

## **Proposed Ballot Language for Council-Approved Charter Amendments from the Charter Revision Commission (CRC) Recommendations**

### **Proposed Charter Amendment 1**

#### **Ballot Language:**

Shall the City Charter be amended to require Council Members to reside and be registered to vote in the district for which they file for candidacy for one hundred and eighty (180) days, rather than ninety (90) days, preceding the last day for filing of an application for candidacy; require the Mayor and Council Members to reside in the City and their respective districts throughout their term of office; have residence defined pursuant to the Texas Election Code Section 1.015; and allow for grammatical and punctuation corrections in Section 2.01?

#### **Charter change if the proposition passes:**

#### **Section 2.01 Composition, Qualifications, and Terms**

##### **(B) Qualifications**

The Mayor and all City Council Members shall be registered voters of the City and shall ~~have~~ resided within the City for twelve (12) months immediately preceding the last day for filing an application for candidacy. Additionally, City Council ~~m~~Members shall ~~have resided within~~ and be registered to vote in the district for which they file for candidacy for ~~ninety (90)~~ one hundred and eighty (180) days preceding the last day for filing of an application for candidacy and ~~continue to reside~~ their residence in the district from which elected throughout their term of office. **Additionally, the Mayor must reside in the City throughout his or her term of office. Residence is defined pursuant to the Texas Election Code Section 1.015.**

## **Proposed Charter Amendment 2**

### **Ballot Language:**

Shall the City Charter be amended to state that a person delayed taking the oath of office for longer than twelve (12) months due to an election contest is not deemed to have served a full term?

### **Charter change if the proposition passes:**

#### **(C) Terms and Limits**

The term of a City Council Member is four years. No person shall be elected as a City Council Member for more than two terms. The vacating of office by a City Council member, whether by resignation or otherwise, shall constitute a full term irrespective of the length of time served. A person who has been elected as a City Council Member through a special election to finish an unexpired term longer than two years shall be deemed to have served a full term. **A person who is delayed taking the oath of office for longer than twelve (12) months due to an election contest shall not be deemed to have served a full term.** No person shall be elected as a City Council Member through a special election if they have been elected to two terms. The terms of City Council Members shall be staggered with half of the City Council Members being elected every two years. Subject to the prohibitions and limitations of Section 2.03(A), service as a City Council Member does not limit service in another elected position.

## **Proposed Charter Amendment 3**

### **Ballot Language:**

Shall the City Charter be amended to provide that if the Mayor or Council Member held a City office or City employment immediately before their election as the Mayor or Council Member, then he or she may apply to return to his or her prior City office or City employment after the expiration of the term for which he or she was elected, with re-employment based on the needs of the City?

**Charter change if the proposition passes:**

**Section 2.03 Prohibitions**

**(A) Holding Other Office**

Except where authorized by law, neither the Mayor nor a Council Member shall hold any other City office or City employment during the term for which he or she was elected, and no former Mayor or Council Member shall hold any compensated appointive City office or City employment until one year after the expiration of the term for which he or she was elected. If the Mayor or Council Member held a City office or City employment immediately prior to election as the Mayor or Council Member, then he or she may apply to return to his or her prior City office or City employment after the expiration of the term for which he or she was elected. However, re-employment is based on the needs of the City.

**Proposed Charter Amendment 4**

**Ballot Language:**

Shall the City Charter be amended to provide that the Mayor or Council Member who is removed from office due to recall, conviction of a felony or court order, irrespective of the length of time served, thereafter be ineligible to hold elected office with the City of Laredo?

**Charter change if the proposition passes:**

**Section 2.04 Vacancies: Forfeiture of Office, Filling of Vacancies**

(D) The Mayor or Council Member who is removed from office due to recall, conviction of a felony or court order, irrespective of the length of time served, thereafter shall be ineligible to hold elected office with the City of Laredo.

## **Proposed Charter Amendment 5**

### **Ballot Language:**

Shall the City Charter be amended to allow the Mayor to vote in all cases and allow for punctuation and numbering corrections in Section 2.15?

### **Charter change if the proposition passes:**

#### **Section 2.15 Powers and Duties of the Mayor**

- (1) Shall preside at Council meetings;
- (2) Shall be recognized as the head of the City Government and as the official representative of the City but shall have no administrative duties;
- ~~(3) Shall only vote in case of a tie of Council Members;~~
- ~~(3-4)~~ Shall have the veto power and his/her veto shall be executed within the same Council meeting or no later than the next two regularly-scheduled Council Meetings, and may be overridden by a vote of five (5) Council Members made at the same meeting as the veto;
- ~~(4 5)~~ Shall make the official state of the city address by January 31 of each year of the Mayor's term of office at a public place open and free to all of the people of Laredo. The private sponsorship of the official state of the city address is prohibited~~;~~;
- ~~(5 6)~~ Shall have the right to initiate motions at City Council Meetings;
- ~~(6 7)~~ Shall have the right to add items to the Council agenda;
- ~~(7 8)~~ Shall consult with the City Manager regarding proposed agenda items to be included in the agenda of a regular and or special Council meeting~~;~~.

#### **Section 2.16 City Secretary**

The City Manager shall recommend a City Secretary whose appointment shall be confirmed by the affirmative vote of no less than five **members of City Council** ~~members~~. The City Secretary shall report to and be evaluated by the City Manager. It shall be the duty of the City Secretary to attend every meeting of the City Council

and keep accurate minutes of the proceedings thereof in a book to be provided for that purpose and to engross and enroll all laws, resolutions and ordinances of the City Council; to keep the corporate seal; to take charge of and preserve and keep in order all the books, records, papers, documents, and files of said Council; to countersign all commissions issued to the City officers and licenses issued; and any other duties and responsibilities as may be assigned by the City Council or state statute. The City Secretary may be removed from office by the affirmative vote of no less than five **members of City Council**~~Members~~.

### **Section 2.17 Internal Auditor**

The City Council shall appoint and evaluate an officer of the City who shall have the title of Internal Auditor and whose functions and duties shall be determined by ordinance. The Internal Auditor may be replaced or terminated by the affirmative vote of no less than five **members of City Council**~~Members~~.

### **Section 3.03 Removal**

The City Manager shall not be appointed for a definite term, but may be removed at the will and pleasure of the City Council by the affirmative vote of no less than five **members of City Council**~~Members~~. The action of the City Council in removing the City Manager shall be final, it being the intention of the Charter to vest all authority and fix all responsibility for such removal on the City Council.

### **Section 4.02 City Attorney**

The chief legal counsel for the City of Laredo shall be the City Attorney. In representation of the City, the City Attorney shall advise the Council, the City Manager and all city departments in matters legal. The City Attorney shall also represent the City in legal proceedings and shall perform such other duties as may be prescribed by this charter or by ordinance.

The City Manager appoints the City Attorney subject to the confirmation by the affirmative vote of no less than five **members of City Council**~~Members~~. The City Attorney shall serve until removed upon the recommendation of the City Manager and the affirmative vote of no less than five **members of City Council**~~Members~~.

### **Section 5.03 Clerk of the Municipal Court**

There shall be a Clerk of the Municipal Court who shall be nominated by the City Manager and then confirmed by the affirmative vote of no less than five **members of City Council** ~~Members~~, and who shall serve at the pleasure of the Council. The status of the Clerk of the Municipal Court shall be that of a department director. The clerk shall have the power to administer oaths and affidavits, make certificates, affix the seal of the court thereto, and otherwise perform any and all acts necessary in issuing process of such court and conducting the business thereof.

### **Proposed Charter Amendment 6**

#### **Ballot Language:**

Shall the City Charter be amended to allow the Mayor to veto a vote at the same meeting or the next meeting, rather than the next two meetings, and allow for grammatical corrections in Section 2.15?

#### **Charter change if the proposition passes:**

#### **Section 2.15 Powers and Duties of the Mayor**

(4) Shall have the veto power and his/her veto shall be executed ~~within~~ **at the same Council meeting or no later than the** next ~~two~~ regularly scheduled Council Meetings, ~~and~~ **but** may be overridden by a vote of five (5) Council Members made at the same meeting as the veto;

## **Proposed Charter Amendment 7**

### **Ballot Language:**

Shall the City Charter be amended to require the recommendation of the City Manager and no less than five votes of members of the City Council to appoint and no less than six votes of members of the City Council (if the Mayor is allowed to by the approval of Proposed Charter Amendment 5) to remove the City Secretary, Internal Auditor, City Attorney, Clerk of the Municipal Court, and Planning and Zoning Director; and allow for grammatical corrections in Section 2.16?

### **Charter change if the proposition passes:**

#### **Section 2.16 City Secretary**

The City Manager shall recommend a City Secretary whose appointment shall be confirmed by the affirmative vote of no less than five Council ~~Members~~ Members. The City Secretary shall report to and be evaluated by the City Manager. It shall be the duty of the City Secretary to attend every meeting of the City Council and keep accurate minutes of the proceedings thereof in a book to be provided for that purpose and to engross and enroll all laws, resolutions and ordinances of the City Council; to keep the corporate seal; to take charge of and preserve and keep in order all the books, records, papers, documents, and files of said Council; to countersign all commissions issued to the City officers and licenses issued; and any other duties and responsibilities as may be assigned by the City Council or state statute. The City Secretary may be removed from office by the affirmative vote of no less than ~~five~~six Council Members.

#### **Section 2.17 Internal Auditor**

The City Council shall appoint and evaluate an officer of the City who shall have the title of Internal Auditor and whose functions and duties shall be determined by ordinance. The Internal Auditor may be replaced or terminated by the affirmative vote of no less than ~~five~~six Council Members.

## **Section 4.02 City Attorney**

The chief legal counsel for the City of Laredo shall be the City Attorney. In representation of the City, the City Attorney shall advise the Council, the City Manager and all city departments in matters legal. The City Attorney shall also represent the City in legal proceedings and shall perform such other duties as may be prescribed by this charter or by ordinance.

The City Manager appoints the City Attorney subject to the confirmation by the affirmative vote of no less than five Council Members. The City Attorney shall serve until removed upon the recommendation of the City Manager and the affirmative vote of no less than ~~five~~**six** Council Members.

## **Section 5.03 Clerk of the Municipal Court**

There shall be a Clerk of the Municipal Court who shall be nominated by the City Manager and then confirmed by the affirmative vote of no less than five Council Members, and who shall serve at the pleasure of the Council. **The Clerk of the Municipal Court shall serve until removed upon the recommendation of the City Manager and the affirmative vote of no less than six members of the City Council or Council Members.** The status of the Clerk of the Municipal Court shall be that of a department director. The clerk shall have the power to administer oaths and affidavits, make certificates, affix the seal of the court thereto, and otherwise perform any and all acts necessary in issuing process of such court and conducting the business thereof.

## **Section 9.01 Planning and Zoning Director**

There shall be a Planning and Zoning Department headed by a director who shall be appointed ~~and removed~~ by the City Manager with approval of the City Council **by the affirmative vote of no less than five members of City Council. Planning Director shall serve until removed upon the recommendation of the City Manager and the affirmative vote of no less than six members of the City Council.**

The responsibilities of the planning director include:

- (1) advising the City Manager on any matter affecting the physical development of the City;



- (2) formulating and making recommendations to the City Manager for a comprehensive plan;
- (3) reviewing and making recommendations regarding proposed Council action implementing the comprehensive plan pursuant to established planning procedure;
- (4) participating in the preparation and revision of the capital improvement program;
- (5) advising the City Planning and Zoning Commission in the exercise of its responsibilities and to provide necessary staff assistance.

### **Proposed Charter Amendment 8**

#### **Ballot Language:**

Shall the City Charter be amended to require six votes to remove the City Manager, rather than five votes with no ability to veto by the Mayor?

#### **Charter change if the proposition passes:**

##### **Section 3.03 Removal**

The City Manager shall not be appointed for a definite term, but may be removed at the will and pleasure of the City Council by the affirmative vote of no less than ~~five~~**six** Council Members. The action of the City Council in removing the City Manager shall be final, **with no ability to veto by the Mayor**, it being the intention of the Charter to vest all authority and fix all responsibility for such removal on the City Council.

## Proposed Charter Amendment 9

### **Ballot Language:**

Shall the City Charter be amended to increase the number of elected Municipal Court Judges from one (1) to two (2); require three (3) years of experience in the practice of law; and provide for qualifications, appointments, confirmation, and removal of Associate Municipal Court Judges?

### **Charter change if the proposition passes:**

#### **Section 5.02 Judges of the Municipal Court**

The Municipal Court shall be composed of two full-time elected judges. The Courts shall be designated as Municipal Court Judge Position 1 and Municipal Court Judge Position 2. The terms of Municipal Court Judges shall be staggered, with one judge elected every two years. The Judges shall alternate serving as the Presiding Judge. The Presiding Judge of the Municipal Court shall administer the operation of the Municipal Court. The Judges of the Municipal Court shall preside over and administer the operations of over the Municipal Court. The Judges shall be attorneys, licensed to practice in the courts in the State of Texas and shall reside within the city limits. Before being elected, each Judge shall have three (3) years of experience in the practice of law in the State of Texas. The Each Judge shall be elected in the City at large. No person shall be elected as a Judge for more than two terms. The vacating of office by the Municipal Court Judge, by resignation or otherwise, shall constitute a full term irrespective of the length of time served for a four-year term with a limit of two elected four-year terms in addition to any time served through appointment or election to an unexpired term. An elected judge shall not engage in the private practice of law. Notwithstanding this prohibition, an elected judge may act pro se and may, without compensation, give legal advice to and draft or review documents for a member of the judge's immediate family. The Judges of the Municipal Court shall receive such salary as shall be fixed by ordinance.

The Associate Municipal Judges shall be licensed to practice in the courts of the State of Texas. The Each Municipal Court Judge shall recommend one Associate Municipal Court Judge to work with him or her during his or her term. The

Associate Municipal Court Judges shall serve at the pleasure of the Judge appointing him or her. ~~and the City Manager shall recommend one Associate Municipal Court Judge, and both~~ Each Associate Municipal Court Judge must be confirmed by the affirmative vote of no less than ~~five~~ six members of City Council Members. The Associate Municipal Court Judge may be removed at the sole discretion of the Municipal Court Judge who appointed said Associate Municipal Court Judge.

## **Proposed Charter Amendment 10**

### **Ballot Language:**

Shall the City Charter be amended to grant the City Council the authority to submit binding and nonbinding elections for proposed ordinances to the voters and allow for numbering corrections in Section 11.10?

### **Charter change if the proposition passes:**

#### **Section 11.10 Power of Referendum**

##### **(A) Referendum by Electors**

The electors shall have the power to approve or reject at the polls any ordinance passed by the Council. Ordinances submitted to the Council by initiative petition and passed by the Council shall be subject to the referendum in the same manner as other ordinances.

##### **(B) Referendum by City Council**

In the absence of a petition, the City Council shall have the authority to submit a proposed ordinance to the voters.

##### **(C) Binding Election**

If the City Council specifies that the election is binding, and if the voters approve the proposed ordinance, then the ordinance is adopted.

##### **(D) Non-Binding Election**

If the City Council specifies that the election is non-binding, then the results of the election are only to supply information and guidance to the City Council, and the proposed ordinance is neither approved nor disapproved.

## Proposed Charter Amendment 11

### **Ballot Language:**

Shall the City Charter nepotism article be amended to also prohibit persons related within the second degree by affinity or within the third degree of members of decision-making boards and commissions to be appointed to any office, position, clerkship, or other position with the City; but reduce the amount of time continuously employed by the City from two (2) years to six (6) months for existing employees to be exempt from the nepotism prohibition, except for relations with members of the Ethics Commission and the Civil Service Commission?

### **Charter change if the proposition passes:**

#### **Section 12.04 Nepotism**

No person related within the second degree by affinity or within the third degree by consanguinity to the Mayor, any Council Member, any elected City official, City Manager, or any member of any City **decision-making** board or commission shall be appointed to any office, position, clerkship, or other position with the City. This prohibition shall not apply, however to any person who shall have been continuously employed by the City for a period of ~~two (2) years~~ **six (6) months** or more prior to the election of the Mayor, Council member, or elected official or to the appointment of the City Manager or member of a **decision-making** board or commission related to such appointee in the prohibited degree, **except the Ethics Commission and the Civil Service Commission.**