

CITY OF TEXAS CITY
PROPOSED AMENDMENTS TO THE CITY CHARTER

ARTICLES IV, V and IX

(Note: Current charter language to be deleted is [bracketed and underlined].
All amendatory language is *italicized and in bold face*).

ARTICLE IV. NOMINATIONS AND ELECTIONS

SECTION 1. MUNICIPAL ELECTIONS

No amendatory action proposed.

SECTION 2. COMMISSON RULES

No amendatory action proposed.

SECTION 3. NOMINATIONS

Any qualified voter under Article II, Section 2 of the city desiring to have his/her name placed upon the official ballot for any election may do so by filing with the city secretary a written request for that purpose, signed by himself, at least thirty days prior to the date of said election; provided however, [if such person desires to have his/her name placed upon the ballot for the office of mayor such person shall pay to the city secretary a filing fee of twenty-five dollars at the time of filing written request, and if such person desires to have his/her name placed upon the ballot for the office of commissioner such person shall pay to the city secretary a filing fee of fifteen dollars at the time of filing written request.] *all such persons shall pay to the city secretary a filing fee of twenty-five dollars at the time at filing his/her request.* [All filing fees paid to the city shall be used to defray, in whole or in part, the expense of holding the election.]

SECTION 4. BALLOTS

No amendatory action proposed.

SECTION 5. ELECTION OF COMMISSION BY PLURALITY

No amendatory action proposed.

SECTION 6. LAWS GOVERNING ELECTIONS

No amendatory action proposed.

SECTION 7. CANVASSING ELECTIONS

No amendatory action proposed.

ARTICLE V. RECALL

SECTION 1. GENERAL PROVISIONS

Any member of the commission may be removed from office by recall. Any voter of the city may make and file with the city secretary an affidavit containing the name of any member of the commission whose removal is sought and a statement of the grounds for removal. The city secretary shall thereupon deliver to the voter making such affidavit, copies of petition blanks demanding such removal, printed forms of which the city secretary shall keep on hand. Such blanks shall be issued by the secretary with the city secretary's signature and official seal thereto attached; they shall be dated and addressed to the commission and shall indicate the name of the person to whom issued, the number of blanks so issued, and the name of the member whose removal is sought. A copy of the petition shall be entered in the record book to be kept for the purpose in the office of the secretary. If the Mayor or one of the at-large commissioners' removal is sought, the recall petition to be effective must be returned and filed with the secretary within thirty days after the filing of the affidavit, and it must bear the signatures of voters of the city to the number of at least ~~[fifty]~~ *thirty* percent of the number of voters who cast their votes at the last preceding regular municipal election; provided, however, that the petition shall not be effective unless it bears the signatures of at least one hundred voters of the city. If the removal of a district commissioner is sought the recall petition to be effective must be returned and filed with the city secretary within thirty days after the filing of the affidavit and bear the signatures of voters of said district in a number equal to at least ~~[fifty]~~ *thirty* percent of the number of voters who voted in the district at the last preceding regular municipal election at which said district commissioner was elected; provided, however, the petition shall not be effective unless it bears the signatures of at least one hundred voters of the said district.

SECTION 2. RECALL ELECTION ORDERED

If a recall petition, or amended petition as defined in Article VIII, Section 3, shall be certified by the city secretary to be sufficient the city secretary shall at once submit it to the commission with the city secretary's certificate to that effect and notify the member whose removal is sought of such action. If the member of the commission whose removal is sought does not resign within five days after such notice, the commission shall thereupon fix a day for holding a recall election *as provided in state law*. [Any such election shall be held not less than forty-five nor more than sixty days after the petition has been presented to the commission, and at the same time as any other special or general election held within such period; but if no such election is to be held within such period, the commission shall call a special election to be held within the time aforesaid.]

In case of a recall election for a district commissioner, only qualified voters residing in the subject commissioner's district shall be eligible to vote in the recall election.

SECTION 3. BALLOTS IN RECALL ELECTIONS

No amendatory action proposed.

SECTION 4. RESULT OF RECALL ELECTION

No amendatory action proposed.

SECTION 5. LIMITATIONS ON RECALL PETITIONS

No amendatory action proposed.

ARTICLE XI. LEGAL DEPARTMENT

SECTION 1. CITY ATTORNEY; QUALIFICATIONS

The head of the department of law shall be the city attorney who shall be appointed by the commission. The city attorney shall be an attorney at law who shall have practiced in the State of Texas for at least three years. The city attorney shall be the chief legal adviser of and attorney for the city and all departments and offices thereof in matters relating to their official powers and duties. It shall be the city attorney's duty, to:

- (1) perform all services incident to the department of law;
- (2) attend meetings of the commission whenever requested by the commission to do so;
- (3) give advice in writing when so requested by the commission, the mayor, [and/or chief executive officer] or the director of any department;
- (4) prosecute or defend, as the case may be, all suits or cases to which the city may be a party;
- (5) prosecute all offense against the ordinances of the city and for such offenses against the laws of the state as may be required by law;
- (6) prepare all contracts, bonds, and other instruments in writing in which the city is concerned, or to endorse approval of the form and correctness thereof; and
- (7) perform such other duties of a legal nature as the commission may by ordinance require.
- (8) ***prepare a written report to the commission, first in 2025, and thereafter at intervals not exceeding five years as to the need for revision of this charter, with special attention given to conflicts, if any, between the charter and state law and recommending such amendments to the charter as may seem necessary for legal, administrative, or other reasons.***

In addition to the duties imposed upon the city attorney by this charter or required by ordinance or resolution of the commission, the city attorney shall perform any duties imposed by law upon the chief legal officer of municipalities.

The commission shall be authorized to employ special counsel to assist the city attorney in important legal matters or to represent the city in any legal matter in which the city attorney is disqualified. Any special counsel appointed by the city attorney shall be subject to the confirmation of the city commission in advance of any such appointment.

Administratively, the city attorney shall report to the chief executive officer or his/her designated representative.

