

CITY OF SANTA FE HOME RULE CHARTER MAY 4, 2024 SPECIAL ELECTION



The City of Santa Fe's Home Rule Charter defines and limits the powers, duties, and responsibilities of Santa Fe's local government based on the preferences that voters chose in past elections.

On Saturday, May 4, 2024, Santa Fe voters will have the opportunity to decide whether they would like to see certain changes made to the Santa Fe City's Home Rule Charter.

The City does not, nor will it ever attempt to sway a vote in one direction or the other. The purpose of this information is to educate you, the voter, on the propositions that are being considered for amendments to the Charter so that you are able to make an informed decision.

Proposition A

Amending the Charter of the City of Santa Fe by deletion and revision to require and ensure compliance with state law.

Section 1.03 - CITY LIMITS - EXTENSION OF BOUNDARIES

The City Council shall have power by ordinance to fix the boundary limits of the City of Santa Fe and to provide for the alteration and the extension of said boundary limits, and the annexation of additional territory lying adjacent to the City, ~~with or without the consent of the inhabitants annexed~~ subject to the procedures set forth in State law.

Section 3.06 - ELIGIBILITY:

Eligibility to file. Each candidate for an elective City office shall meet the qualifications as prescribed by the Texas Election Code with the following exceptions:

(a) Shall be a registered voter of the city.

(b) Shall have resided continuously for at least twelve (12) months preceding the date of the regular filing deadline for a candidate's application for a place on the ballot ~~the election within the corporate limits of the City, including territory annexed prior to the filing deadline. In determining whether a person has complied with a residence requirement under this section, residence in an area while the area was not part of the city is considered as residence within the city if the area is part of the city on the date that is the basis for determining the applicable period of residence.~~

(c) Shall be at least 21 years of age on the first day of the term to be filled at the election or on the date of appointment, as applicable.

(d) No candidate may file more than one office or position number per election.

(e) Shall not be an employee of the City at the time of taking office. ~~No employee of the City shall hold an elected City office. He shall be granted a leave of absence by the City Council, without pay, at the time of filing for office, until after the election.~~

Section 6.01 - CITY ELECTIONS:

~~(e) — Voter Eligibility List.~~

~~A certified list of voter registrants within the City, as prepared by the County Tax Assessor-Collector, shall be maintained current by the County Tax Assessor-Collector.~~

~~(d)~~ Conduct and Regulation of Elections.

All City elections shall be governed by the Constitution of the State of Texas, general laws of the State, this Charter, and ordinance of the City, in the order named. Municipal elections shall be conducted by the election officials appointed or approved by the Council.

~~(e)~~ Publicizing City Elections.

It is the responsibility of the Council to inform the voters as to the time, place, date and purpose, for the upcoming general city election, in accordance with the Texas Election Code.

~~Section 6.02 - CANVASSING:-~~

~~The returns of every municipal election shall be delivered from the election judge to the City Secretary at City Hall not later than twelve (12) hours after the closing of the polls. One extra copy shall be delivered for the Mayor at this time. The Council shall canvass the returns in accordance with the Texas Election Code. The returns of every municipal election shall be recorded in the minutes of the Council, by totals for each candidate, or, for or against each issue submitted.~~

Section 6.06 - OFFICIAL BALLOTS

(a) Names on Ballot.

The name of each candidate nominated for office, except those who have withdrawn, died or become ineligible, shall be printed on the official ballots without party designation or symbol, and in the form designed by the candidate. If two or more candidates for the same office have the same or similar surnames, each of those candidates may have printed on the ballot a brief distinguishing description or title, not to exceed four words, following the candidate's name. The description or title may only refer to the candidate's place of residence or present or former profession, occupation, or position. However, the description or title may not refer to a public office. ~~If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion, their residence addresses shall be printed with their names on the ballot.~~

~~Section 7.14 - FAILURE OF CITY COUNCIL TO CALL AN ELECTION:-~~

~~In case all of the requirements of this Charter 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 upon said City Council by the provisions of this Charter with reference to such recall, then the County Judge of Galveston County, Texas, shall discharge any such duties herein provided to be discharged by the person performing the duties of City Secretary or by the City Council.~~

Section 7.15 - FORM OF PETITION:

Initiative petition papers shall contain the full text of the proposed ordinance. The signatures to initiative or referendum petitions need not all be appended to one paper, but to each separate petition there shall be attached a statement of the circulator thereof as provided by this section. Each signer of any petition paper shall sign his name in ink or indelible pencil, and shall contain in addition to the signature: (A) the signer's printed name; (B) the signer's: (i) date of birth; or (ii) voter registration number; (C) the signer's residence address; and (D) the date of signing indicate after his name his place of residence by street and number, or other description sufficient to identify the place. There shall appear on each petition the names and addresses of five (5) voters, who, as a committee of the petitioners, shall be regarded as responsible for the circulation and filing of the petition. Attached to each separate petition paper there shall be an affidavit of the circulator thereof that only be personally circulated the fore-going paper, that it bears a stated number of signatures appended thereto which were made in his presence, and that he believes them to be the genuine signatures of the persons whose names they support to be. The number of circulators is not limited.

Section 7.17 - COUNCIL CONSIDERATION AND SUBMISSION TO VOTERS

Whenever the Council receives a certified initiative or referendum petition from the City Secretary, it shall proceed at once to consider such petition. A proposed initiative ordinance shall be read, and provision shall be made for a public hearing upon the proposed ordinance. The Council shall take final action on the ordinance not later than sixty (60) days after the date on which such ordinance was submitted to the Council by the City Secretary. A referred ordinance shall be reconsidered by the Council, and its final vote upon such reconsideration shall be upon the question, "Shall the ordinance specified in the referendum petition be repealed?"

If the Council shall fail to pass an ordinance proposed by the initiative petition, or shall pass it in a form different from that set forth in the petition therefore, or if the Council fails to repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the voters ~~not less than thirty (30) days nor more than ninety (90) days~~ from on the next uniform election date authorized by laws after the date the Council takes its final vote thereon. ~~The Council shall, if no regular election is to be held within such period, provide for a regular election.~~

~~Section 9.03 – BUDGET~~

~~F. Failure to Adopt: If the Council fails to adopt the budget by the last regular meeting of September, the amounts appropriated for operation during the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month to month basis, with all items in it prorated accordingly, until such time as the Council adopts a budget for the ensuing fiscal year. The levy of property tax normally approved as part of the budget adoption will be set such that the tax receipts for the budgeted year shall equal the tax receipts of the current fiscal year.~~

~~Section 10.02 – POWER TO TAX:~~

~~The City shall have the power to levy, assess and collect taxes of every character, and for any municipal purpose not prohibited by the Constitution and laws of the State of Texas as now or hereafter amended. The City shall have the power to levy taxes at a maximum increase of 7.50 percent (7 1/2%) above the effective tax rate and not to exceed the a maximum rate of ninety cents (90¢) per one hundred dollars (\$100) valuation. A tax levy in excess of this maximum rate must be approved by a majority of the votes cast by the electors of the City of Santa Fe. The tax rate will apply to the general fund, however, no tax limit will be set against any tax levied for the retirement of bonded indebtedness which has been authorized by the vote of the people.~~

~~Section 10.03 – ASSESSMENT OF PROPERTY:~~

~~A. The basis for valuation for all taxable property shall be its market value as of the first day of January of each year.~~

~~B. The Assessor Collector shall be responsible for providing an assessment roll of said property by the first day of August of each year. This assessment roll shall be available for public inspection. If a change is made in an individual assessment from the previous year or a change is made in the owner's rendition of said property, a written notice shall be sent to such owner at his last known address, notifying him of such change and advising him that he may appear before the Assessor Collector and/or the Board of Equalization to protest such change.~~

~~Section 10.04 – TAXES: WHEN DUE AND PAYABLE:~~

~~All taxes due the City of Santa Fe on real and personal property shall be payable at the office of the Assessor Collector and may be paid at any time after the tax rolls for the year have been completed and approved, which shall be no later than October 1. Taxes shall be paid before~~

~~February 1, and all such taxes not paid prior to such date shall be deemed delinquent, and shall be subject to such penalty and interest as the City Council may provide by ordinance. The City Council may provide further by ordinance that all taxes, either current or delinquent, due the City of Santa Fe may be paid in installments. Failure to levy and assess taxes through omission in preparation of the approved tax roll shall not relieve the person, firm or corporation so omitted from obligation to pay such current or past due taxes as shown to be payable by reccheck of the rolls and receipts for the years in question. No penalty or interest shall be added for unassessed years.~~

~~Section 10.05 - TAX LIENS:-~~

~~The tax levied by the City is hereby declared to be a lien, charge or encumbrance upon real or personal property as of January 1 upon which the tax is due, which lien, charge or encumbrance the City is entitled to enforce and foreclose in any court having jurisdiction over the same. The lien, charge or encumbrance of the property is such as to give the state courts jurisdiction to enforce and foreclose said lien on the property on which the tax is due, not only as against any resident of this state or person whose residence is unknown, but also as against non resident. All taxes upon real estate and personal property shall especially be a lien and a charge upon the property on which the taxes are due, which lien may be foreclosed in any court having jurisdiction.~~

Proposition B

Amending the Charter of the City of Santa Fe by deleting and amending those provisions which are redundant of state law, duplicative of other sections of the Charter or otherwise unnecessary for placement in the Charter.

Section 2.01 - GENERAL

The City shall have all the powers granted to cities by the Constitution and general laws of the State together with all of the implied powers necessary to execute such granted powers.

~~The City of Santa Fe may use a corporate seal; may sue and be sued; may contract and be contracted with; may implead and be impleaded in all courts in all matters whatsoever; may cooperate with the federal government, the government of the State of Texas or any agency thereof or any political subdivision of the State of Texas; and shall have all the powers granted to cities by the constitution and laws of the State of Texas, together with all the implied powers necessary to carry into execution all the power granted. The City may own or acquire property within or without its boundaries for any municipal purpose in fee simple or in any lesser interest or estate, by purchase, gift, devise, lease or condemnation or may sell, lease, hold, manage, control and police any property now owned by it or which it may hereafter acquire, and shall have the right to lease or let its property whether inside or outside of the City Limits subject to the limitations hereinafter set out, and may construct, own, lease, operate and regulate public utilities, may assess, levy and collect taxes for general and special purposes on all lawful subjects of taxation; may borrow money on the faith and credit of the City by the issuance and sale of bonds, certificate of obligation, warrants or notes of the City; may appropriate the money of the City for all lawful purposes; may regulate and control the use, for whatever purpose, of the streets and other public places; may make and enforce all police, health, sanitary and other regulations; and may pass such ordinances as may be expedient for the protection and~~

~~maintenance of good government, peace and welfare of the City, for the performance of the functions thereof, for the order and security of its residents, and may provide suitable penalties for the violations of any ordinance enacted by the City of Santa Fe; and except where prohibited by the constitution and laws of this State or restricted by this Charter, the City may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.~~

~~Section 2.02 – GENERAL POWERS ADOPTED–~~

~~The enumeration of the particular powers in this Charter shall not be held or deemed to be exclusive. In addition to the powers enumerated herein or implied hereby or appropriate or the exercise of such powers, the City shall have and may exercise all power of local self government and all other powers which, under the constitution and laws of the State of Texas, it would be competent for this Charter specifically to enumerate. The City of Santa Fe shall have and may exercise all the powers enumerated in Article 1175, Chapter 13, Title 28, of the Revised Civil Statutes of the State of Texas of 1925 as now or hereafter amended.~~

~~Section 2.03 – EMINENT DOMAIN:–~~

~~The City shall have the full power and right to exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred upon it by this Charter or by the constitution and laws of the State of Texas. The City may exercise the power of eminent domain in any manner authorized or permitted by the constitution and laws of this state. The power of eminent domain hereby conferred shall include the right of the governing authority, when so expressed, to take the fee in lands so condemned and such power and authority shall include the right to condemn public property for such purpose. The City shall have and possess the power of condemnation for any municipal or public purposes even though not specifically enumerated in this Charter.~~

~~Section 2.04 – ZONING IN GENERAL:–~~

~~The Council shall have full power and authority to zone the city and to pass all necessary ordinances, rules and regulations governing the same under and by virtue of the authority given cities and legislative bodies thereof by Articles 1011A through 1011J inclusive, of the 1925 Revised Civil Statutes of Texas as now or hereafter amended.~~

~~Section 10.01 ASSESSMENT AND COLLECTION OF TAX:–~~

~~The assessment and collection of ad valorem taxes shall be compliant with the Texas Property Tax Code and Property Tax law. Subject to the approval of the City Council, the collection of taxes may be performed under contractual agreement with a third party.~~

~~Section 10.06 - ISSUANCE OF BONDS:~~

~~The City may issue bonds to pay for any property or public improvement which it may lawfully acquire or construct, to pay for any improvement the cost of which is to be assessed wholly or in part against abutting or benefiting property, or to fund or refund any indebtedness outstanding at the time this Charter takes effect for which inadequate provisions for payment has been made; but no bonds shall be issued to pay current expenses. The enumeration, in the preceding sentence, of particular powers of the City in connection with the issuance of bonds shall not be held or deemed to exclusive; and, in addition to the powers enumerated or implied in the preceding sentence, or appropriate to the exercise of such powers, it is intended that the city of~~

~~Santa Fe shall have and may exercise the authority to issue revenue bonds for the purchase of utilities or any self liquidating asset for which revenue bonds may lawfully be issued. It is intended that the City of Santa Fe shall have and may exercise the authority to issue bonds for the construction and extra ordinary maintenance of necessary civic improvements or facilities within or without the City limits. No tax bonds of the City, excepting funding and refunding bonds, shall be issued until first approved by a majority of the duly qualified resident electors of the City of Santa Fe. All bonds shall be authorized by ordinance passed by an affirmative vote of at least a majority of the members of the Council. The City shall have full authority to issue bonds, warrants and other obligations under the provisions of Chapter 453, Acts of the Second Called Session of the 44th Legislature of Texas, 1935, Articles 1111 to 1118A, Chapters 1 and 7 Title 22 of the Revised Civil Statutes of Texas, 1925, Chapter 163, Acts of the 42nd Legislature of Texas, Regular Session, and other general laws relating to the issuance of bonds, warrants and obligations by a municipal corporation as each of said laws has heretofore been amended or hereafter may be amended.~~

~~Section 11.01 – POWERS OF THE CITY~~

~~In addition to the City's power to buy, construct, lease, maintain, operate and regulate public utilities and to manufacture, distribute and sell the output of such utility operations, the City shall have such further powers as may now or hereafter be granted under the Constitution and laws of the State of Texas.~~

~~Section 11.03 – ACQUISITION BY EMINENT DOMAIN~~

~~The City shall have the power through eminent domain proceedings to acquire any public utility operating with or without a franchise and furnishing a public service to the citizens of Santa Fe. The procedure to be used in the acquisition of such property, shall be that as set forth in Article 3264 to Article 3271 inclusive, Title 52, Revised Civil Statutes of the State of Texas. In valuing the property, the measure of damages shall be the fair market value of the physical properties together with its franchise, if any, taken together as one system. This power shall be in addition to and cumulative of any other powers of acquisition granted to or reserved by the City in a franchise ordinance.~~

~~Section 11.06 – CONSENT OF PROPERTY OWNERS~~

~~The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance or operation of any public utility, but nothing in this Charter or in any franchise granted thereunder shall ever be construed to deprive any such property owners of any right of action for damage or injury to his property as now or hereafter provided by law.~~

~~Section 11.07 – EXTENSIONS~~

~~All extensions of public utilities within the City limits shall become a part of the aggregate property of the public utility, shall be operated as such, and shall be subject to all the obligations and reserved rights contained in this Charter and in any original grant hereafter made. The right to use and maintain any extensions shall terminate with the original grant. In case of an extension of public utility operated under a franchise hereafter granted, such right shall be terminable at the same time and under the same conditions as the original grant.~~

~~Section 11.12 – SALES OF SERVICES~~

~~The City Council shall have the authority and power to sell and provide water and/or sewer services and other utility services to persons or firms outside the City limits of Santa Fe and permit them to connect with City systems under contract with the City, under terms as are fair and reasonable and for the best interests of the City. The Council shall have the authority to prescribe the kind of materials used where it furnishes such services, to inspect same and require them to be kept in good condition; and to prescribe penalties for non-compliance.~~

~~Section 12.05 - POWER TO SETTLE CLAIMS~~

~~The Council shall have the authority to compromise on all claims and lawsuits of every kind and character in favor of or against the City, except suits by the City to recover delinquent taxes.~~

~~Section 12.06 - SECURITY OR BOND NOT REQUIRED~~

~~It shall not be necessary in any action, suit or proceedings in which the City shall be a party for any bond, undertaking or security to be executed on behalf of the City, but all actions, suits, and proceedings shall be conducted in the same manner as if such bond, undertaking, or security had been given. The City shall have all remedies of appeal provided by law to all courts without bond or security of any kind. For the purposes of all such actions, suits, proceedings and appeals, the City shall be liable in the same manner and to the same extent as if the bond, undertaking or security had been executed and given.~~

Proposition C

Amending the Charter of the City of Santa Fe to provide that the City Council may determine how to fill a vacancy on City Council with less than 365 days remaining in the vacated office as authorized by the Texas Constitution.

Section 3.09 - VACANCIES, FORFEITURE, FILLING OF VACANCIES:

(c) Filling of Vacancies:

In the event of a single vacancy in the City Council, if there are 365 days or more remaining on the term of the vacated City Council position, the City Council shall call a special election, to be held within one hundred and twenty (120) days after such vacancy occurs, to fill such vacancy. If there are less than 365 days remaining in the term of the vacated City Council position, the City Council may, by majority vote of the remaining Councilmembers, at its discretion appoint a new Mayor or Councilmember to fill such vacancy or call a special election to fill such vacancy for the remaining term.

~~A single vacancy in the Council shall be filled within sixty (60) days of the occurrence of the vacancy by a majority vote of the remaining members of the Council by selection of a person qualified for the position as described in this Charter. This appointee shall serve until the position can be filled at the next regular City election. When more than one vacancy shall develop at any one time, a special election shall be called by the Council within sixty (60) days following the occurrence of the vacancies to fill the vacancies in the same manner as described herein for regular elections. However, if such vacancies occur within one hundred twenty (120) days of the regular election, then no special election shall be called and the remaining Council members shall appoint qualified persons to fill vacancies until the regular election. Notwithstanding the requirements in section 3.13 that a quorum of the Council consist of three members, if at any~~

~~time the membership of the Council is reduced to less than four, the remaining members may by majority action appoint additional members to raise the membership to four. These appointees shall serve until the positions can be filled at the next regular or special City election. All vacancies filled by election shall be for the remainder of the unexpired term of the office so filled.~~