

Objective Evidence to remove “Interim” from the current Interim City Manager title:

In very plain language of the charter it states:

"Need not be a resident of the City at the time of his/her employment, but must become one within ninety (90) days."

Notice what it **doesn't** say:

- It does not say "primary resident."
- It does not say "full-time resident."
- It does not say "domiciled exclusively within the city."
- It does not require the city to be the person's only residence.

The issue before us is not where the City Manager sleeps every night. The issue is whether she became a resident of Port Lavaca as required by the Charter. Texas law generally looks at whether a person has a home or fixed place of habitation and intends to maintain that residence. If she establishes and maintains a home in Port Lavaca and has not abandoned that residence, then the Charter's requirement has been satisfied. The Charter does not require a primary residence, exclusive domicile, or continuous physical presence within the city. The residency condition has been fulfilled unless the Charter expressly imposes a stricter standard. Had the Charter intended to require a primary residence or exclusive domicile within the City, it could have said so in a more clearer, more rigid, and more binding statement. The City Manager has been a resident for years at 623 S. Colorado Street in Port Lavaca, Texas. Therefore, the question is whether she established and maintains a residence in the city, not whether she spends every night there.

If the Council holds in their wrong opinion that the foregoing to be false, then they recognize that the City of Port Lavaca will NEVER employ a Rancher or Farmer who lives on their land outside our City.

Many years ago, the Council hired a Municipal Judge who was a Justice of the Peace. The Council knew he had a home in our city, but he lived outside the city. The Charter is written for residents, the same for this type of Judge. There is a clear precedent in applying for residence in our Charter.

Many people maintain more than one residence. The fact that a person spends time outside the city does not automatically mean they cease to be a resident of the city. Ownership and occupancy of a home within the city, coupled with an intent to maintain residency here, AGAIN supports the conclusion that she is, in fact, a city resident.

Mayor Luis De La Garza