

**CITY OF GIDDINGS, TEXAS  
ORDINANCE NO. 902**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIDDINGS, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON SATURDAY, MAY 3, 2025 FOR THE PURPOSE OF SUBMITTING TO THE VOTERS CERTAIN PROPOSED AMENDMENTS TO THE HOME RULE CHARTER OF THE CITY; AND PROVIDING FOR OTHER MATTERS RELATED TO SUCH ELECTION.**

**WHEREAS**, the City Council wishes to order a special city election on May 3, 2025 to submit to the voters certain proposed amendments to the Home Rule Charter of the City of Giddings; and

**WHEREAS**, Local Government Code, Section 9.004(a) provides that the “governing body of a municipality on its own motion may submit a proposed charter amendment to the municipality’s qualified voters for their approval at an election;” and

**WHEREAS**, certain charter amendments are proposed for submission to the voters of the City of Giddings; and

**WHEREAS**, Local Government Code, Section 9.004(b) requires the charter amendment election to be held on the first authorized uniform election date prescribed by the Texas Election Code or on the earlier of the date of the next municipal general election or presidential general election, and that allows sufficient time to comply with other requirements of law, and that occurs on or after the thirtieth (30th) day after the date the ordinance is adopted; and

**WHEREAS**, Section 41.001 of the Texas Election Code, as amended (hereinafter referred to as the "Code") establishes Saturday, May 3, 2025, as a "uniform election date" for the purpose of conducting an election; and

**WHEREAS**, the City Council wishes to encourage all registered voters in the city to vote in this election.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GIDDINGS, TEXAS:**

**Section 1. Findings**

That the facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct legislative findings and are adopted as part of this Ordinance for all purposes.

**Section 2. Call of a Special Municipal Election**

THAT a special election to be held in the City of Giddings, Texas on the first Saturday of the month of May, 2025, the same being the 3<sup>rd</sup> day in May for the purpose of submitting the following measures contained in Exhibit A, attached and fully incorporated into this ordinance. Such measures are proposed charter amendments and their language is incorporated to this order by reference herein.

**Section 3. Election Officials**

The election official shall be Teresa Shed, Lee County Elections Administrator, whose address is 843 E. Industry, Ste. B Giddings, Texas 78942; and the Elections Administrator may designate two deputy clerks and an Early Voting Ballot Board Judge and Election Judge; and the Election Judge may appoint up to five election workers; and election workers shall be compensated at a rate of \$10.00 per hour for early voting, and \$12.00 per hour for Election Day.

**Section 4. Election Equipment**

Voting in said election shall be by the use of AccuVote-TSX which shall be in both English and Spanish and which shall conform to the requirements of the Texas Election Code. Oral bilingual assistance shall be available during the election.

**Section 5. Early Voting**

Early voting by personal appearance will be conducted each weekday at 118 E. Richmond, Giddings, Texas 78942, between the hours of 8:00 a.m. and 5:00 p.m. on April 22, 2025 and ending on April 25, 2025, and between the hours of 8:00 a.m. and 5:00 p.m. on April 28, 2025 and April 29, 2025.

Applications for ballot by mail shall be mailed to:

Elections  
PO Box 480  
Giddings, TX 78942

Applications for ballot by mail must be received no later than the close of business on April 22, 2025.

The location of the polling place for the May 3, 2025, elections shall be the Giddings Municipal Building, 118 E. Richmond Street, Giddings, Texas 78942. The polling place shall be kept open from 7:00 a.m. until 7:00 p.m. on May 3, 2025 and due return shall be made to the City Council showing the number of votes cast for each candidate for membership on the City Council.

**Section 6. Notice of Election**

Political subdivisions other than cities and school districts may have specific statutory notice requirements. In the absence of specific statutory requirements, such political subdivisions must post a notice on or before the 21st day before the election. (Sec. 4.003 (b)). For the Saturday, May 3, 2025 General Election, this notice must be posted on or before Thursday, April 11, 2025.

**Section 7. Proposed Charter Amendments**

At the election to be held on May 3, 2025, the voters will be asked to vote on the following amendments to the City’s Home Rule Charter:

**Proposed Amendment No. 1**

TO AMEND ARTICLE II, SECTION IV TO REMOVE THE REQUIREMENT THAT CITY OFFICERS BE AT LEAST TWENTY-ONE (21) YEARS OF AGE AND PROVIDING CLARITY TO THE RESIDENCY REQUIREMENT.

ARTICLE II  
OFFICERS

§ 4. QUALIFICATIONS.

The Mayor and each councilperson shall be residents of the City of Giddings and have the following qualifications:

- (a) Must be a citizen of the United States.
- (b) Must be a qualified voter of the State of Texas.

(c) Must have resided at least twelve (12) months ~~next~~-preceding the election within the corporate limits of the City of Giddings.

~~(d) Must be at least twenty-one (21) years of age.~~

~~(e)~~(d) Must not be in arrears in payment of taxes or other liabilities due the City of Giddings.

~~(f)~~(e) Must not have been convicted of a felony.

~~(g)~~(f) Must not be disqualified by reason of any provision of any other section of this Charter.

### **Proposed Amendment No. 2**

TO AMEND ARTICLE IV, SECTION 2 TO CHANGE THE RESIDENCY REQUIREMENT OF THE CITY MANAGER.

ARTICLE IV  
CITY MANAGER

§ 2. RESIDENCE OF CITY MANAGER.

The City Manager must reside in the City of Giddings within ~~90~~180 days of their appointment.

### **Proposed Amendment No. 3**

TO ADD SECTION 6 TO ARTICLE IV TO PROVIDE QUALIFICATIONS FOR THE CITY MANAGER.

ARTICLE IV  
CITY MANAGER

§ 6. QUALIFICATIONS.

The City Manager shall have the following qualifications:

(a) Must be a citizen of the United States.

(b) Must be a qualified voter of the State of Texas.

(c) Must not be in arrears in payment of taxes or other liabilities due the City of Giddings.

(d) Must not have been convicted of a felony.

(e) Must not be disqualified by reason of any provision of any other section of this Charter.

### **Proposed Amendment No. 4**

TO AMEND ARTICLE V, SECTION 1 TO REMOVE THE REQUIREMENT THAT THE CITY SECRETARY SERVE AS TAX COLLECTOR IF THE CITY COUNCIL ELECTS TO ASSIGN THIS DUTY BY ORDINANCE.

ARTICLE V  
ADMINISTRATIVE SERVICES

§ 1. CITY SECRETARY.

The City Manager, with the approval of the City Council, shall appoint a City Secretary. The City Secretary shall:

(a) Attend all meetings of the City Council, maintain all tape recordings of City Council open meetings for a minimum of two years, and keep accurate records of all actions taken by the Council;

- (b) Maintain the official records and files of the City;
- (c) Administer oaths;
- (d) Attest contracts, assessment certificates and other legal instruments when executed by the authorized officers of the City;
- (e) Serve as the election official for all City elections; and
- ~~(f) Serve as Tax Collector, if the City Council, by ordinance, elects to assign this duty; and~~
- ~~(g)(f)~~ Perform such other duties as may be required of him or her by the Charter, the City Council or State Law.

**Proposed Amendment No. 5**

TO AMEND ARTICLE X, SECTION 14 TO PROVIDE FOR REVIEW AND EVALUATION OF THE CERTIFIED PUBLIC ACCOUNTANT (CPA) WHO CONDUCTS THE ANNUAL AUDIT FOR THE CITY.

ARTICLE X  
THE BUDGET  
§ 14. AUDIT.

The City Council shall cause a continuous audit of the books of account and of all records and transactions of the administration of affairs of the City, such audit to be made annually embracing each fiscal year and shall be made by a public accountant licensed by the State of Texas. The certified public accountant so selected shall have no personal interest, directly or indirectly, in the financial affairs of the City or any of its elected officials. The City Council shall review and evaluate the certified public accountant and their contract no less than once every five (5) years. The duty of the accountant shall include the certification of all statements required by Section 13 herein [of this Article X]; such statements shall include a general balance sheet showing summaries of income and expenditures and also comparisons, in proper classifications, with the last previous audit. The audit shall be filed in the office of the city secretary within 180 days after the last day of the fiscal year, pursuant to Texas Local Government Code ch. 103. ~~No auditing firm shall be retained for a period of more than five (5) years.~~

**Proposed Amendment No. 6**

TO AMEND ARTICLE VI, SECTION 7 TO REMOVE THE POWER OF THE CITY TO REQUIRE PROPERTY OWNERS TO CONNECT THEIR PREMISES WITH THE CITY ELECTRICAL SYSTEM.

ARTICLE VI  
GENERAL POWERS

§ 7. ELECTRICAL.

The City Council shall have the power to provide for an electrical system, and to ~~require property owners to connect their premises with such electrical system; to provide for fixing penalties for failure to make electrical connections; to~~ provide rules and regulations for the collection of charges for use of the electrical system.

**Proposed Amendment No. 7**

TO AMEND ARTICLE VI, SECTION 2 TO CLARIFY EMINENT DOMAIN AUTHORITY.

ARTICLE VI  
GENERAL POWERS

§ 2 EMINENT DOMAIN.

The City shall have the full right, power and authority 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 or laws of the State of Texas. The power of eminent domain shall include the right of the City to take ~~the fee~~ simple in the lands so condemned and such power and authority shall include the right to condemn public property for such purposes. The City shall have and possess this power of condemnation for any municipal or public purpose, even though not specifically enumerated herein or in this Charter.

**Proposed Amendment No. 8**

TO AMEND ARTICLE VI, SECTION 6 TO REMOVE THE POWER OF THE CITY TO REQUIRE PROPERTY OWNERS TO CONNECT THEIR PREMISES WITH THE CITY WATER AND SEWER SYSTEM.

ARTICLE VI  
GENERAL POWERS

§ 6 WATER AND SEWER SYSTEMS.

The City shall have the power to provide for a water and sanitary sewer system, and to ~~require property owners to connect their premises with such water and sewer system; to provide for fixing penalties for failure to make sanitary sewer connections; to~~ provide rules and regulations for the collection of charges for the use of the water and sanitary sewer system.

**Proposed Amendment No. 9**

TO AMEND ARTICLE X, SECTION 1 TO CLARIFY THE TERM “FISCAL YEAR.”

ARTICLE X  
THE BUDGET

§ 1 FISCAL YEAR.

The fiscal year of the City shall begin on the first day of October and shall end on the 30th day of September of the ~~next~~ succeeding calendar year. Such fiscal year shall constitute the budget and accounting year.

**Proposed Amendment No. 10**

TO AMEND ARTICLE XI, SECTION 2 TO CLARIFY CITY COUNCIL PROCEDURE AND TO GIVE CITY COUNCIL THE ABILITY TO ESTABLISH THEIR OWN RULES OF PROCEDURE.

ARTICLE XI  
LEGISLATIVE PROCEDURE

§ 2 PROCEDURE.

The Mayor or any three (3) Councilpersons may call special meetings of the City Council at any time deemed advisable, after due notice to all members, including the Mayor. The Council shall, by ordinance, determine its own rules and order of business and the rules shall provide that citizens of the City shall have a reasonable opportunity to be heard at any meeting in regard to any matter under consideration. The Council ~~and~~ shall keep a journal of its proceedings in a permanent bound book, and any citizen shall have access to the minutes and records thereof at all

reasonable times. ~~The Mayor Pro Tem and any three (3) members of the Council shall constitute a quorum for the transaction of business and the affirmative vote of three (3) members of the Council shall be sufficient and necessary to adopt or repeal any ordinance or resolution. All members of the City Council present at a meeting shall vote upon every question, ordinance or resolution either "yea" or "nay" which shall be entered on said journal. Any Councilperson refusing to vote shall be entered on the journal and counted as voting in the affirmative, except where disqualified from voting under state law. Every ordinance or resolution passed by the City Council shall be signed by the Mayor or in his or her absence by the Mayor Pro Tem, and such ordinance or resolution shall be attested by the person acting as City Secretary, and the seal of the City impressed thereon within ten (10) days after its passage, but such ordinance or resolution shall not be invalidated merely because the signature of either of such officers shall be lacking or the failure to impress the City seal on the same.~~

**Section 8. Charter Election Ballot**

At the election, the proposed amendment to amend the charter shall be set forth substantially in the form contained herein and said proposed charter amendment shall be submitted to the qualified voters in accordance with applicable law.

The official ballots shall be prepared so as to permit the qualified electors to vote on a proposed charter amendment by ballot title. The ballot title of a proposed charter amendment may differ from its legal title and shall be a clear, concise statement describing the substance of the proposed charter amendment without argument or prejudice. The official ballots for this charter amendment election shall be prepared so as to permit the qualified electors to vote "Yes" or "No" on the proposed charter amendments. Said proposed charter amendments shall be combined with other allowable matters on the same ballots, said ballots to contain such provisions, markings and language as required by law. The proposed charter amendments shall affect only the sections of the charter listed below and shall be submitted to the qualified voters of the City of Giddings for amendment to read as follows:

**PROPOSITION A**

**AMENDMENT TO ARTICLE II, SECTION 4 OF THE HOME RULE CHARTER OF THE CITY OF GIDDINGS, TEXAS TO REMOVE THE REQUIREMENT THAT CITY OFFICERS BE AT LEAST TWENTY-ONE (21) YEARS OF AGE AND TO PROVIDE CLARITY TO THE RESIDENCY REQUIREMENT.**

Shall the above-described charter amendment be adopted?

Yes ( )  
No ( )

**PROPOSITION B**

**AMENDMENT TO ARTICLE IV, SECTION 2 OF THE HOME RULE CHARTER OF THE CITY OF GIDDINGS, TEXAS TO CHANGE THE RESIDENCY REQUIREMENT OF THE CITY MANAGER.**

Shall the above-described charter amendment be adopted?

Yes ( )  
No ( )

**PROPOSITION C**

**AMENDMENT TO ADD SECTION 6 OF THE HOME RULE CHARTER OF THE CITY OF GIDDINGS, TEXAS TO ARTICLE IV TO PROVIDE QUALIFICATIONS FOR THE CITY MANAGER.**

Shall the above-described charter amendment be adopted?

- Yes ( )
- No ( )

**PROPOSITION D**

**AMENDMENT TO ARTICLE V, SECTION 1 OF THE HOME RULE CHARTER OF THE CITY OF GIDDINGS, TEXAS TO REMOVE THE REQUIREMENT THAT THE CITY SECRETARY SERVE AS TAX COLLECTOR.**

Shall the above-described charter amendment be adopted?

- Yes ( )
- No ( )

**PROPOSITION E**

**AMENDMENT TO ARTICLE X, SECTION 14 OF THE HOME RULE CHARTER OF THE CITY OF GIDDINGS, TEXAS TO PROVIDE FOR REVIEW AND EVALUATION OF THE CERTIFIED PUBLIC ACCOUNTANT (CPA) WHO CONDUCTS THE ANNUAL AUDIT FOR THE CITY.**

Shall the above-described charter amendment be adopted?

- Yes ( )
- No ( )

**PROPOSITION F**

**AMENDMENT TO ARTICLE VI, SECTION 7 OF THE HOME RULE CHARTER OF THE CITY OF GIDDINGS, TEXAS TO REMOVE THE POWER OF THE CITY TO REQUIRE PROPERTY OWNERS TO CONNECT THEIR PREMISES WITH THE CITY ELECTRICAL SYSTEM.**

Shall the above-described charter amendment be adopted?

- Yes ( )
- No ( )

**PROPOSITION G**

**AMENDMENT TO ARTICLE VI, SECTION 2 OF THE HOME RULE CHARTER OF THE CITY OF GIDDINGS, TEXAS TO CLARIFY EMINENT DOMAIN AUTHORITY.**

Shall the above-described charter amendment be adopted?

- Yes ( )
- No ( )

**PROPOSITION H**

**AMENDMENT TO ARTICLE VI, SECTION 6 OF THE HOME RULE CHARTER OF THE CITY OF GIDDINGS, TEXAS TO REMOVE THE POWER OF THE CITY TO REQUIRE PROPERTY OWNERS TO CONNECT THEIR PREMISES WITH THE CITY WATER AND SEWER SYSTEM.**

Shall the above-described charter amendment be adopted?

Yes ( )

No ( )

**PROPOSITION I**

**AMENDMENT TO ARTICLE X, SECTION 1 OF THE HOME RULE CHARTER OF THE CITY OF GIDDINGS, TEXAS TO CLARIFY THE TERM "FISCAL YEAR."**

Shall the above-described charter amendment be adopted?

Yes ( )

No ( )

**PROPOSITION J**

**AMENDMENT TO ARTICLE XI, SECTION 2 OF THE HOME RULE CHARTER OF THE CITY OF GIDDINGS, TEXAS TO CLARIFY CITY COUNCIL PROCEDURE AND TO GIVE CITY COUNCIL THE ABILITY TO ESTABLISH THEIR OWN RULES OF PROCEDURE.**

Shall the above-described charter amendment be adopted?

Yes ( )

No ( )

**Section 9. Miscellaneous**

**Severability.** Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

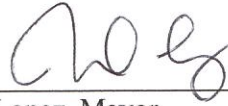
**Effective Date.** This Ordinance shall be and become effective immediately upon and after its passage and publication as may be required by governing law.

**Open Meetings.** It is hereby officially found and determined that the meeting at which this Ordinance was adopted 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, Chapter 551 of the Texas Government Code.

**ADOPTED AND APPROVED** on this 10th day of February, 2025 by a vote of the City Council of the City of Giddings, Texas.



**THE CITY OF GIDDINGS**



Joel Lopez, Mayor

ATTEST:



Andrea Ray, City Secretary

