

ORDINANCE NO. 2025-29

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, ORDERING A GENERAL AND SPECIAL ELECTION TO BE HELD ON NOVEMBER 4, 2025 FOR THE PURPOSE OF ELECTING A CITY COUNCIL MEMBER FOR PLACE 1, A CITY COUNCIL MEMBER FOR PLACE 2 AND TO SUBMIT PROPOSED AMENDMENTS TO THE SAN MARCOS CITY CHARTER TO THE VOTERS; MAKING PROVISIONS FOR CONDUCTING THE ELECTION; PROVIDING FOR THE APPROVAL OF THIS ORDINANCE AS AN EMERGENCY MEASURE ON ONLY ONE READING; AND PROVIDING AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. A general and special election is ordered to be held by the City of San Marcos (the “City”) at the various polling places and election precincts within the corporate limits of the City, yet to be designated, on November 4, 2025 from the hours of 7:00 a.m. to 7:00 p.m. This General and Special City Election will be conducted jointly with Hays County and will be administered for the City by the Hays County Elections Administrator. At the General Election the qualified voters of the City will elect a City Council Member for Place 1 and a City Council Member for Place 2 with each Council Member position having a term of three years. At the concurrent Special City Election, the voters will consider proposed amendments to the San Marcos City Charter as set forth in this ordinance. The official canvass of the election shall be held November 17, 2025 following Election Day. In the event it becomes necessary to conduct a Runoff Election, it shall be held on December 13, 2025. Canvass of the returns of the runoff election, if necessary, shall be held on December 22, 2025.

SECTION 2. The ballots for the City election will conform to the requirements of the Texas Election Code, and will contain the following propositions that correspond to and summarize each of the proposed charter text amendments set forth in section 3 of this ordinance:

PROPOSITION - A

FOR/AGAINST	The amendment of various sections of the City Charter to update such references as “him, her, or his” to “them, their or they” as applicable.
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PROPOSITION - B

FOR/AGAINST	The amendment of various sections of the City Charter that require publication of public notices in a newspaper to additionally require posting of such notices on the city’s website and applicable social media.
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PROPOSITION - C

FOR/AGAINST	The amendment of Section 3.01(c) of the City Charter to increase the term of office for mayor from two years to four years beginning with the election for mayor in November 2028, and providing a term limit for mayor of two consecutive four-year terms, with allowance to run again only after a four-year break following two consecutive four-year terms as mayor.
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PROPOSITION - D

FOR/AGAINST	The amendment of Section 3.09 of the City Charter to reduce the minimum number of required regular city council meetings during a calendar year from 22 to 20 meetings.
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PROPOSITION - E

FOR/AGAINST	The amendment of Section 3.10 of the City Charter to require that regular city council meeting agendas include copies of minutes of the immediately preceding regular city council meeting together with an agenda item for consideration of approval such minutes.
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PROPOSITION - F

FOR/AGAINST	The amendment of Section 3.13 of the City Charter to improve the wording of a run on sentence and to clarify that printed copies of the code of ordinances may be available for purchase at a reasonable price.
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PROPOSITION - G

FOR/AGAINST	The amendment of Section 6.02 of the City Charter to increase the time to file a citizen-initiated referendum petition seeking to approve or reject any legislation enacted by city council from 30 to 90 days after passage of an ordinance that is the subject of the petition.
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PROPOSITION - H

FOR/AGAINST	The amendment of Section 6.10 of the City Charter to increase the time for the city clerk to determine whether an initiative, referendum or recall petition is properly signed by the requisite number of qualified voters from 45 to 60 days after the petition is filed with the city clerk.
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PROPOSITION - I

FOR/AGAINST The amendment of Section 7.02(7)(C) of the City Charter to change the interval for the planning and zoning commission's periodic review of the comprehensive plan from at least every five years to at least every 10 years.

PROPOSITION - J

FOR/AGAINST Relocating the provisions of Section 7.02(7) of the City Charter pertaining to the planning and zoning commission's review of the comprehensive plan to Section 7.03(b) concerning the comprehensive plan.

PROPOSITION - K

FOR/AGAINST The amendment of Section 8.02 of the City Charter to provide that the city manager will endeavor to use plain language in the city's budget documents.

PROPOSITION - L

FOR/AGAINST The amendment of Article XII of the City Charter to rename the title of Article XII from "General Provisions" to "Ethics" and to move sections under this article that are unrelated to ethics, including Section 12.01, into a new Article XIII titled "General Provisions."

SECTION 3. If approved by the voters, the San Marcos City Charter would be amended as follows: [proposed deleted text is shown with strikethroughs and proposed added text is underlined]:

TEXT AMENDMENTS – FOR PROP “A”

VARIOUS SECTIONS OF THE CITY CHARTER WOULD BE AMENDED CONSISTENT WITH THE EXAMPLE BELOW:

Example: Sec. 5.03. Filing for office.

Any qualified person as defined in Section 3.02 who desires to become a candidate in a general election to a place on the city council shall file with the city clerk at least 62 days prior to the election day an application for ~~his or her~~ their name to appear on the ballot. All candidates shall sign the code of fair campaign practices provided in V.T.C.A. Election Code § 258.004. For an election to be held on the date of the general election for state and county officers, the date of the filing deadline is the 70th day before election day. Such application shall clearly designate the place on the council to which the candidate seeks election and shall contain the candidate's sworn

statement of compliance with the qualifications for holding the office sought under the laws of Texas and the provisions of this Charter. All campaign contribution reports filed by candidates shall be legible.

TEXT AMENDMENTS – FOR PROP “B”

VARIOUS SECTIONS OF THE CITY CHARTER WOULD BE AMENDED CONSISTENT WITH THE EXAMPLE BELOW:

Example: Sec. 8.06. Notice of public hearing on budget.

Not less than 30 days before the date the city council adopts the budget, the city council shall fix the time and place of public hearing on the budget and shall cause to be published in a newspaper of general circulation in the City of San Marcos, the city’s official website and through ~~electronic~~ applicable social media, a general summary of the proposed budget and a notice of the hearing setting forth the time and place thereof, the time for which publication shall be in accordance with applicable law.

TEXT AMENDMENT - FOR PROP “C”

SECTION 3.01(C) OF THE CITY CHARTER WOULD BE AMENDED TO READ AS FOLLOWS:

Sec. 3.01. Number, selection and term.

- (c) Each council member for places 1, 2, 3, 4, 5 and 6 shall hold office for a period of three years, staggered so that two members shall be elected to a regular term each year. A council member elected at the regular election in November of 2022 or at any regular election held thereafter shall be ineligible to run for any council position, other than mayor, for a period of two years after serving three consecutive terms. The council member elected to the place of mayor shall hold office for a period of ~~two~~ four years. A person elected as mayor at the regular election held in November of ~~2024~~ 2028 or at any regular election held thereafter shall be ineligible to run again for mayor for a period of ~~two~~ four years after serving ~~four~~ two consecutive terms in that position.

TEXT AMENDMENT – FOR PROP “D”

THE FIRST SENTENCE OF SECTION 3.09 OF THE CITY CHARTER WOULD BE AMENDED TO READ AS FOLLOWS:

Sec. 3.09. Meetings of the city council.

The city council shall hold ~~twenty-two~~ regular meetings at a minimum each year at a time to be fixed by it for such regular meetings, and may hold as many additional meetings during the month as may be necessary for the transaction of the business of the city and its citizens.

TEXT AMENDMENT - FOR PROP "E"

SECTION 3.10 OF THE CITY CHARTER WOULD BE AMENDED TO READ AS FOLLOWS:

Sec. 3.10. Rules of procedure.

The city council shall determine by ordinance its own rules of procedure and order of business. Four or more council members shall constitute a quorum, but no action of the council shall be of any force or effect unless it is adopted by the favorable votes of four or more of the council members. Minutes of all meetings of the council, including the vote of "ayes" and "noes" upon the passage of all ordinances and resolutions, shall be taken and recorded, and such minutes shall constitute a permanent record to which any citizen may have access at all reasonable times. Minutes of each immediately preceding regular council meeting shall be included in each regular council meeting agenda for consideration of approval.

TEXT AMENDMENT – FOR PROP "F"

SECTION 3.13 OF THE CITY CHARTER WOULD BE AMENDED TO READ AS FOLLOWS:

Sec. 3.13. Code of Ordinances.

The council shall cause all general ordinances of the city to be compiled and printed in Code form. Every general ordinance enacted subsequent to such codification shall be enacted as an amendment to the Code. For the purposes of this section general ordinances shall be deemed to be those ordinances of a permanent or continuing nature which affect the residents of the city at large. When adopted by the council, the printed codes of general ordinances contemplated by this section shall be in full force and effect without the necessity of such Code or any part thereof being published in any newspaper. The caption, descriptive clause, and other formal parts of the ordinances of the city may be omitted without affecting the validity of such ordinances when they are published as a Code. Copies of the Code shall be furnished to city officers, placed in libraries and public offices for free public reference and made available through electronic media. Printed copies shall be made available and for purchase by the public at a reasonable price fixed by the council.

TEXT AMENDMENT – FOR PROP "G"

SECTION 6.02 OF THE CITY CHARTER WOULD BE AMENDED TO READ AS FOLLOWS:

Sec. 6.02. Power of referendum.

The people reserve the power to approve or reject at the polls any legislation enacted by the council which is subject to the initiative process under this Charter. Prior to or within ~~thirty~~ ninety days after the effective date of any ordinance which is subject to referendum, a petition by at least ten per cent of the qualified voters of the city may be filed with the city clerk requesting that any such ordinance be either repealed or submitted to the vote of the people. When such a petition has

been certified as sufficient by the city clerk, the ordinance specified in the petition shall not go into effect, or further action thereunder shall be suspended if it shall have gone into effect, until and unless it is approved by the voters as herein provided. Notwithstanding the foregoing, no zoning district boundary ordinance shall be subject to the referendum process.

TEXT AMENDMENT – FOR PROP “H”

SECTION 6.10(A) OF THE CITY CHARTER WOULD BE AMENDED TO READ AS FOLLOWS:

Sec. 6.10. Examinations and certification of petitions.

- (a) Within ~~45~~ 60 days after an initiative, referendum or recall petition is filed, the city clerk shall determine whether the petition is properly signed by the requisite number of qualified voters. The city clerk shall use the standards and procedures described in state law to make this determination.

TEXT AMENDMENT – FOR PROP “I”

SECTION 7.02(7)(C) OF THE CITY CHARTER WOULD BE AMENDED TO READ AS FOLLOWS:

Sec. 7.02. Powers and duties of the commission.

The commission shall have the power and be required to:

- (7) Perform an ongoing review of the city's comprehensive plan to include:

- (c) Holding public hearings and making recommendations to the council regarding the update of the entire comprehensive plan document at least once every ~~five~~ ten years.

TEXT AMENDMENT – FOR PROP “J”

THE PROVISIONS IN SECTION 7.02(7) OF THE CITY CHARTER WOULD BE RELOCATED TO SECTION 7.03(B) WITH RENUMBERING OF SUBSECTIONS TO BE DONE ACCORDINGLY:

Sec. 7.02. Powers and duties of the commission.

The commission shall have the power and be required to:

- ~~(7) — Perform an ongoing review of the city's comprehensive plan to include:~~

- ~~(a) Holding an annual public hearing on the plan and recommend any necessary or desirable changes to the council;~~
- ~~(b) Holding public hearings and making recommendations to the council regarding updates to the land use and transportation elements of the plan at least once every three years; and~~
- ~~(c) Holding public hearings and making recommendations to the council regarding the update of the entire comprehensive plan document at least once every five ten years.~~

Sec. 7.03. The comprehensive plan.

- (b) The commission shall conduct an ongoing review of the city's comprehensive plan in accordance with Section 7.02 to include:
 - 1. Holding an annual public hearing on the plan and recommend any necessary or desirable changes to the council;
 - 2. Holding public hearings and making recommendations to the council regarding updates to the land use and transportation elements of the plan at least once every three years; and
 - 3. Holding public hearings and making recommendations to the council regarding the update of the entire comprehensive plan document at least once every five ten years.

TEXT AMENDMENT – FOR PROP “K”

SECTION 8.02 OF THE CITY CHARTER WOULD BE AMENDED TO ADD A NEW SUBSECTION (D) TO READ AS FOLLOWS:

Sec. 8.02. Preparation and submission of budget.

- (d) In preparing publicly presented budget documents, the city manager shall endeavor to use plain language.

AMENDMENT – FOR PROP “L”

ARTICLE XII OF THE CITY CHARTER WILL BE AMENDED TO RENAME THE TITLE OF FROM “GENERAL PROVISIONS” TO “ETHICS” AND TO MOVE SECTIONS UNDER THIS ARTICLE THAT ARE UNRELATED TO ETHICS INTO A NEW ARTICLE XIII TITLED “GENERAL PROVISIONS” WITH RENUMBERING OF AFFECTED SECTIONS BEING DONE ACCORDINGLY.

ARTICLE XII. ~~GENERAL PROVISIONS~~ ETHICS

Sec. ~~12.01. Public access to records.~~

~~All information collected, assembled or maintained by the city pursuant to law or ordinance or in connection with the transaction of official city business is public information and available to the public during normal business hours of the city under the terms and conditions provided in the Texas Public Information Act as amended.~~

Sec. 12.021. Personal interest and code of ethics.

- (a)
 - (1) All elected and appointed officers of the city shall comply with applicable requirements of state law and city ordinances pertaining to conflicts of interest of local government officials.
 - (2) The code of ethics adopted by the city council under subsection (b) of this section shall require annual disclosure by members of the city council and city boards and commissions of their relevant interests in business entities and real property as defined under state law and city ordinances. The financial disclosures shall be updated within 30 days of any significant change in the interests of an official - even if such a change is temporary. For this part "significant" means a change in interest that would tend to render the annual financial disclosure misleading or incomplete.
 - (3) No member of the city council, and no employee of the city shall have a financial interest in the sale to the city or purchase from the city of any land, materials, supplies or service, outside of the person's position with the city. Any person having such an interest shall be ineligible for election as a city council member or appointment as an employee of the city, and any city council member or employee who acquires such an interest shall forfeit the office or employment. Any violation of this provision with the actual or constructive knowledge of the city council member or employee shall render the contract voidable by the city manager or the city council. These provisions shall not apply to acquisitions of property by the city as a result of eminent domain proceedings or the threat of eminent domain proceedings. These provisions shall not apply to purchases from the city of land, materials, supplies or services that are made available for purchase to all members of the public.
 - (4) For a period of two years from the date of leaving office, a city council member shall not have any financial interest in the sale to the city of any land or interest in land or in any contract for consulting, development, or construction services. Any violation of this subsection with the actual or constructive knowledge of the former city council member shall render the contract voidable by the city manager or the city council. These provisions shall not apply to acquisitions of property by the city as a result of eminent domain proceedings or the threat of eminent domain proceedings.
- (b) It is the policy of the City of San Marcos that all city officials and employees shall act and conduct themselves both inside and outside the city's service so as to give no occasion for distrust for their integrity, impartiality or of their devotion to the best interest of the City of San Marcos and the public trust which it holds. To this end and to expressly assure its accomplishment, the city council shall establish and maintain an ethics review commission, and shall adopt and maintain a code of ethics for officials and employees of the City of San Marcos in ordinance form. The city council shall appoint an ethics review commission composed of seven citizens of the City of San Marcos to serve three-year staggered terms. A chair shall be elected by a majority of the commission after the annual appointment of members to the commission.
- (c) Duties of the ethics review commission:
 - (1) The ethics review commission shall meet at least once a year to review the code of ethics of the City of San Marcos and make recommendations, if any, to the city council.
 - (2) Conduct hearings into allegations of violations of the city's code of ethics, a state conflict of interest law, or the city charter according to the procedures set forth in the city's ethics ordinance.
 - (3) Render advisory opinions on potential conflicts of interest, violation of the city's code of ethics, or the city charter at the request of a public official or employee.

- (4) Recommend to appropriate authorities cases for prosecution or other action for violation of the code of ethics, a state conflict of interest law, or the city charter.
- (5) Review and monitor financial reports required by the Texas Election Code with respect to city-sponsored elections.

Sec. 12.032. Nepotism and conflict of interest.

- (a) Public officials of the City of San Marcos are subject to the nepotism prohibitions defined under state law. For purposes of this section, the following are defined as public officials:
 - (1) The mayor and members of city council.
 - (2) City manager.
 - (3) City clerk.
 - (4) City attorney.
 - (5) Presiding judge of the municipal court.
- (b) No business partner or person related, within the second degree by affinity or within the third degree by consanguinity, to the mayor or any member of the city council or other public official of the city shall be employed or appointed to any office, position, board, or commission of the city. This prohibition shall not apply, however, to any person who shall have been continuously employed by the city for a period of at least six months prior to the election or appointment of the public official so related to him or her.

ARTICLE XIII. GENERAL PROVISIONS

Sec. 13.01. Public access to records.

All information collected, assembled or maintained by the city pursuant to law or ordinance or in connection with the transaction of official city business is public information and available to the public during normal business hours of the city under the terms and conditions provided in the Texas Public Information Act as amended.

Sec. ~~12.04~~ 13.02. Provisions relating to assignment, execution and garnishment.

The property, real and personal, belonging to the city shall not be liable to be sold or appropriated under any writ or execution or cost bill. The funds belonging to the city, in the hands of any person, firm or corporation, shall not be liable to garnishment, attachment, or sequestration; nor shall the city be liable to garnishment on account of any debt it may owe or funds or property it may have on hand or owing to any person. Neither the city nor any of its officers or agents shall be required to answer any such writ of garnishment on any account whatever. The city shall not be obligated to recognize any assignment of wages or funds by its employees, agents or contractors.

Sec. ~~12.05~~ 13.03. City not required to give security or execute bond.

It shall not be necessary in any action, suit or proceeding in which the City of San Marcos is a party, for any bond, undertaking, or security to be demanded or executed by or on behalf of said city in any of the state courts, but in all such actions, suits, appeals, or proceedings, same shall be conducted in the same manner as if such bond, undertaking or security had been given as required by law.

Sec. ~~12.06~~ 13.04. Special provisions covering damage suits.

Before the city shall be liable to damage claim or suit for personal injury, or damage to property, the person who is injured or whose property is damaged or someone in that person's behalf shall give the city manager or the person performing the duties of city clerk, notice in writing within 90 days after the occurrence of the alleged injury, or damage, stating specifically in such notice when, where and how the injury or damage was sustained, and setting forth the extent of the injury or damage as accurately as possible. Provided however, that the ninety-day notice requirement of this section may be extended by a court of competent jurisdiction for good cause shown if the injured party has exercised due diligence, if any delay in giving the notice required by this section is not the result of conscious indifference by the party and if there is no substantial harm to the city caused by the delay. No action at law for damages shall be brought against the city for personal injury or damage to property prior to the expiration of 30 days after the notice hereinbefore described has been filed with the city manager or the person performing the duties of city clerk. In case of injuries resulting in death, before the city shall be liable in damages therefor the person or persons claiming such damages shall after the death of the injured person give notice as above required in case of personal injury. Provided, however, that nothing herein contained shall be construed to mean that the City of San Marcos waives any rights, privileges, defenses or immunities in tort actions which are provided under the common law, the constitution and general laws of the State of Texas.

Sec. ~~12.07~~ 13.05. Separability clause.

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

Sec. ~~12.08~~ 13.06. Effect of this Charter on existing law.

All ordinances, resolutions, rules, and regulations now in force under the city government of San Marcos and not in conflict with the provisions of this Charter, shall remain in force under this Charter until altered, amended or repealed by the council after this Charter takes effect; and all rights of the City of San Marcos under existing franchises and contracts are preserved in full force and effect to the City of San Marcos.

Sec. ~~12.09~~ 13.07. Holdover of officers.

All officers of the city, including appointed members of city boards and commissions, shall continue to perform the duties of their offices until their successors are duly qualified.

Sec. ~~12.10~~ 13.08. Applicability of general laws.

The constitution of the State of Texas, the statutes of said state applicable to home-ruled municipal corporations, as now or hereafter enacted, this Charter and ordinances enacted pursuant hereto shall, in the order mentioned, be applicable to the City of San Marcos. The city shall also have the power to exercise any and all powers conferred by the laws of the State of Texas upon any other kind of city, town or village, not contrary to the provisions of said home-rule statutes, Charter and ordinances, but the exercise of any such powers by the City of San Marcos shall be optional with it, and it shall not be required to conform to the law governing any other cities, towns or villages unless and until by ordinance it adopts same.

Sec. ~~12.11~~ 13.09. Amending the Charter.

Amendments to this Charter may be framed and submitted to the voters of the city in the manner provided by state law and in compliance with the provisions of this Charter pertaining to the holding of elections, including the requirements in Section 6.03 for verification of signatures on any petition paper that have been continuously in effect since the adoption of the original city charter on February 24, 1967.

Sec. ~~12.12~~ 13.10. Charter review commission.

Beginning in January 2013 and at least every four years thereafter, the city council shall appoint a Charter review commission of seven citizens of the City of San Marcos.

(a) *Duties of the commission:*

- (1) Inquire into the operation of the city government under the Charter provisions and determine whether any such provisions require revision. To this end public hearings may be held; and the commission shall have the power to compel the attendance of any officer or employee of the city and to require the submission of any of the city records which it may deem necessary to the conduct of such hearing.
- (2) Propose any recommendations it may deem desirable to ensure compliance with the provisions of the Charter by the several departments of the city government.
- (3) Propose, if it deems desirable, amendments to this Charter to improve the effective application of said Charter to current conditions.
- (4) The commission shall provide a final report. The chair or designated member of the commission, shall report its findings and present its proposed amendments, if any, to the city council.

(b) The city council may take action to amend the Charter in the manner provided by state law.

(c) *Term of office:* The term of office of such Charter review commission shall be six months, and, if during such term no report is presented to the city council, then all records of the proceedings of such commission shall be filed with the person performing the duties of the city clerk and shall become a public record.

Sec. ~~12.13~~ 13.11. Reserved.

Sec. ~~12.14~~ 13.12. Reserved.

Sec. ~~12.15~~ 13.13. Fluoridation of municipal water supply.

The City of San Marcos shall not add, or direct or require its agents to add fluoride in the form of hydrofluorosilicic acid, hexafluorosilicic acid, or sodium silicofluoride to the San Marcos municipal water supply.

SECTION 4. The election will be held in accordance with the provisions of the Charter and ordinances of the City of San Marcos and the laws of the State of Texas. The deadline for filing by candidates for the position of Council Member, Place 1 and Council Member, Place 2 is 5:00 p.m. on August 18, 2025.

SECTION 5. An executed copy of this Ordinance will serve as proper notice of the election.

SECTION 6. Notice of the election, including a Spanish translation thereof, will be published in a newspaper published in San Marcos on or after October 5, 2025 and on or before October 19, 2025, and will be posted on the bulletin board at City Hall on or before October 5, 2025.

SECTION 7. A writ of election as required by the Texas Election Code will be delivered on or before September 5, 2025 by the Hays County Election Administrator to the presiding and alternate judges of each election precinct in which the election is ordered to be held.

SECTION 8. If any portion of this ordinance is held invalid by a court of competent jurisdiction, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 9. The importance of this ordinance creates an emergency and an imperative public necessity, and the provisions of the Charter requiring that ordinances be presented at two separate meetings be waived and, this ordinance will take effect immediately upon adoption.

CONSIDERED, APPROVED, AND ADOPTED on August 5, 2025.

Jane Hughson
Mayor

Attest:

Approved:

Elizabeth Trevino
City Clerk

Samuel J. Aguirre
City Attorney