

ARTICLE III. - ELECTED OFFICIALS ^[3]

⁽³⁾ **State Law reference**— Home rule, V.T.C.A., Local Government Code § 26.021.

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Section 3.01. - Number, selection and term of councilmembers.

The legislative and governing body of the city shall be known as the council of the City of Seguin and shall consist of a Mayor and eight (8) council members. Effective with the election of all council members on May 7, 1994, the city shall be divided in eight (8) districts. The boundaries of the districts shall be established and modified by ordinance, where appropriate, following each succeeding federal decennial census, or at other times where substantial variances in the number and makeup of the population of districts or wards have occurred, taking into consideration annexations, disannexation, shifts in population, compactness, ethnic composition and other criteria established by law. On any annexation, the city council shall designate the annexed area to be a part of the districts to which it is contiguous.

(a) An election shall be held in each even numbered year at the regular spring election date mandated by law. At each election, there shall be elected one councilmember from each of four (4) alternating districts or wards. The mayor and city secretary shall be elected at every second election. Councilmembers shall be elected by voters in their respective districts or wards. The mayor shall be elected by the city at large.

(b) The mayor shall be the presiding officer of the city council and shall be recognized as head of the city government for all ceremonial purposes. He shall perform such other duties and exercise such authority as may be prescribed and conferred by law or by the city council.

(c) The mayor and each councilmember shall hold office for a period of four (4) years and until the mayor's, secretary's or councilmember's successor is elected and qualified. All elections shall be held in the manner provided in Article VI of this Charter.

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(Ord. No. 88-5, § 1(A), 3-1-88/5-7-88; Ord. No. 92-22, § 1(1), 5-19-92/5-2-92; Amend. of 5-4-96; Amend. of 9-14-02)

Editor's note— Section 3.01 above has been amended per the court order of H.F. Garcia, U.S. District Judge— February 10, 1994, pursuant to Civil Action # SA 93-CA 0333 — League of United Latin American Citizens (LULAC) Council # 682, et al, vs City of Seguin.

State law reference— Election dates, V.T.C.A., Election Code § 41.001.

Section 3.02. - Qualifications.

The mayor shall be a resident citizen of the City of Seguin, at least twenty-one (21) years of age, and a qualified voter of the State of Texas, and shall have been a resident of the City of Seguin for a period of not less than twelve (12) months immediately preceding his or her election.

Each councilmember shall be a resident citizen of the City of Seguin, at least twenty-one (21) years of age, shall have been a resident of the City of Seguin and the district from which he or she is elected for a period of at least six (6) months immediately preceding the election, and shall be a qualified voter of the State of Texas. If the mayor or any councilmember fails to maintain the foregoing qualifications or shall be absent from three (3) consecutive regularly scheduled meetings without valid excuse, or shall move from the district in which he or she was elected, the city council must at its second regular meeting thereafter declare a vacancy to exist and fill said vacancy as set forth in Section 3.06 of this Charter.

Neither the mayor nor any city councilmember may hold the office to which elected for more than eight (8) years. Neither the mayor nor any city councilmember may run for election or reelection if the term of office for which they are running when added to the time which they will have served in office upon election will exceed eight (8) years.

(Ord. No. 86-6, § 1(B), 3-4-86/4-5-86; Ord. No. 92-22, § 1(2), 5-19-92/5-2-92; Amend. of 5-4-96; Amend. of 9-14-02)

Section 3.03. - Council to be judge of election qualifications.

The city council shall be the judge of the election and qualification of its own members.

(Amend. of 9-14-02)

Section 3.04. - Compensation.

The city council shall fix the compensation to be received by its members for attendance at its meetings.

(Amend. of 9-14-02)

Section 3.05. - Mayor pro tem.

The city council, in June of each year, shall elect one of its members mayor pro tem, and he or she shall perform all the duties of the mayor in the absence or disability of the mayor.

(Amend. of 9-14-02)

Section 3.06. - Vacancy or vacancies.

In the event of a vacancy or vacancies from any cause in the office of mayor, city secretary or councilmember, such vacancy or vacancies shall be filled by the holding of a special election in accordance with applicable state and federal law.

(Amend. of 9-14-02)

State law reference— Special elections, V.T.C.A., Election Code § 41.001.

Section 3.07. - Powers of the city council.

(a) All powers of the city shall be vested in the council except as otherwise provided by law or by this Charter. Councilpersons shall exercise these powers for the performance of all duties and obligations imposed on the city by law.

(b) Except where authorized by law, no mayor or councilperson will hold any other city office or employment during his term as mayor or councilperson. No former mayor or councilperson shall hold any compensated appointive city office or city employment until one year after the expiration of his or her term of office.

(c) Neither the council nor any of its members will dictate the appointment or removal of any city administrative officers or employees whom the manager or any of his subordinates are empowered to appoint. The council may express its views and fully and freely discuss with the manager anything pertaining to the appointment or removal of such officers and employees.

(d) The mayor and all councilpersons shall deal with city officers and employees who are subject to the direction of the city manager solely through the city manager. Neither the mayor nor any councilperson will give orders to any such officer or employee, either publicly or privately, except as otherwise provided in this Charter.

(Ord. No. 86-6, § 1(C), 3-4-86/4-5-86; Amend. of 9-14-02)

Section 3.08. - Meetings of the city council.

The city council shall hold at least two (2) regular meetings in each month at a time to be fixed by the council for such regular meetings, and may hold as many additional meetings during the month as may be necessary for the transaction of the business of the city. All meetings of the city council shall be public except where otherwise authorized by law, and shall be held at the City Hall, except that the city council may designate another place for such meetings after publishing due notice thereof in one issue of the official newspaper of the City of Seguin. The mayor or any other two (2) members of the city council may call special meetings of the council at any time.

(Amend. of 9-14-02)

State law reference— Public meetings, Vernon's Ann. Civ. St. art. 6252-17.

Section 3.09. - Rules of procedure.

The city council shall determine its own rules of procedure and may require the attendance of its members. Two-thirds of the qualified members of the council shall constitute a quorum to do business and the affirmative vote of a majority of those present shall be necessary to adopt any ordinance or

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resolution. Minutes of the proceedings of all meetings of the council shall be kept, to which any citizen may have access at reasonable times, and which shall constitute one of the archives of the city. The vote upon the passage of all ordinances and resolutions shall be taken by the "ayes" and "nays" and entered upon the minutes, and every ordinance or resolution, upon its final passage, shall be recorded in a book kept for that purpose under full caption, and shall be authenticated by the signature of the presiding officer and the person performing the duties of the city secretary.

(Amend. of 9-14-02)

Section 3.10. - Procedure for passage of ordinances.

Every ordinance shall be introduced in written or printed form and shall take effect upon passage thereof or at the time indicated therein; provided, that any ordinance imposing a penalty, fine or forfeiture for a violation of its provisions shall become effective not less than ten (10) days from the date of its passage, subject to the provisions of Section 8.03 of this Charter. The city secretary shall give notice of the passage of every ordinance imposing a penalty, fine or forfeiture for a violation of the provisions thereof by causing the caption or title, including the penalty, of such ordinance to be published in the official newspaper of the City of Seguin at least once within ten (10) days after passage of said ordinance. The city secretary shall note on every ordinance, the caption of which is hereby required to be published, and on the record thereof, the fact that same has been published, as required by the Charter, and the date of such publication, which shall be prima facie evidence of the legal publication and promulgation of such ordinance; provided, that the provisions of this section shall not apply to the correction, amendment, revision and codification of ordinances of the city for publication in book or pamphlet form. Except as otherwise provided by Article VIII of this Charter, it shall be necessary to the validity of any ordinance that it shall:

- (1) Be in the hands of each city councilmember and shall be distributed to the local news media at the time of a regularly scheduled session of the city council prior to the meeting at which the said ordinance is to be formally presented to the city council;
- (2) Said proposed ordinance shall be read at least two (2) successive council sessions and may be voted on and passed at the second session after the second reading by the city council; and
- (3) In case of an "emergency," which may be declared by a two-thirds vote of the city councilmembers, it shall be necessary to the validity of an ordinance that it be read only one time at one session of the city council at which session the city council may pass said ordinance.

(Ord. No. 92-22, § 1(3), 5-19-92/5-2-92; Amend. of 9-14-02)

State law reference— Adoption of ordinances, publication, V.T.C.A., Local Government Code § 52.013.

Section 3.11. - Official bonds for city employees.

The city council shall require surety bonds of all city employees who receive and pay out any monies of the city and such other city officers and employees as the council may require, the premium on said bond to be paid by the City of Seguin.

(Amend. of 9-14-02)

Section 3.12. - Reserved.

Editor's note— Section 3.12, pertaining to investigations by city council and derived from the city's 1971 Charter,

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adopted by referendum on Nov. 19, 1971, and Ord. No. 1971-41, adopted Dec. 7, 1971, was deleted by amendment to the Charter ratified at referendum on May 4, 1996.

Section 3.13. - Audit and examination of city books and accounts.

The city council shall cause an annual audit to be made of the books and accounts of each and every department of the city. At the close of each fiscal year a complete audit shall be made by a licensed public accountant, who shall be selected by the city council, and such audit shall include a recapitulation of all audits made during the course of each fiscal year, and all audit reports shall be filed with the city council, shall be available for public inspection and shall be made a part of the archives of the city. Such accountant, so selected, shall not maintain or keep any of the city's accounts or records.

(Amend. of 9-14-02)

Section 3.14. - City secretary.

The city secretary shall be elected at large, shall hold office for a period of four (4) years and is not subject to term limits. The city secretary shall give notice of all city council meetings, shall keep the minutes of the proceedings of such meetings, shall authenticate by his or her signature, and record in full in a book kept and indexed for such purpose, all ordinances and resolutions, and shall perform such other duties as the city council shall assign to the city secretary, and those elsewhere provided for in this Charter.

(Amend. of 9-14-02)