

PROPOSITION L

Shall Section 16 of the Bryan City Charter entitled "Utilities; streets, avenues, alleys and highways; public works", subsection (a) be amended to change the word "light" to "electric" to modernize language?

It is estimated there would be no financial impact to the City of Bryan should Proposition L pass.

PROPOSITION M

Shall Section 7 of the Bryan City Charter entitled "Elections", subsections (h)(1) and (2) be amended to change the hyphenated word "run-off" to "runoff" to correct the spelling to conform with the Texas Election Code?

It is estimated there would be no financial impact to the City of Bryan should Proposition M pass.

PROPOSED CITY CHARTER AMENDMENTS SUBSTANTIVE TEXT CHANGES

Only the sections or paragraphs proposed for amendment are presented below. Sections and paragraphs not included in this exhibit remain unchanged.

Sec. 1. Establishment and Corporate Powers.

(a) **Powers.** The inhabitants of the City of Bryan, Texas, shall be a body politic and corporate by the name of the City of Bryan, shall have perpetual succession and may:

(12) regulate the construction, height, maintenance, occupancy, and the material used in all buildings and structures.

Sec. 5. City Council.

(g) **Meetings.** The City Council shall meet regularly ~~twice~~ once a month and more often on the call of the mayor or on the request of a majority of the councilmembers.

Sec. 5. City Council.

(j) **Duties.** It shall be the duty of the City Council:

(1) to make its own rules of procedure and to enact all ordinances and resolutions and adopt all regulations for the conduct of the affairs of the city, provided that the affirmative vote of at least a majority of those attending the meeting at which there is a quorum present shall be necessary to adopt any ordinance or resolution, unless state law requires a vote of more than a majority.

(a) Council agenda.

(1) The City Council shall identify items to place on the City Council meeting agenda and shall establish the order of the agenda.

(2) If ~~a~~Any two City Council members desiring a particular item to be placed on the City Council agenda shall notify the City Secretary in writing, ~~The~~ item shall be placed on the agenda subject to the order of the agenda as set forth in (a) (1) above as requested.

~~(3) This section of the charter supersedes any city CODE OF ORDINANCES with which it conflicts. The City Council shall by ordinance, following annual City Council general elections, establish rules and procedures for conducting City Council meetings, including timing, location, and format. Those rules and procedures shall govern until replaced or repealed. Absent an ordinance establishing rules and procedures, the provisions in this charter regarding conducting meetings shall apply by default.~~

Sec. 5. City Council.

(l) Duties of the Mayor. The mayor of the city shall:

- (1) be the presiding officer of the City Council;
- (2) perform the duties of a councilmember and have the right to vote on any matter before the council unless otherwise disqualified;
- (3) sign all municipal bonds, deeds of conveyance, and all instruments where the executive head of the city shall be required to act;
- ~~(4) have like power with a justice of the peace to administer oaths of office and other oaths pertaining to the affairs of the city;~~
- (5) have authority in case of riot or disaster, with a purpose to preserve peace and good order in the city, to order and enforce the closing of any place of public gathering or establishment that sells alcoholic beverages;
- ~~(6) have the power to punish for contempt of the City Council, any City Councilmember or other person present at a City Council meeting by fine not to exceed \$100, and may enforce the fine in the same manner provided by law for the enforcing of fines by the county courts of this state; and~~
- (7) perform all other duties as may be imposed by this Charter and the ordinances of the city.

Sec. 5. City Council.

(r) Councilmember Independence.

(1) Appointment or employment of relatives of Bryan City Councilmembers. No person related within the ~~first or second or third~~ degree of affinity (by marriage), or within the ~~first or second or third~~ degree of consanguinity (by blood), to members of the City Council shall be appointed or employed by the City Council to any paid office, position including appointed positions, or service including contracted service, paid or nonpaid within the City. This prohibition excludes election workers, whose appointments are governed by the Texas Election Code.

(2) Use of the ~~prestige title~~ of a city official's position. A city councilmember shall not, in any election, except his or her own, use the ~~prestige title~~ of the city official's position with the city on behalf of a candidate, political party, or political committee, except that a city official is not prohibited from lending his or her name so long as the office held with the city is not mentioned in any connection with the endorsement.

(3) Campaign Donations. ~~An elected city official shall not directly or indirectly discuss or vote or influence the vote on any matter that comes before the City Council that involves a campaign donor that has made any type of contribution direct or indirect to the city elected official's campaign funding greater than \$250 within 3 years before or after that elected official's current election date. Elected city officials and candidates shall comply with the Fair Campaign Practices Act and the Texas Election Code.~~

Sec. 7. Elections

(h) Runoff Elections.

(1) Process. Should any candidate running for mayor or councilmember fail to receive a majority vote of all votes cast at the election, a runoff election shall be ordered for each place in which no one received a majority. In a ~~run-off~~ runoff election, the two candidates who received the highest number of votes for each place in which no one received a majority of the votes cast, shall be voted on again and the candidate who receives the majority of the votes cast for each place in the ~~run-off~~ runoff election is elected to the place.

(2) Date of ~~Run-off~~ Runoff. ~~Run-off~~ Runoff elections shall be held on a date allowed by state law.

Sec. 9. Ordinances.

(a) **Form and Introduction.** Each proposed ordinance or resolution shall be introduced in written or printed form and shall not contain more than one subject, which shall be clearly stated in the title; except, that general appropriation ordinances may contain various subjects and accounts for which moneys are to be appropriated. ~~No ordinance, unless it is declared an emergency measure, shall be finally passed on the day of which it is first introduced.~~

(b) **Style.** The style of all ordinances of the City of Bryan shall be "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYAN".

~~(c) **Emergency Measures.** An emergency measure is an ordinance or resolution for the immediate preservation of the public peace, property, health, or safety, or providing for the usual daily operation of a municipal department, in which the emergency is set forth and defined in a preamble. No measure making a grant, renewal, or extension of a franchise or other special privilege, or regulating the rate to be charged for its services by any public utility, shall be passed as an emergency measure.~~

(d) **Publication.** The caption, penalty, and effective date of every ordinance imposing a penalty or fine for violation of its provisions, shall, after its passage, be published in a newspaper of general circulation in the city, and shall not take effect until the publication has been completed. The city secretary, or other officer performing the duties of city secretary, shall note on ordinances that are required to be published, the fact that they have been published as required by the Charter and the date of publication, which shall be prima facie evidence of publication. The provisions of this section shall not apply to a revision or codification of the ordinances of the city as the City Council may, from time to time, adopt.

(e) **Effective Date.** All ordinances not required to be published under Subsection (d), shall go into effect immediately upon final passage.

(f) **Authentication and Recording.** Upon becoming effective, every ordinance or resolution shall be recorded and authenticated by the signature of the mayor and attested by the officer exercising the duties of the city secretary.

Sec. 12. Finance, Annual Budget, Taxation and Fees.

(a) **Chief ~~Finance~~ Financial Officer.** The city shall have a department of finance. There is created the office of Chief ~~Finance~~ Financial Officer who shall be head of the department of finance. The Chief ~~Finance~~ Financial Officer shall:

(1) be appointed and removed by the city manager;

(2) be qualified by training and experience in accounting, budgeting and financial control, auditing, and financial administration;

(3) perform functions as may be assigned by the city manager that are not inconsistent with this Charter.

Sec. 16. Utilities; Streets, Avenues, Alleys and Highways; Public Works.

(a) Power to Own. The city, at this time owning and operating its water, electric, and sewer systems, shall have the power to own, maintain, extend, construct, and reconstruct its water, ~~light~~ electric, and sewer systems, within or outside the city limits.

(Language proposed to be deleted from the City Charter is indicated by strike through. Language proposed to be added to the City Charter is underlined.)