

## Section 2.01 Composition, Qualifications and Terms

(A) Composition There is hereby created as the governing body of the City, a City Council composed of a Mayor and eight Council Members. The City shall be divided into ~~eight~~four districts which shall be drawn by ordinance. ~~Two~~ City Council Members shall be elected from each of these ~~eight~~four districts, respectively. ~~Whenever~~ Whenever the term “City Council Member” is used in this Charter it refers to a member of the City Council other than the Mayor; ~~is used in this Charter it refers to a member of the City Council other than the Mayor; however, the term,~~ however, the term “City Council” shall mean the eight Council Members and the Mayor.

### (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 months immediately preceding the last day for filing an application for candidacy. Additionally, City Council members shall maintain a permanent residence 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 must maintain their residence in the district from which elected throughout their term of office. ~~Additionally, the Mayor and all City Council Members must maintain their permanent residence in the City and within the district from which they are elected throughout their term of office.~~

### (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.

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## **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.**

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## **Section 2.04 Vacancies: Forfeiture of Office, **Administrative Leave**, Filling of Vacancies**

### **(A) Vacancies**

The office of the Mayor or of a Council Member shall become vacant upon death, resignation, removal from office in any manner authorized by law, or by forfeiture of office.

### **(B) Forfeiture of Office**

#### **(1) Mandatory Grounds.**

The Mayor or a Council Member shall forfeit office if he or she:

- a. lacks at any time during the term of office any qualification for holding the office prescribed by this Charter or by law;
- b. fails to meet the residency requirements for election to office;
- c. is convicted of a **felonyclass B misdemeanor or greater**;
- d. fails to attend three consecutive regular Council meetings without being excused by the Council;
- e. violates the prohibited personal financial interest provision set forth in Section 12.01 or - 9 - any other provisions of this Charter that prescribe forfeiture; or
- f. fails to attend six consecutive or non-consecutive regular Council meetings in any twelvemonth period with or without being excused by the Council.

### **(C) Administrative Leave**

(1) If the Mayor or a Council Member is arrested for any criminal offense, then upon a minimum of six (6) votes, Council may place the person on administrative leave with pay for thirty (30) days.

(2) If the Mayor or a Council Member is indicted for any criminal offense, then upon a minimum of six (6) votes, Council may place the person on administrative leave without pay for thirty (30) days.

#### **(E) Filling of Vacancies**

Any vacancy or vacancies occurring within the City Council and the office of the Mayor shall not be filled by appointment but shall be filled by majority vote of the qualified voters at a special election called for such purpose within 120 days after such vacancy or vacancies occur.

(E) The Mayor or Council Member who is removed from office in any manner authorized by law, including recall, or by forfeiture of office shall be deemed to have served two full terms irrespective of the length of time served.

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#### **Section 2.05 Judge of Qualifications and Address of Complaints**

(A) The City Council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of office. The City Council shall have the power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting ground for forfeiture of office shall be entitled to a public hearing. Notice of such hearing shall be published in one or more newspapers of general circulation in the City at least one week in advance of the hearing. Decisions made by City Council under this section are subject to judicial review.

#### **(B) Complaints**

(1) If the scope or nature of a violation may reasonably warrant an investigation or result in council action, then a written complaint should be filed. A complaint about the Mayor or a Council Member and filed by a fellow member of Council shall be submitted in writing to the City Manager with a copy to the City Attorney. The complaint shall be dated and include:

- a. The name and title of the individual(s) filing the complaint (referred to as the complainant(s));
- b. The name and title of the individual(s) alleged to have violated the code of conduct;
- c. The nature of the alleged violation of the code of conduct or of other law, rule, or regulation;  
and

d. The specific facts or circumstances that constitute a violation, including the submission of any documentation that relates to the alleged violation. The complaint shall not contain innuendo, speculative assertions, or conclusory statements.

(2) Complaints shall be reviewed by the City Attorney within ten (10) business days of receipt and City Council will be advised of the complaint. If questions of fact and potential legal liability are to be determined, the City Attorney may engage a third-party investigator to conduct fact-finding and if necessary legal analysis.

(3) Upon the conclusion of any investigation, City Council will be briefed on the matter to determine what, if any, action is appropriate if a violation has occurred. The Mayor and/or Council Members involved will recuse themselves from these Council discussions whether those discussions occur in executive session or open session. The involved Mayor and/or Council Member(s) may address Council during an open or closed meeting. The City Attorney will advise the complainant and the accused whether any violation has been determined to have occurred.

#### (4) Enforcement

A vote of no less than six (6) members of Council, whose conduct is not at issue in the above-referenced complaint(s), is required to determine the discipline, which may be one (1) or more of the following:

- a. A written letter of reprimand;
- b. Official censure; or
- c. Call for Resignation.

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### **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;~~

~~(4)~~ (3) 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~~ but may be overridden by a vote of ~~five (5)~~ **six (6)** Council Members made at the same meeting as the veto;

(~~5~~4) 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-;

(~~6~~5) Shall have the right to initiate motions at City Council Meetings;

(~~7~~6) Shall have the right to add items to the Council agenda;

(~~8~~7) Shall consult with the City Manager regarding proposed agenda items to be included in the agenda of a regular and or special Council meeting-;

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### **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. 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.

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### **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, it being the intention of the Charter to vest all authority and fix all responsibility for such removal on the City Council.

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### **Section 3.05 Powers and Duties of the City Manager**

The City Manager shall be the chief administrative and executive officer of the City. He/she shall be responsible to the City Council for the administration of all City affairs placed in his/her charge by or under this Charter. He/she shall have the following powers and duties:

(1) Shall appoint and, when he/she deems it in the best interest of the City, suspend, reassign, or terminate any City department directors provided for by or under this Charter, except as otherwise provided by law, this Charter or personnel rules adopted pursuant to this Charter. Department directors shall have the **nonexclusive** power to appoint, remove, or suspend all employees in their respective departments pursuant to policy as stated in Section 4.01(B), Directors of Departments;

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### **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.

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### **~~Section 5.02 Judge of the Municipal Court~~**

~~The Associate Municipal Court Judges shall be licensed to practice in the courts of the State of Texas. The Municipal Court Judge shall recommend one Associate Municipal Court Judge and the City Manager shall recommend one Associate Municipal Court Judge, and both must be confirmed by the affirmative vote of no less than five Council Members. **The Associate Municipal Court Judge shall serve until removed upon the recommendation of the appointing Municipal Court Judge or City Manager and the affirmative vote of no less than six Council Members.**~~

## Section 5.01 Municipal Court

There shall be a court known as The Municipal Court of the City of Laredo with such jurisdiction, powers, and duties as are given and/or prescribed by the laws of the State of Texas.

## Section 5.02 Judge 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 being elected every two years. The Judges shall alternate serving as the Presiding Judge. The Presiding Judge of the Municipal Court shall ~~preside over and~~ administer the operation of the Municipal Court. The Judges of the Municipal Court shall preside over the Municipal Court. The Judges shall be ~~an~~ 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/her during his/her term. The Associate Municipal Court Judges shall serve at the pleasure of the Judge appointing him/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 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.

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## 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 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.

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### **Section 6.02 Submission of Budget**

At least sixty (60) days before the end of the fiscal year, the City Manager shall present to the Council a budget for the ensuing fiscal year with an accompanying budget message. **A budget workshop shall be held monthly during the budget formulation process.**

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### **Section 6.04 Budget**

The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the City Manager deems desirable or the Council may require. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income indicating the proposed property tax levy, with estimated collectible and uncollectible amounts, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year.

It shall indicate in separate sections:

- (1) The proposed goals and objectives and expenditures for current operations during the ensuing fiscal year, detailed for each fund by organization unit, and program, purpose or activity, and the method of financing such expenditures;
- (2) Proposed capital expenditures during the ensuing fiscal year, detailed for each fund by organization unit when practicable and the proposed method of financing each such capital expenditure;
- (3) The anticipated income and expense and profit and loss for the ensuing year for each utility or other enterprise fund operated by the City;
- (4) The bonded debt and other indebtedness of the city showing the debt redemption and interest requirements, the debt authorized and unissued, the condition of the sinking funds and the borrowing capacity of the City. If at any time the General Fund balance falls below 15% of

appropriated funds, staff will develop a plan, approved by the City Council, to be implemented during the ensuing fiscal year to restore the fund balance to 15%.

(5) No funds, tax proceeds, or appropriations will be set aside specifically for any noncity government function, activity, department, agency or firm unless such entities have entered into a contract, agreement, engagement or study with the City, and such contract, agreement, engagement or study is included in the budget as finally approved and adopted by the Council.

(6) Excess carry over funds from a prior fiscal year may be appropriated in the ensuing fiscal year for one time appropriations only. Such funds shall not be used for recurring annual operating costs. For any fund, the total of proposed expenditures shall not exceed the total of estimated income plus carried forward fund balance, exclusive of reserves.

(7) Five percent (5%) of net property tax proceeds and five percent (5%) of all excess funds shall be allocated towards street paving or to the Comprehensive Plan.

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### **Section 6.08 Lapse of Appropriations**

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital project shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriations shall be deemed abandoned if ~~five (5)~~ three (3) years pass without disbursement from or encumbrance of the appropriation.

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### **Section 6.12 Borrowing**

The City Council shall have the power, except as prohibited by law, to borrow money by whatever method it may deem to be in the public interest.

Furthermore, the total overall outstanding debt shall be limited to 10% of the total assessed valuation of the City; **however, the combined total debt allowed to be borrowed by the City Council for discretionary fund purposes shall be capped at a total of up to \$1 million dollars per fiscal year. The total annual amount borrowed of up to \$1 million dollars by the City Council for discretionary funds shall thus be divided equally among each member of the City Council.**

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### **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 Council Members. The Planning Director shall serve until removed upon the recommendation of the City Manager and the affirmative vote of no less than six Council Members.** The responsibilities of the planning director include:

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### **Section 9.03 Comprehensive Plan**

#### **(A) Content**

The Council shall adopt, and shall review or modify each year before the adoption of the budget, a comprehensive plan to govern the future physical development of the City. **The Comprehensive Plan shall be updated no later than every 5 years.** The requirements and contents of the comprehensive plan shall be specified by ordinance.

#### **(B) Adoption**

The City Manager shall submit the proposed comprehensive plan or proposed modification of the existing plan. The Council shall refer such proposal to the City Planning and Zoning Commission which shall within a time specified by the Council, report its recommendations thereon. After receipt of the recommendations of the Commission, the Council shall hold a public hearing on the proposed comprehensive plan or modification thereof and shall thereafter adopt it by resolution with or without amendment.

#### **(C) Effects**

The comprehensive plan shall serve as a guide to all future Council action concerning land use and development regulations, urban renewal programs and expenditures for capital improvements.

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### **Section 11.01 Recall Provisions**

Any elected official may be removed from office by recall. A petition stating the specific grounds on which removal is sought shall be signed by the registered voters equal in number to ten (10%) percent of the registered voters **who voted in the most recent Citywide election or equal in number to fifteen (15%) percent of the registered voters who voted in the most recent** District election to

which the elected official was elected to office and shall be filed with the City Secretary by any registered voter who is eligible to vote in the proposed recall election. The recall petition shall have a time limit of six (6) months from the earliest date of any signature on the petition to the date of its filing with the City Secretary. Furthermore, no recall petition shall be filed against an elected official within six months after taking office nor within six months of the end of the elected term. A person subjected to recall election and not removed may not be the subject of another recall election for six months.

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### **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.

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### **Section 11.11 Form of Petition**

Any initiated ordinance or any ordinance subject to a referendum shall be submitted to the Council in a petition signed by qualified electors of the City equal in number to ten (10) percent of the ~~electors qualified to vote at the time of the~~ registered voters who voted in the last regular municipal election. The petition shall be filed with the City Secretary and in the case of referendum, the petition must be filed within sixty (60) days after the enactment by the Council of any ordinance which is subject to a referendum.

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### **Section 12.02 Ethics Commission**

The City Council shall, by ordinance, adopt a Code of Ethics, and establish an Ethics Commission to review and recommend standards of conduct not inconsistent with this Charter and with the Code of Ethics and to investigate all allegations of violations of the Code. ~~The Ethics Commission shall also have jurisdiction to investigate and make findings and conclusions concerning alleged violations of any other City rule, City code, or City charter provision to the extent that the alleged violation is not administered and enforced by the Texas Ethics Commission or the Laredo Civil Service Commission.~~ The Ethics Commission shall consist of nine (9) members. The Mayor and each member of the City Council shall nominate one member of the Commission. Each nominee must be appointed by a majority of a quorum of the City Council, but in no event by less than the affirmative vote of four Council Members. The term of the commission member shall be for the term of the officeholder who made the nomination. Upon vacancy, subsequent nominations shall be by the mayor for mayoral appointments or the Council Member of the respective district corresponding to the original appointment.

~~The Ethics Commission has authority to enforce any section of this Charter that is not otherwise enforced by the Charter.~~

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### **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.~~