

ARTICLE II. - THE CITY COUNCIL

Section 1. - City Council, composition, quorum, general powers.

There shall be a City Council of the City of Victoria, which shall be composed of a Mayor and six (6) Councilmembers, a majority of whom shall constitute a quorum, but no action of the City Council shall be effective which has not received a favorable vote of a majority of the City Council. When voting on the levy of taxes, a minimum of five-sevenths (5/7) of the members of the Council shall be present and voting. The Mayor, or in the Mayor's absence, the Mayor Pro-Tempore, shall be presiding officer of the City Council. The Council shall have full power and authority, subject to the Constitution and laws of the State and limitations provided in this Charter, to exercise all powers conferred upon the City of Victoria.

Section 2. - Qualifications of City Council members.

Each member of the City Council at the time of election to office shall be at least twenty-one (21) years of age, shall be a United States citizen and qualified voter of the State of Texas, shall have resided in the City for not less than one year immediately preceding the date of the regular filing deadline for a candidate's application for a place on the ballot, and if elected from a district shall have resided in the district from which elected for six months immediately preceding the date of the regular filing deadline for a candidate's application for a place on the ballot.

If any member of the City Council shall cease to reside in the city during their term of office, or in their respective District, their term of office as a member of the City Council shall terminate immediately.

(Res. No. 2022-89, § 3(Exh. A) Measure B, 5-17-22)

Section 3. - Mayor elected at large, Councilmembers elected from districts, terms of members.

No elected official shall serve more than four (4) consecutive terms of office. For purposes of this section "office" shall be defined as an individual district place and the position of Mayor. Years or time of service that an official may serve in filling an unexpired term or a partial term of an office, to which they were appointed, shall not be counted toward the above limitations. Years or time of service that an official may serve in filling a full term, an unexpired term or a partial term of an office, to which they were elected, shall be counted as a full term toward the above limitations. Terms of service in one office shall not count towards the term of service in another office. A person who has reached the limitation on terms provided in this section shall not be eligible for election or appointment to the same office for a period of one year from the date of the canvas of the election of their final term. The limitations in this Section shall not apply to any partial or full term that commenced prior to May 7, 2022.

(Res. No. 2022-89, § 3(Exh. A) Measures A, C, 5-17-22)

Section 4. - Election to fill vacancy.

In the event of a vacancy in an office of City Council, the effective date of which shall be determined in accordance with the provisions of the Texas Election Code, if there are 180 days or more remaining on the term of the vacated office, the City Council shall call a special election to fill such vacancy. If there are fewer than 180 days remaining in the term of the vacant office, the City Council may, by majority vote of the remaining Members of City Council, at its discretion, leave the position vacant, appoint a new Council Member to fill such vacancy or call a special election to fill such vacancy.

(Res. No. 2022-89, § 3(Exh. A) Measures A, D, 5-17-22)

Section 5. - Limitations on powers of City Council.

All powers and authority which are expressly or impliedly granted to or possessed by the City of Victoria shall be vested in and exercised by the City Council, but the City Council shall have no power to:

- (a) Sell, convey, lease, mortgage, or otherwise alienate any land which is now or may be hereafter dedicated for park purposes unless such sale, conveyance, lease, mortgage, or other alienation is conducted consistent with the requirements of state law.
- (b) Sell, convey, or lease all or any substantial part of the facilities of any public utility owned by the City of Victoria; but the City Council may lease all or any substantial part of such utility to any person, firm, or corporation, or to any public agency of the State of Texas if the qualified voters of the City shall authorize such lease by adopting at a general or special election a proposition submitting the question and setting out the terms and conditions under which such lease may be made.
- (c) Accept or admit liability in any claim or pay any claim for damages asserted against the city without first obtaining from the City Attorney a written opinion as to the City's liability.

(Res. No. 2022-89, § 3(Exh. A) Measure E, 5-17-22)

Section 6. - Meetings of City Council, procedures, pay, absence of Mayor and Mayor Pro Tem, inability of Mayor to act.

The City Council shall prescribe by ordinance the time and place of its regular meetings and the manner in which special meetings may be called; and shall cause a journal to be kept of its own proceedings, which record shall be public and a part of the archives of the City of Victoria. All sessions of the City Council, whether regular or called, except executive, shall be open to the public. The City Council shall determine its own rules of procedure, may punish its members for disorderly conduct, and shall compel the attendance of its members. The City Council shall have power to determine whether members of the City Council shall be

compensated for services as Mayor and Councilmembers and may fix such compensation. A Mayor Pro-Tem shall be a Councilmember elected by the City Council at the first regular City Council meeting following each regular City election. If for any reason, the Mayor is absent, sick, or unable to perform the duties of office, the Mayor Pro-Tem shall act as Mayor, and during the Mayor's absence or disability, the Mayor Pro-Tem shall possess all the rights and powers and perform all the duties of the Mayor. If for any reason, the Mayor and the Mayor Pro Tem are absent, sick, or unable to perform the duties of office, the most senior city council member present at the meeting shall act as Mayor, and during the Mayor's and Mayor Pro Tem's absence or disability, that individual shall possess all the rights and powers and perform all the duties of the Mayor. In case of the death, resignation, or permanent disability of the Mayor, the Mayor Pro-Tem shall act as Mayor and perform all duties of the Mayor under the official title of Mayor Pro-Tem until a Mayor is elected at a special election as provided in this Charter.

(Res. No. 2022-89, § 3(Exh. A) Measures F, G, 5-17-22)

Section 7. - City Secretary, appointment, duties.

The City Manager shall appoint a City Secretary who shall have such duties and responsibilities as are assigned thereto and as provided by law.

(Ord. No. 2012-21, 5-12-12)

Section 8. - Mayor's power in relation to City Council.

The Mayor shall preside at all meetings of the City Council and shall be recognized as head of the City government for all ceremonial purposes, for receiving services of civil process on the City, and for military purposes. The Mayor, as a member of the City Council, shall be entitled to vote upon all matters considered by the City Council, but shall not have power to veto any action of the City Council.

Section 9. - Ordinances, legality, emergency, records.

The City Council shall legislate by ordinance only, and the style and enacting clause of all ordinances shall be: "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VICTORIA." Before any ordinance shall be adopted, the City Attorney shall approve the form and legality of such ordinance in writing or shall file with the City Secretary in writing any legal objections thereto. Every ordinance enacted by the City Council shall be signed by the Mayor, Mayor Pro-Tem, or by two Councilmembers, and shall be filed with and recorded by the City Secretary before the same shall become effective. Unless otherwise provided by law or this Charter, no ordinance shall be passed finally on the date of its first reading, except as an emergency measure by the favorable vote of five or more members of the City Council and containing a statement of the nature of the

emergency; provided, that no ordinance making a grant of any franchise or special privilege shall ever be passed as an emergency ordinance. The ayes and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the minutes of the proceedings of the City Council.

Section 10. - Notice of ordinances, proof of publication.

Except as provided otherwise by law or by this Charter, the City Secretary shall give notice of the enactment of every penal ordinance, and of every other ordinance required by law or by this Charter to be published, by causing the caption of an adopted ordinance that summarizes the purpose of the ordinance and any penalty for violating the ordinance to be published at least one day within ten days after final passage thereof in a manner that provides notice to the general population of the City, which shall include but is not limited to a newspaper of general circulation in the City of Victoria so long as a newspaper of general circulation originating from within the City of Victoria is distributed therein, and shall be published on the City's website. On every ordinance and the recording thereof the City Secretary shall note in writing the date of publication and the method of publishing the ordinance, and shall attach to the original ordinance an affidavit of publication and copy of the publication. Such notations by the City Secretary shall be prima facie evidence of compliance with the requirements of this Section.

(Ord. No. 2012-21, 5-12-12; Res. No. 2022-89, § 3(Exh. A) Measure H, 5-17-22)

Section 11. - Code of Ordinances, publication not required.

As soon as practicable after the effective date of all the provisions of this Charter, the City Council shall cause all general ordinances of the City of Victoria to be compiled, arranged, and printed in a code and be accessible electronically. For this purpose a general ordinance shall be deemed an ordinance of a permanent or continuing nature affecting the residents of the City at large. Every general ordinance enacted subsequent to the codification herein required shall be enacted as an amendment to the code. The City Council, after adoption of the first code under this Charter, may cause such code to be revised and reprinted whenever in the discretion of the City Council this is deemed advisable. When adopted by the City Council by ordinance, the printed codes of general ordinances shall be in full force and effect without the necessity of such codes or any part thereof being published as provided in the previous section.

(Res. No. 2022-89, § 3(Exh. A) Measure H, 5-17-22)

Section 12. - Proof of ordinances.

An ordinance of the City of Victoria may be proved prima facie by a printed code of ordinances purporting to be printed by authority of the City of Victoria, or by a copy of the ordinance certified by the City Secretary to be a true copy of such ordinance, or by the official record of Ordinances kept by the City Secretary.