

RESOLUTION NO. 2025-R06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, CALLING FOR A SPECIAL ELECTION FOR MAY 3, 2025, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY PROPOSED AMENDMENTS TO THE EXISTING BOERNE HOME RULE CHARTER, STATING THE SUBJECT MATTER OF THE PROPOSED AMENDMENTS TO THE CITY CHARTER TO BE VOTED UPON AT SAID ELECTION, PROVIDING THE FORM OF THE BALLOT FOR SUCH ELECTION, DESIGNATING THE POLLING PLACES, DIRECTING AND GIVING NOTICE OF SUCH ELECTION, AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION *(Una resolución de la ciudad de Boerne, Texas, llamando para una elección especial el 3 de Mayo de 2025 para el propósito de enviar a los votantes calificados de la ciudad enmiendas propuestas a la carta de la regla del hogar de la ciudad, declarando el asunto de las enmiendas propuestas a la carta de la ciudad para ser votado en esta dicha elección, proporcionando la forma de la boleta dicha elección, designando los lugares de votación, dirigiendo y dando aviso de dicha elección, y proporcionando detalles relacionados con la realización de dicha elección)*

WHEREAS, the laws of the State of Texas further provide that the Election Code of the State of Texas is applicable to said election, and in order to comply with said Code, a resolution should be passed establishing the procedures to be followed in said election, and designating the voting place for said election; and

WHEREAS, the City Council has determined that holding an election is in the best interest of the public;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS:

Section 1. Call of Election; Date; Eligible Electors and Hours.

(a) It is hereby ordered to hold a Special Election (the "Special Election") to be held in and throughout the City of Boerne on Saturday, May 3, 2025, between the hours of 7:00 a.m. and 7:00 p.m. for the purpose of submitting to the resident, qualified electors of the City of Boerne, Texas four (4) proposed Charter Amendments proposed by the Boerne Charter Review Commission. Such proposed Charter amendments are attached hereto as measures in the attached **Exhibit "C"**, with underlines being additions to the Charter and cross-outs being deletions to the Charter, said measures to be placed on the ballot in the form of the propositions as shown on the attached **Exhibit "D"**.

(b) The Special Election shall be held under the provisions of the Charter of the City, the Constitution and laws of the State of Texas and of this Resolution. All qualified voters residing in the City shall be allowed to vote at the Election; and each voter shall vote in the election precinct in which such voter resides.

Section 2. Election Polling Places; Election Officers.

(a) The election precincts for the Election shall include county election precincts and such precincts, the polling places are hereby established and shall be as described in **Exhibit "A"** hereto.

(b) The election officials for each City precinct shall be designated by the Kendall County Elections Office of Kendall County, Texas (the "Elections Administrator"); and such officials shall conduct the City's Election in accordance with a Joint Election Agreement and Contract for Election Services (the "Election Contract") between Kendall County, Texas and the City. The Elections Administrator is hereby authorized and instructed to provide and furnish all necessary election supplies for all City precincts. The official mailing address and physical address for Elections Administrator: Staci Decker, 221 Fawn Valley Dr. Ste. 100, Boerne, Texas, 78006.

(c) In the event the Election Administrator shall find that one or more of the polling places listed on **Exhibit "A"** have become unavailable or unsuitable for use or if any person or persons appointed herein do not appear or are unable to perform their duties, is hereby authorized to designate substitute polling places and appoint substitute personnel, giving such notice as deemed appropriate.

Section 3. Ballots. The City Secretary and the Elections Administrator are hereby authorized and directed to prepare the ballots for the Special Election in accordance with the provisions of the Texas Election Code. The ballots for the Special Election shall have printed the four (4) proposed Charter Amendments in accordance with the provisions of the Texas Election Code.

Section 4. Voting. Voting in the Election, including early voting by personal appearance shall be by an electronic voting system adopted by the City and the Commissioners Court of Kendall County, Texas for use in elections held by the City and Kendall County. Each voter in the Special Election shall mark the ballot indicating such voter's choice of candidate for each of the four (4) proposed Charter Amendments. Voting shall be conducted in accordance with the Texas Election Code.

Section 5. Early Voting. Early voting by personal appearance shall be conducted at the dates, times and polling places listed in **Exhibit "B"** to this Resolution. In the event the Election Administrator shall find that one or more of the polling places listed on **Exhibit "B"** have become unavailable or unsuitable for use or if any person or persons appointed herein do not appear or are unable to perform their duties, is hereby authorized to designate substitute polling places and appoint substitute personnel, giving such notice as deemed appropriate.

The City Council hereby establishes Kendall County Courthouse Annex, 221 Fawn Valley Dr. Ste. 100, Boerne, Texas 78006 as main early voting polling location at which early voting by personal appearance shall be conducted.

The Council hereby appoints the Elections Administrator as the early voting clerk. The Elections Administrator shall receive applications for a ballot to be voted by mail. Completed applications may be submitted to the Early Voting Clerk in person, by mail, by contract or common carrier, or by fax. Completed applications may also be submitted to the Early Voting Clerk by e-mail if the e-mail contains the scanned application containing the applicant's original signature. Applications for ballots by mail may be received no later than 5:00 p.m. on April 22, 2025. An applicant submitting an application for ballot by mail via fax or e-mail must also submit the physical application for ballot by mail via mail. In order for a faxed or e-mail application for ballot by mail to be effective, the physical, mailed application for ballot by mail must be received within four days of the submission of the application by fax or email. The mailing address of the Early Voting Clerk is Staci Decker, Kendall County Elections Administrator, 221 Fawn Valley Dr. Ste. 100, Boerne, Texas 78006.

The Council hereby appoints the Counting Station Judge or Alternate as the presiding judge of the early voting ballot board to count and return early voting ballots in accordance with the Election Code. The presiding judge shall appoint election clerks as needed, and such judge and clerks shall constitute the early voting ballot board and shall perform the duties set forth for such board in the Texas Election Code. The Central Counting Station will be located at the Kendall County Courthouse Annex, 221 Fawn Valley, Boerne, Texas 78006.

Section 6. Notice of Elections. Notice of the Election, shall be printed as required by Chapter 4 of the Election Code and the Charter of this City, in English and Spanish, stating in substance the contents of this Resolution, shall be: (i) published on the same day in each of two successive weeks, with the first publication occurring before the tenth (10th) day before the date of the election in a newspaper of general circulation within the City's territory not earlier than the thirtieth (30th) day before the Elections; (ii) posted on the bulletin board used by the Council to post notices of the Council's

meetings no later than the twenty-first (21st) day before the date of the Elections. Notice of the Special Election on the proposed amendments to the City's Home Rule Charter shall be published in a newspaper of general circulation published in the City and shall include a substantial copy of the proposed amendments; include an estimate of the anticipated fiscal impact to the municipality if the proposed amendment is approved at the election; and be published on the same day in each of two successive weeks, with the first publication occurring before the 14th day before the date of the election.

Section 7. Declaring Results. City Council shall canvass the returns and declare the results of the Election.

At the Special Election, the Propositions that receive a majority of all votes cast approving each particular Proposition, except as provided for in the attached Exhibit "C", shall be declared as approved and effective upon the City Council entering an order in the records of the City declaring that the charter or amendment is adopted pursuant to the requirements of Texas Local Government Code Section 9.05. As soon as practicable after the adoption of the charter amendments, the mayor shall certify to the secretary of state an authenticated copy of the amendments under the City's seal showing the approval by the voters of the municipality.

Section 8. Notice of Meeting. It is further found and determined that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this Resolution and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 9. Authority of the Mayor. The mayor shall have the authority to take, or cause to be taken, all actions reasonable and necessary to insure that the Elections are fairly held and returns properly counted and tabulated for the canvass of the Election returns by the City Council in accordance with state law.

Section 10. Severability Clause. If any section, subsection, sentence, phrase or word of this resolution be found to be illegal, invalid or unconstitutional, the adjudication shall not affect any other section, sentence, phrase, word, paragraph or provision of this resolution or the application of any other section, sentence, phrase, word, paragraph, or provision of any other resolution of the City. The City Council declares that it would have adopted the valid portion and applications of this resolution without the invalid part, and to this end the provisions of this resolution are declared to be severable.

Section 11. Effective Date. This Resolution is effective immediately upon its Passage and approval.

PASSED, APPROVED and ADOPTED this the ___ day of January 2025.

APPROVED:

ATTEST:

Mayor

City Secretary

Exhibit A

Kendall County participates in the Countywide Polling Place Program. Any registered voter of Kendall County may choose to vote at any of the Vote Center Locations listed below on Election Day.

May 3, 2025,
Election Day Polling Locations
Subject to Change

Location	Address	City/State
Boerne City Hall	447 N. Main St. (Training Room)	Boerne, Texas
Fair Oaks Ranch Police Department	7286 Dietz Elkhorn (Training Room)	Fair Oaks Ranch, Texas

EXHIBIT "B"

**NOTICE OF EARLY VOTING FOR THE FOLLOWING POLITICAL SUBDIVISIONS BEING HELD
IN KENDALL COUNTY, TEXAS ON MAY 3, 2025**

EARLY VOTING BY PERSONAL APPEARANCE LOCATIONS:

Location	Address	City/State
Kendall County Courthouse Annex	221 Fawn Valley Dr. Ste 100	Boerne, Texas
Fair Oaks Ranch Police Department	7286 Dietz Elkhorn	Fair Oaks Ranch, Texas

Personal Appearance Times and Dates for Above Locations:

April 21 - 258 AM – 6 PM
April 26.....10 AM – 4 PM
April 28 - 297 AM – 7 PM

EXHIBIT “C”
Four (4) Proposed Charter Amendments

Measure A

The City Council shall be composed of the Mayor and five (5) Council Members (collectively referred to as “Members of City Council” and individually as “Mayor” or “Council Member”) each serving ~~two (2) year~~ three (3) year staggered terms. The terms shall be staggered as established by Ordinance. Each Council Member shall qualify and be elected by District, such Districts being numbered one (1) through five (5). Each Council Member shall be elected only by the voters residing in the area represented by the District to which the candidate seeks to be elected. Every registered voter in the City shall be entitled to vote for one candidate for Council Member for the area represented by the District in which the registered voter resides. Every registered voter in the City shall also be entitled to vote for one candidate for Mayor without regard to the District in which the voter resides.

PURPOSE: Increase terms of office from two years to three years, to provide continuity and more productive service. Terms to be staggered to provide for continuity of programs, councilmember education and transition.

Measure B

The City Council is the final judge of all elections and the qualifications of its members. ~~and of any other elected officials of the City.~~

PURPOSE: To eliminate unnecessary language, as there are no elected positions other than City Council.

Measure C

C. Filling of Vacancies. When a vacancy occurs in the City Council, it shall be filled as required by the Texas Constitution and other law applicable to Home-Rule cities; provided that if a vacancy occurs in a position that has less than 12 months remaining, the City Council shall appoint a qualified individual to serve the unexpired term. ~~the remaining members of the Council shall, within thirty (30) days, appoint a qualified person to fill the unexpired term. At no given time shall two (2) appointed Council members serve on the Council. In the case where a vacancy has been filled by the Council prior to a subsequent vacancy or vacancies, the Council shall call a special election within thirty (30) days from the date the last vacancy occurred, to be held within forty five (45) days thereafter, unless otherwise provided by law, for the purpose of electing the successor or successors to the office or offices vacated.~~

PURPOSE: To change method of filling Council vacancies to comply with State Law for cities with three-year terms instead of two-year terms.

Measure D

Section 10.07a Review of Charter. This charter shall be reviewed at ten (10) year intervals after the date of passage of this section by the city council. If, in the opinion of City Council, any changes are necessary, such changes shall be submitted to the voters in accordance with Section 10.07 of this charter.

PURPOSE: To require review of the Charter at least every ten years.

EXHIBIT “D”
Propositions

Measure A shall be placed on the ballot in the form of the following Proposition:

Proposition A

“Shall Section 3.02 of the Boerne City Charter be amended to provide for three-year terms of office for members of the City Council, including the Mayor, effective with the next regularly scheduled municipal election to be held in May 2026, and to establish staggered terms such that no more than one-third (1/3) of the Council seats are up for election in any given year, with a transition plan to implement this change?”

Measure B shall be placed on the ballot in the form of the following Proposition:

Proposition B

“Shall Section 3.04 of the Boerne City Charter be amended to read:
The City Council is the final judge of all elections and the qualifications of its members?”

Measure C shall be placed on the ballot in the form of the following Proposition:

Proposition C

“Shall Section 3.08 C. Filling of Vacancies of the Boerne City Charter be amended to read:
When a vacancy occurs in the City Council, it shall be filled as required by the Texas Constitution and other law applicable to Home-Rule cities; provided that if a vacancy occurs in a position that has less than 12 months remaining, the City Council shall appoint a qualified individual to serve the unexpired term?”

Measure D shall be placed on the ballot in the form of the following Proposition:

Proposition D

“Shall the Boerne City Charter be amended to add new Section 10.07a, to read as follows:
This charter shall be reviewed at ten (10) year intervals after the date of passage of this section by the city council. If, in the opinion of City Council, any changes are necessary, such changes shall be submitted to the voters in accordance with Section 10.07 of this charter?”