

## **POSSIBLE CHARTER REVISIONS (SECOND DRAFT)**

### **1. SECTION 3.06: VACANCIES AND FORFEITURE OF OFFICE**

- A. Vacancies. The office of a City Council member shall become vacant upon the death, resignation, forfeiture of office, or removal from office in any manner authorized by law or by this Charter. All vacancies shall be filled in accordance with Article IV of this Charter.
- B. Forfeiture of Office. A Councilmember shall forfeit office if the member:
1. During the term of office lacks at any time any qualifications for the office prescribed by law or by this Charter.
  2. Violates any express prohibition of this Charter.
  3. Fails to attend three (3) consecutive regular meetings of the City Council without ~~being excused by prior consent of the City Council, unless this absence is caused by illness or by the illness of a family member.~~ The City Council shall be the final judge in matters involving forfeiture of office by a Council Member or the Mayor.
  4. Is convicted of a felony or a crime involving moral turpitude while in office.
  5. Ceases to reside in the City.

### **2. SECTION 4.01: CITY COUNCIL PLACES AND TERMS**

- A. All members of the City Council, other than the Mayor, shall be elected at-large under a place system.
- B. The Mayor and each member of the City Council shall hold office for a three (3) year term. Upon expiration of the terms of the current Mayor and Councilmembers, their successors shall be elected as follows:
- The offices of Mayor, Place 1 and Place 3 shall serve a three-year term commencing in May, 2010, and three-year terms thereafter;
  - The offices of Place 4 and Place 6 shall serve a three-year term commencing in May, 2009, and three-year terms thereafter;
  - The office of Place 2 shall serve a two-year term commencing in 2009, ending in 2011, and three-year terms thereafter; and
  - The office of Place 5 shall serve two-year terms commencing in 2010 and 2012, and three-year terms thereafter.

No person shall serve as Mayor for more than four (4) consecutive elected terms, and no person shall serve as Councilmember for more than four (4) consecutive elected terms ~~or twelve (12) years (whichever is less), as Councilmember and Mayor combined.~~ For purposes of this section and computing the limitations on terms,

(1) any Mayor or Councilmember who vacates, for any reason, his or her position before the end of the term for which he or she was elected, shall be considered to have completed that term; and

(2) an appointment or election to fill any unexpired term shall be computed as follows:

(a) if fifty percent (50%) or more of the term is remaining, it shall be included in the computation of term limits; or

(b) if less than fifty percent (50%) of the term is remaining, it shall not be included in the computation of term limits.

(3) The date a vacancy occurs is determined in accordance with Chapter 201 of the Texas Election Code, as amended.

C. All members of the City Council, including the Mayor, holding office at the time of passage of this Charter shall continue to hold their respective place and office until their respective term of office for which they were elected expires.

### **3. SECTION 4.10: VACANCIES**

A. If a vacancy occurs in the office of the Mayor, the Mayor Pro Tem shall perform the duties of the Mayor until such time as a new Mayor is selected. ~~Any other vacancy on the City Council shall be filled in accordance with the provisions of this section.~~

B. A vacancy on the City Council for an office with a three-year term must be filled by special election in accordance with the requirements of the Texas Constitution-; however, in the event a vacancy occurs on the City Council for an unexpired term of twelve (12) months or less, the City Council may call a special election to fill the vacancy, or by majority vote of the City Council, appoint a replacement to fill the vacancy.

~~C. Vacancies on the Council for offices with two-year terms shall be filled as provided in this subsection. In the event there is one vacancy on the City Council, the City Council may call a special election or by a majority vote of all remaining members appoint a qualified person to fill the vacancy. In the event there is more than one vacancy, the City Council shall call a special election, unless appointment is required to achieve a quorum.~~

#### **4. SECTION 9.05: RIGHT OF REGULATION**

In granting, amending, renewing and extending public service, transportation and utility franchises, the City reserves unto itself all the usual and customary rights, including, but not limited to, the following rights, whether or not stated in a franchise ordinance:

- A. To repeal the franchise by ordinance for failure to begin construction or operation within the time prescribed, or for failure to comply with terms of the franchise.
- B. To require all extensions of service within the City limits to become part of the aggregate property of the service and operate subject to all obligations and reserved rights contained in this Charter. Any such extension is considered part of the original grant and terminable at the same time and under the same condition as the original grant.
- C. To require expansion and extension of facilities and services and to require maintenance of existing facilities to provide adequate service at the highest level of efficiency.
- D. To require reasonable standards of service and quality of product and prevent rate discrimination.
- E. To impose reasonable regulations and restrictions to insure the safety and welfare of the public.
- F. To examine and audit accounts and records and to require annual reports on local operations of the public service or utility.
- G. To require the franchisee to obtain prior approval by permit to place subsurface utilities.
- H. To require the franchisee to restore, at franchisee's expense, all public or private property to a condition as good as or better than before disturbed by the franchisee for construction, repair or removal. ~~No asphalt or concrete street or thoroughfare shall be cut without the City Manager or his designee's written approval.~~
- I. To require the franchisee to furnish to the City, within a reasonable time, at the franchisee's expense, a general map outlining current location, character, type of structure, size, length, depth, height and terminal of all facilities over and under property within the City and its extraterritorial jurisdiction.
- J. To require compensation, rent or franchise fees to be paid to the City as may be permitted by the laws of the State of Texas.

#### **5. SECTION 11.06: NEPOTISM**

~~Relatives of the City Council, City Manager, and department heads of the City may not be employed by the City except in accordance with State Law.~~

Pursuant to Texas state law regarding nepotism, no person related within the second degree by affinity or within the third degree by consanguinity to the Mayor or any Councilmember or the City Manager shall be employed by or contracted with for the City. This shall not apply to the following:

A. Any person employed by the City prior to the person related in the above degree filing to run for elective office or being nominated for an appointment, or

B. Any person who is a seasonal employee or intern of the City.

## **6. SECTION 11.12: OFFICIAL MEDIUM**

The City Council shall, by resolution, designate one or more local newspaper(s) of general circulation in the City as the official newspaper(s) for publication of official business. All ordinances, notices, and other matters that are required to be published officially by this Charter, the ordinance of the City, or the laws of the State of Texas shall be publicized once in said medium.

## **7. GENERAL BOND PROPOSITION:**

Shall the City Charter be amended throughout to correct non-substantive errors such as misspellings, punctuation, grammar and sentence structure, revise references to repealed or obsolete provisions of state law and conform notice and publication requirements to state law?