

1. Article III, Section 4 "Filing of Candidates", lines 4-6

§ 4. - FILING OF CANDIDATES.

Any qualified person who desires to become a candidate for election to a place on the council shall file with the city clerk at least forty-five (45) days prior to the election day an application for his or her name to appear on the ballot. Such application shall be accompanied by a filing fee of five hundred dollars (\$500.00). If the petition is sufficient to satisfy statutory requirements, the filing fee may be reduced by one dollar (\$1.00) per signature for each registered voter who signs a petition requesting that the name of the candidate be placed on the ballot. In case of a district position, the petition shall be signed by registered voters residing in the particular district. Such application shall clearly designate by number the place on the council to which the candidate seeks election and shall contain a sworn statement by the candidate that he or she is fully qualified under the laws of Texas and the provisions of this Charter to hold the office he or she seeks.

Recommendation: Remove the sentence "If the petition is sufficient to satisfy statutory requirements, the filing fee may be reduced by one dollar (\$1.00) per signature for each registered voter who signs a petition requesting that the name of the candidate be placed on the ballot."

2. Article III, Section 6 – Canvassing Election and declaring results

§ 6. - CANVASSING ELECTION AND DECLARING RESULTS.

The returns of every municipal election shall be delivered by the election judges to the city clerk not later than twelve (12) hours after the closing of the polls. The council shall canvass the returns and declare the official results of the election in accordance with state law. The returns of every municipal election shall be recorded in the minutes of the council, by precinct totals for each candidate.

Recommendation: Remove section or revise to account for elections being contracted with the counties.

3. Article III, Section 8(F)

(F) Time Restrictions On Candidate Fundraising; Officeholder Accounts.

(1) In this section terms have the same meaning they have in Title 15 of the Texas Election Code. The term "officeholder account" means an account in which funds described by subsection (F)(4) must be kept. "Officeholder" means the mayor or a council member.

(2) An officeholder, a candidate for mayor or city council, or an officeholder's or candidate's committee may not solicit or accept a political contribution except during the last 180 days before an election for mayor or council member or in which an officeholder faces recall.

(3) Except as provided by subsection (F)(6), no later than the 90th day after an election, or if a candidate is in a runoff election no later than the 90th day after the runoff, a candidate or

CHARTER CLEAN-UP

Law Department suggestions:

Clerical

1. Article I, Section 4, line 2 (printed version)
 Suggestion: remove comma
 Current: and jurisdiction, in, upon, over, and under the public
 Proposed: and jurisdiction in, upon, over, and under the public

2. Article I, Section 5, line 7 of third paragraph (printed version)
 Suggestion: remove extra space
 Current: First Called Session, as now or hereafter amended ; to
 Proposed: First Called Session, as now or hereafter amended; to

3. Article 1, Section 6, line 1 (printed version)
 Suggestion: change upper case to lower case for City Council (to make consistent with dictate of Article 1, Section 2)
 Current: The City Council shall have the power by
 Proposed: The city council shall have the power by

4. Article 1, Section 6, line 7 (printed version)
 Suggestion: change upper case to lower case for City (to make consistent with dictate of Article I, Section 1)
 Current: inhabitants annexed. Before the City may institute
 Proposed: inhabitants annexed. Before the city may institute

5. Article 1, Section 6, lines 8 and 9 (printed version)
 Suggestion: change upper case to lower case for City Council (to make consistent with dictate of Article 1, Section 2)
 Current: annexation or disannexation proceedings, the City Council shall provide
 Proposed: annexation or disannexation proceedings, the city council shall provide

6. Article 1, Section 6, line 13 (printed version)
 Suggestion: change upper case to lower case for City (to make consistent with dictate of Article 1, Section 1)
 Current: the City and in the territory proposed to be annexed.
 Proposed: the city and in the territory proposed to be annexed.

7. Article 1, Section 6, line 15 (printed version)
 Suggestion: change upper case to lower case for City (to make consistent with dictate of Article 1, Section 1)
 Current: boundary limits of the City shall thereafter be fixed in
 Proposed: boundary limits of the city shall thereafter be fixed in

8. Article 1, Section 6, line 23 (printed version)
Suggestion: change upper case to lower case for City (to make consistent with dictate of Article 1, Section 1)
Current: City.
Proposed: city.
9. Article II, Section 12, lines 4 and 5 (printed version)
Suggestion: modernize phrase "spread upon the minutes." The *Dictionary of Modern Legal Usage* (Garner, p. 825) defines as: "a figurative parliamentary idiom that has been extended in legal usage to other printed matter." It is considered outdated.
Current: by the council for reasons to be spread upon the minutes.
Proposed: by the council for reasons to be documented in the minutes.

Substantive, in order to harmonize

1. Article II, Section 12, lines 2 and 3, "Meetings of the Council"
Replace wording "as may be prescribed by ordinance" – this is no longer done by ordinance. City Clerk can offer wording suggestions.
2. Article II, Section 4 "Transition"
Remove entire section – transition to 10-1 is complete re: council terms and staggering of council terms. If left in, it will read as a conflict with Article III, Section 2. Explanatory note should read something like "subsections expired on the date that no one in the offices of mayor or council member subject to the provisions continued to serve in accordance with the shortened transition terms."
3. Article III, Section 2 "Election Date; Council Terms; Election by Majority and Run-off Elections"
Remove subsection (1) under 2(A) in its entirety. Leave all other subsections intact. Subsection (1) contains the authorization to omit: "When this paragraph has served its purpose, it expires, and need not be reprinted in future versions of the Charter."
4. Article IV, Section 2, lines 7 and 8, "Power of Referendum"
Harmonize definition of emergency ordinance not subject to referendum. Currently says "...except an ordinance which is enacted for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and which is adopted by the favorable votes of five (5) or more of the councilmembers." This conflicts with Article II, Section 14 which defines an emergency ordinance as "an ordinance relating to the immediate preservation of the public peace, health or safety ... adopted as an emergency measure by the favorable votes of at least two-thirds of the councilmembers and contains a statement of the nature of the emergency." A favorable vote of at least two-thirds of our 11-member council equals 8 votes.