

ARTICLE II. - THE COUNCIL

Section 1. Number and Term of Office. The Council shall have seven (7) members, consisting of the Mayor and six (6) other Councilmembers who shall be elected in the manner provided by this Charter to serve for terms of two (2) years each, except as may otherwise be provided under Section 2 of Article III of this Charter.

(Ord. No. 63-13, § 2, 4-11-63; Ord. No. 77-25, § 3, 4-4-77; Ord. No. 91-95, § 3(2), 11-14-91; Ord. No. 96-59, § 5, 6-16-96)

Cross reference— Elections, Art. III.

State Constitution reference— Terms of office exceeding two (2) years authorized, Art. XI, § 11.

Section 2. Qualifications. At the time of election, each Councilmember shall be a qualified voter of the City of Galveston, and shall hold no other elective public office. A person elected to Council must have attained the age of eighteen (18) years of age. A person elected to Council who is employed by the City or any agency of the City will be separated from employment with the City or any agency of the City on the day the person takes office. Each Councilmember elected to represent a district shall have been domiciled and shall have had his or her principal physical residence in such district for a period of not less than one (1) year immediately preceding the Councilmember's election. The Mayor shall have been domiciled and shall have had his or her principal physical residence in the City for a period of not less than one (1) year immediately preceding the Mayor's election. For the purposes of this section, a person must meet all of the following to meet the requirement for a "principal physical residence", if applicable:

- (a) The person must use the residence address for voter registration and driver's license purposes;
- (b) The person must use the residence address as the person's home address on documents such as employment records, resumes, business cards, government forms, and loan applications;
- (c) The person must not claim a homestead exemption on any property other than the residence.

The requirements for eligibility to be a candidate for public office, set forth in the Texas Election Code, shall apply to candidates for Mayor and City Council unless superseded by this Charter, and in the event of such a conflict the provisions of the Charter shall apply to the extent allowed by law. If a Councilmember shall cease to possess any of these qualifications, or shall be convicted of a crime involving moral turpitude, the office of the Councilmember shall immediately become vacant.

(Ord. No. 77-25, § 3, 4-4-77; Ord. No. 91-95, § 3(3), 11-14-91; Ord. No. 96-59, § 5, 6-16-96; Ord. No. 98-33, § 4, 6-3-98; Ord. No. 98-66, § 2, 7-30-98; Ord. No. 12-009, § 2, 2-23-12; Ord. No. 16-035, § 8, 5-17-16)

Section 3. Vacancies. If a seat on the council becomes vacant, it shall be filled for the remainder of the unexpired term at a special election called for such purpose, unless the next regular City election is to be held within one hundred twenty (120) days from the time of such vacancy, and in that event the seat shall remain vacant until filled at such next regular election.

(Ord. No. 77-25, § 3, 4-4-77; Ord. No. 96-59, § 5, 6-16-96)

Section 4. Powers of the Council. All powers and authority that are expressly or impliedly conferred on or possessed by the City shall be vested in and exercised by the Council; provided that the Council shall not exercise those powers that are expressly conferred upon other City Officers by this Charter. Council shall have authority to appoint the City Manager, the City Attorney, the City Secretary, City Collector of Taxes, the City Auditor, and Judge of the Municipal Court under this Charter.

(Ord. No. 96-59, § 5, 6-16-96; Ord. No. 98-33, § 5, 6-3-98; Ord. No. 98-66, § 3, 7-30-98; Ord. No. 16-035, § 8, 5-17-16)

Section 5. Investigative Powers of the Council. The Council shall have the power to inquire into the official conduct of any department, agency, office, officer, or employee of the City, and into any other matters of proper concern to the Municipal Government. For this purpose the Council shall have the power to administer oaths, subpoena witnesses, and to compel the production of books, papers, and other evidence material to the inquiry. The Council shall provide by ordinance penalties for contempt in failing or refusing to obey any such subpoena or to produce any such books, papers or other evidence, and shall have the power to punish any such contempt in the manner provided by this ordinance.

(Ord. No. 96-59, § 5, 6-16-96)

Section 6. Interference in Administrative Matters. Neither the Council nor any of its members shall direct or request the City Manager or any of the City Manager's subordinates to appoint or to remove from office or employment any person except a person whose office is filled by appointment of the Council under the provisions of this Charter. Except for the purpose of inquiry and investigation the Council and its members shall deal with the administrative services of the City solely through the City Manager, and neither the Council nor any member thereof shall give orders to any subordinate of the City Manager, either publicly or privately.

(Ord. No. 91-95, § 4(1), 11-14-91; Ord. No. 96-59, § 5, 6-16-96)

Section 7. Mayor and Mayor Pro Tem.

- (a) *Creation of the Office of Mayor, Qualifications, Term.* There is hereby established the office of Mayor of the City of Galveston, the incumbent of which shall possess the same qualifications as those prescribed in this Charter for a Councilmember. The Mayor shall be elected by the qualified electors of the City of Galveston in the manner as this Charter provides and shall serve for a term of two (2) years and until the Mayor's successor shall have been elected and qualified unless sooner removed as provided by this Charter.
- (b) *Mayor Pro Tem.* At the first regular meeting of the Council after the introduction of newly elected Councilmembers following each regular election of Councilmembers, the Council shall elect one of its members as Mayor Pro Tem who shall hold such office and title for a period of one year and until a successor Mayor Pro Tem is elected as provided herein. If the Mayor Pro Tem is unavailable, the Council may select one of its members to perform the function of Mayor Pro Tem during such time of unavailability.
- (c) *Disability of the Mayor.* If for any reason the Mayor is absent from the City, sick or unable to perform the

duties of office, the Mayor Pro Tem shall act as Mayor and during such absence or disability, shall possess all of the powers and perform all of the duties of the Mayor.

- (d) *Vacancies.* If the Mayor shall cease to possess any of the qualifications required of the office or shall be convicted of a crime involving moral turpitude, the office shall immediately become vacant. In such case or in case of death, resignation or permanent disability of the Mayor, or whenever a vacancy in the office of the Mayor shall occur for any reason, the Mayor Pro Tem shall act as Mayor and shall possess all of the rights and powers of the Mayor and perform all of the duties under the official title, however, of "Mayor Pro Tem" until a Mayor shall have been elected in an election ordered by the Council to fill the vacancy in the office of the Mayor, such election to be called by the Council and held within thirty (30) days after the vacancy occurs or as soon thereafter as possible; provided, however, that no such election shall be called and the Mayor Pro Tem shall continue to act as Mayor if the next regular city election is to be held within one hundred twenty (120) days after such vacancy in the office of the Mayor has occurred.
- (e) *Powers and Duties.* The Mayor shall preside at all meetings of the Council, shall be recognized as the head of the City's government for all ceremonial purpose and shall have the other special powers and duties expressly provided for the Mayor in this Charter but the Mayor shall have no other administrative powers or duties.

(Ord. No. 63-13, § 2, 4-11-63; Ord. No. 77-25, § 3, 4-4-77; Ord. No. 91-95, §§ 3(4), 4(2), 11-14-91; Ord. No. 96-59, § 5, 6-16-96; Ord. No. 98-33, §§ 6, 7, 6-3-98; Ord. No. 16-035, § 8, 5-17-16.)

Section 8. Salaries. The members of the Council shall receive no salaries.

(Ord. No. 96-59, § 5, 6-16-96)

Section 9. Reserved.

Editor's note— Ord. No. 16-035, § 8, adopted May 17, 2016, repealed § 9, in its entirety. Former § 9 pertained to "City Secretary," and was derived from Ord. No. 96-59, § 5, adopted June 16, 1996 and Ord. No. 98-33, § 5, adopted June 3, 1998.

Section 10. Meetings of the Council. The Council shall meet in regular session at the City Hall at least twice each month at such time as may be prescribed by Ordinance, unless otherwise ordered by the Council for reasons to be spread upon the Minutes. Special meetings of the Council shall be called by the City Secretary upon written request of the Mayor or of any two (2) members of the Council. Except as may be otherwise authorized under applicable provision of the Texas Open Meetings Act as it now exists or is hereafter amended, all meetings of the Council shall be open to the public.

(Ord. No. 77-25, § 3, 4-4-77; Ord. No. 91-95, § 3(11), 11-14-91; Ord. No. 96-59, § 5, 6-16-96)

State Law reference— Open meetings act, Vernon's Ann. Civ. St. art. 6252-17.

Section 11. Rules of Procedure. The Council shall by ordinance determine its own rules and order of business. Should the Council fail to establish rules of order of business by ordinance or in any case when such established rules of order do not speak to a particular question, Robert's Rules of Order, Revised, shall govern and establish the procedure under which all official sessions and meetings of the Council shall

be conducted. All City boards, commissions, committees, or agencies of the City shall adhere to the same rules of order established by and for Council unless otherwise provided for by State law or City Ordinance. Provided nothing in Robert's Rules of Order, Revised, or in this Charter shall ever deprive the Mayor of the right to vote like other Councilmembers. Council shall be prohibited from adopting any rule of order in which an abstention from voting is counted as an affirmative or negative vote.

Four (4) or more Councilmembers shall constitute a quorum, but no action of the Council shall have any force or effect unless it is adopted by the favorable votes of four (4) or more of the Councilmembers. If an action fails for lack of four (4) favorable votes Councilmembers who voted for or against the action may have Council reconsider the action by placing it on the agenda for the next regularly scheduled meeting in accordance with rules for placing items on agendas. Minutes of all meetings shall be taken and recorded, and such minutes shall constitute a public record.

(Ord. No. 89-17, § 3(1), 1-26-89; Ord. No. 96-59, § 5, 6-16-96; Ord. No. 98-33, § 9, 6-3-98; Ord. No. 98-66, § 4, 7-30-98)

Section 12. Procedure to Enact Legislation. The Council shall legislate by ordinance only, and the enacting clause of every ordinance shall be "Be it Ordained by the City Council of the City of Galveston." All ordinances shall be submitted to the City Attorney for the City Attorney's approval before adoption and unless approved by the City Attorney, in writing, the City Attorney shall file with the City Secretary the City Attorney's written legal objections thereto. Every proposed ordinance shall be in writing and shall be read, either in full or by descriptive caption, in open meeting before any vote is taken thereon, provided, however, that any proposed ordinance that is read by descriptive caption only shall be available for public inspection in the office of the City Secretary not less than seventy-two (72) hours prior to adoption. All ordinances, unless otherwise provided by law or this Charter or by the terms of such ordinance, shall take effect immediately upon the final passage thereof.

(Ord. No. 77-25, § 3, 4-4-77; Ord. No. 91-95, § 4(3), 11-14-91; Ord. No. 96-59, § 5, 6-16-96)

Section 13. Publication of Ordinances. The City Council shall by Ordinance prescribe the requirements for the publication of ordinances in conformity with the laws of the State of Texas.

(Ord. No. 91-95, § 3(7), 11-14-91; Ord. No. 96-59, § 5, 6-16-96; Ord. No. 16-035, § 8, 5-17-16)

State Law reference— Publication of ordinances, V.A.T.C., Local Gov. Code § 52.011 et seq.

Section 14. Code of Ordinances. The Council shall have the power to cause all general ordinances of the City to be compiled and printed in code form, whenever the codification or recodification thereof is deemed desirable or required by law. When adopted by the Council, the printed codes of general ordinances so designated shall be in full force and effect without the necessity of such codes or any part thereof being published in any newspaper. A printed copy of the City's Code of Ordinances when authenticated by the City Secretary shall be admitted in evidence without further proof and shall be prima facie evidence in all courts of the existence and regular enactment of all ordinances therein set forth.

(Ord. No. 96-59, § 5, 6-16-96)

State Law reference— Ordinance codification, V.A.T.C., Local Gov. Code § 53.001 et seq.

Section 15. Emergency Powers. In the event of a disaster or emergency, the Mayor, or in the Mayor's absence or disability, the Mayor Pro Tem shall have all the emergency management powers and duties as authorized by State law. The Council shall by Ordinance provide for the designation of a member of Council who will have all the emergency management powers and duties as authorized by State law in the event of the absence or disability of both the Mayor and Mayor Pro Tem and provide authority of the Mayor Pro Tem or Council designee to exercise emergency powers shall cease when the Mayor ceases to be absent or disabled. The Ordinance will further make provisions for succession of government as well as the cessation of emergency powers.

(Ord. No. 91-95, § 4(4), 11-14-91; Ord. No. 96-59, 5, 6-16-96; Ord. No. 12-009, § 2, 2-23-12; Ord. No. 16-035, § 8, 5-17-16)

Section 16. Limitation on Number of Terms of Councilmembers. *Effective for the 2014 municipal election* and for all elections thereafter, a person who has served as Mayor for a total period of six (6) years or as a member of the City Council for six (6) years shall not again be eligible to serve in that office until at least six (6) years out of office have elapsed since the last term in office has ended. For purposes of this section, a person may in addition to serving six (6) years as a Councilmember also serve six (6) years as Mayor for a total of twelve (12) years, but will not be eligible to serve as a member of Council or as Mayor until at least six (6) consecutive years out of office have elapsed since the last term of office has ended.

Any amount of time for which a person fills a City Council vacancy shall not be counted towards the six (6) years in determining term limits.

(Ord. No. 77-25, § 3, 4-4-77; Ord. No. 91-95, § 3(5), 11-14-91; Ord. No. 96-59, § 5, 6-16-96; Ord. No. 12-009, § 2, 2-23-12; Ord. No. 16-035, § 8, 5-17-16)

Section 17. Limitation on employment. No member of the Council shall, during the time for which the member is elected or for two (2) years thereafter, be employed by either the Park Board or the Wharves Board.

(Ord. No. 12-009, § 2, 2-23-12; Ord. No. 16-035, § 8, 5-17-16)