2020 CITY OF LAREDO PROPOSED CHARTER AMENDMENTS

Election Day November 3, 2020
Amending the City Charter

- Pursuant to Article XI Section 5 of the Texas Constitution, a City Charter cannot be altered or amended no more often than every 2 years.

- Pursuant to §12.09 of the City Charter, the City Council shall appoint a City Charter Revision Commission to make recommendations to the Council on amendments to the Charter no more often than every two years but at least every ten years.

- Pursuant to Chapter 9.004 of the Texas Local Government Code, the City Council on its own motion may submit a proposed charter amendment to the voters for their approval.
Amendment {A}
Forfeiture of Office

Summary

Should the City Charter be amended to provide that upon the conviction of a criminal offense, excluding a felony, by the Mayor or a City Council Member, a declaratory judgment action shall be filed with a district court of competent jurisdiction to seek a determination on whether the crime committed is one involving moral turpitude, and if it is so determined, a recall process shall be automatically triggered?

Explanation

Currently the Charter provides that: (1) the conviction of a crime involving moral turpitude or a felony by the Mayor or a Council member constitutes grounds for the forfeiture of office; and (2) the City Council is the judge of whether any ground exists for the forfeiture of office by any members.

Although there is no question when a serious felony offense has been committed, a crime of moral turpitude is a legal concept without an exact definition that refers to any conduct believed to be contrary to the community standards of honesty, justice, or good moral values.

This amendment would: (1) provide a mechanism for referring the issue to a district court for a determination as to whether a crime of moral turpitude was committed based on the facts of the particular case; and (2) remove the conviction of a crime involving moral turpitude as an automatic ground for forfeiture of office and instead triggering the Order of a Recall Election.
Amendment {A}
Forfeiture of Office

Should Section 2.04 (B) of the City Charter be amended to read as follows:

(B) Forfeiture of Office

1. Mandatory Grounds. The Mayor or a Council Member shall forfeit office if he or she:

   (1) lacks at any time during the term of office any qualification for holding the office prescribed by this Charter or by law;

   (2) fails to meet the residency requirements for election to office;

   (3) is convicted of a crime involving moral turpitude or felony;

   (4) fails to attend three consecutive regular Council meetings without being excused by the Council;

   (5) violates the prohibited personal financial interest provision set forth in Section 12.01 or any other provisions of this Charter that prescribe forfeiture; or

   (6) fails to attend six consecutive or non-consecutive regular Council meetings in any twelve-month period with or without being excused by the Council.

2. Potential Grounds. If the Mayor or a Council Member is convicted of any criminal offense other than a felony or Class C Misdemeanor, the City Attorney shall file a petition for Declaratory Judgment with the District Courts of Webb County for a determination on whether the crime is one involving moral turpitude. If it is determined by the District Court Judge that the Mayor or Council Member was convicted of a crime involving moral turpitude, then the City Council shall automatically order a recall election at the next allowable election date under the Texas Elections Code and dispense of the certified recall petition required under Section 11.05 of the City Charter.
## Amendment  {B}  
### Veto Power

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<td>Should the City Charter be amended to require the Mayor to execute his/her veto power within the next two regularly scheduled Council Meetings?</td>
<td>Currently the Charter does not place a time limitation on the exercise of veto power by the Mayor.</td>
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<td>This amendment would require the Mayor’s veto power be executed within two regularly scheduled Council Meetings from when the action was taken and further clarifies that Council may only override said veto at the same meeting it was exercised.</td>
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Amendment {B}

Veto Power

Should Section 2.15 (4) of the City Charter be amended to read as follows:

Section 2.15 Power 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 the case of a tie of Council Members;
(4) Shall have the veto power and his/her veto shall be executed within 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;
(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 city address is prohibited.
(6) Shall have the right to initiate motions at City Council Meetings;
(7) Shall have the right to add items to the Council Agenda;
(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;
**Amendment {C}**

**Filing Fee**

**Summary**

Should the City Charter be amended to require any candidate filing an application for place on the ballot to also be required to submit a filing fee, or signature petition in lieu of the filing fee, with the City Secretary as prescribed by City Ordinance and in accordance with the Texas Election Code?

**Explanation**

Currently the Charter does not require a filing fee to be paid by city candidates in association with their application for place on the election ballot.

Chapter 143 of the Texas Election Code allows a home rule city through charter authorization to set a filing fee by ordinance so long as an alternative procedure for payment of the fee is also established.

This amendment to the Charter would permit the City to require each candidate for elective City office to submit a nonrefundable filing fee or, in lieu of the payment of a filing fee, a petition signed by a percentage of the qualified voters of the City in order to be qualified to run for office. If adopted, the amount of the filing fee and the specific requirements for the alternate signature petition would be subsequently adopted by the City Council through Ordinance.
Amendment {C}  
Filing Fee

Should Section 10.02 of the City Charter be amended to read as follows:

Section 10.02 Nominations

Any person filing for office shall file an application with the City Secretary in accordance with the Texas Election Code. Each candidate’s application for a place on the ballot must be accompanied by a nonrefundable filing fee in an amount to be determined by ordinance, or in lieu of the payment of a filing fee, a petition signed by a certain percentage in an amount to be determined by ordinance of the total votes received in the last general election by all candidates for the office sought.
Amendment {D}
Prohibited Political Activities

Summary

Should the City Charter be amended to provide that the Mayor, in addition to City Councilmembers, are excluded from the prohibition against participating in political activity while on duty, in uniform, or using City resources?

Explanation

The Charter currently provides that with the exception of members of council, no employee or officer of the city shall, in any way, participate in political activity of any nature while on duty, in uniform or using city resources.

This amendment would also allow the Mayor to participate in political activity in his official capacity.
Amendment {D}
Prohibited Political Activities

Should Section 12.06 (A)(5) of the City Charter be amended to read as follows:

(A) Activities Prohibited

(5) No City employee shall knowingly or willfully make, solicit, or receive any contribution to the campaign funds of any political party or committee to be used in a city election or to campaign funds to be used in support of or opposition to any candidate for election to city office or city ballot issue. With the exception of members of council and the Mayor, no employee or officer of the city shall, in any way, participate in political activity of any nature while on duty, in uniform or using city resources except for that required by the employee election procedure for appointments of members of the Civil Service Commission. With the exception only of the City Manager, any Deputy City Manager, any Assistant City Manager, the City Secretary, all of the staff of the City Secretary, all other officers and employees of the City of Laredo may participate in political activity, provided that no coercion or retaliation concerning political activity shall be allowed. None of the following: the City Manager, any Deputy City Manager, any Assistant City Manager, the City Secretary, and all of the staff of the City Secretary, shall, at any time, take part in any political activity on city related issues except to provide factual information at the direction of the City Manager, to express their own opinions privately, and to cast their votes.
Amendment {E}
Referendum Requirement for Certain Bonds

Summary
Should the City Charter be amended to provide that any proposed issuance of a bond valued at over 10% of the comprehensive budget, excluding those issued through the Enterprise funds, for capital improvement projects must be approved through a ballot referendum?

Explanation
Currently there is no voter requirement for the issuance of bonds.

This amendment would require a referendum to secure voter approval for any bond valued over 10% of the comprehensive budget not including utilities, sewer, and bridge funds.
Amendment {E}
Referendum Requirement for Certain Bonds

Should Section 6.13 of the City Charter be amended to read as follows:

(F) Referendum Requirement
A proposed issuance of a bond for any capital improvement projects valued at over 10% of the comprehensive budget, excluding enterprise funds, shall be approved by the voters through ballot referendum.
Amendment {F}  
City Manager

**Summary**

Should the City Charter be amended to provide that the minimum qualifications for the City Manager require a Master’s Degree and no less than eight years' experience in government, economic development, or another government related field?

**Explanation**

Currently the Charter provides that among other things, the City Manager shall have a Bachelor’s Degree and no less than 7 years experience in municipal government, five of which must be supervisory managerial experience.

This amendment would increase the minimum qualifications for an individual to qualify for appointment to the position of City Manager.
Amendment {F}
City Manager

Should Section 3.02 of the City Charter be amended to read as follows:

Section 3.02 Qualifications

The City Manager shall be appointed on the basis of executive and administrative qualifications. He/she shall have a Bachelor's Master's Degree and no less than seven eight years' experience in municipal government, economic development, or other government related field, five of which must be supervisory managerial experience. A Master's Degree in Public Administration is preferred. The City Manager need not be a resident of the City or State at the time of appointment, but must reside inside the City while in office.
Amendment {G}
Tax Assessor and Collector

Summary
Should the City Charter be amended to provide that the Tax Assessor and Collector, or his/her contracted designee, shall be responsible for the assessment and collection of taxes levied by the City of Laredo?

Explanation
Currently the Charter only permits the City Tax Assessor to assess and collect taxes.

The amendment would allow, but not require, the City to contract out with another entity for the assessment and collection of City taxes.
Amendment {G}
Tax Assessor and Collector

Should Section 7.01 of the City Charter be amended to read as follows:

Section 7.01 Department of Taxation

There shall be a Department of Taxation, the head of which shall be the City Tax Assessor and Collector, who shall be appointed by the City Manager, and who shall either be solely responsible, or who shall have the authority to contract out with another entity, for the assessment and collection of all taxes levied by the City of Laredo.
Amendment {H}
Payment of Taxes

Summary
Shall the City Charter be amended to provide that all taxes due the City of Laredo shall be payable at the office of the City Tax Assessor and Collector, or at one or more other designated locations, and may be paid any time after assessments have been made final by the Council?

Explanation
Currently the Charter requires tax payments be made at the office of the City Tax Assessor and Collector.

This amendment would allow payments to be made at other authorized locations throughout the City.
Amendment {H}
Payment of Taxes

Should Section 7.03 of the City Charter be amended to read as follows:

Section 7.03 Tax Payments

All taxes due the City of Laredo shall be payable at the office of the City Tax Assessor and Collector, or at one or more other authorized locations throughout the City, and may be paid any time after assessments have been made final by the Council.