

**LEON
VALLEY
HOME
RULE
CHARTER**





The municipal charter details the authority of the city, the structure of the government, and the processes by which the government exercises authority.

Policy Document

Legal Document



GENERAL LAW

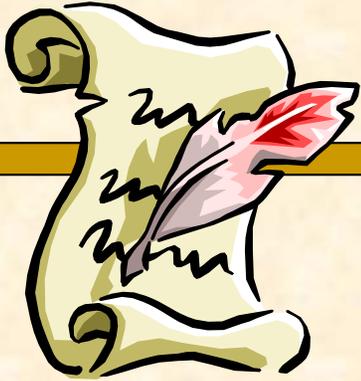
VS

HOME RULE



General Law Status

- **Creature of the Legislature**
- **Looks to legislature for authority**



Home Rule Status

- **Broader Authority**
- **Flexibility in creating:**
 - **Form of Government**
 - **Administrative Structure**
- **Annexation**
- **Initiative, Referendum, Recall**



ADOPTION OF A HOME RULE CHARTER

Texas Local Government Code Chapter 9

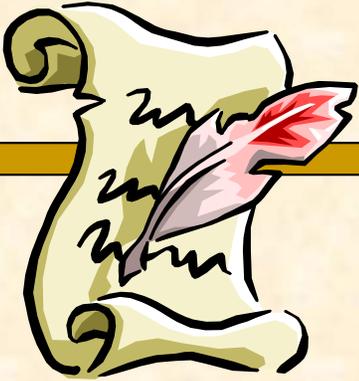


Texas Local Government Code - Chapter 9

- **Two Processes**
 - **Election of Charter Commission**
 - **Appointment of Charter Commission**



CONTENT of Charters



Powers of the Home Rule City

- **All power of local self government except where pre-empted by state or federal law**

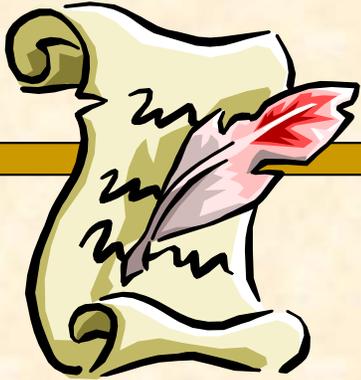
Content



Form of Government

Texas Local Government Code Chapter 26
Form of Government in Home-Rule Municipality

Sec. 26.021. FORM OF GOVERNMENT. The municipality may adopt and operate under any form of government, including the aldermanic or commission form



Content

Officers

Sec. 26.041. CREATION OF MUNICIPAL OFFICES. The municipality may:

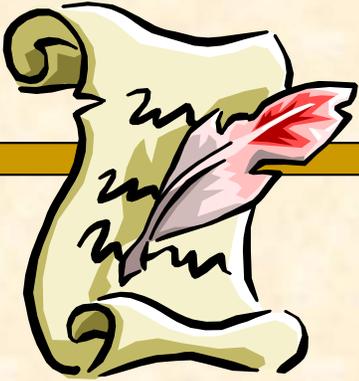
- (1) create offices;
- (2) determine the method for selecting officers; and
- (3) prescribe the qualifications, duties, and tenure of office for officers.

Sec. 26.042. DATE FOR ELECTION OF OFFICERS. The governing body of the municipality may set the date of election for municipal officers in accordance with applicable provisions of the Election Code.



Elections

- **At Large**
- **At Large by Place**
- **By District**
- **Mixed District**
- **Other**



Elections

- **Plurality**
- **Plurality with a minimum**
- **Majority**
 - **Required with Three Year Terms Plus -
Texas Constitution, Article XVI, § 11**

Content



Elections

- **Years of Term**
- **Term Limits**



Qualifications of Office

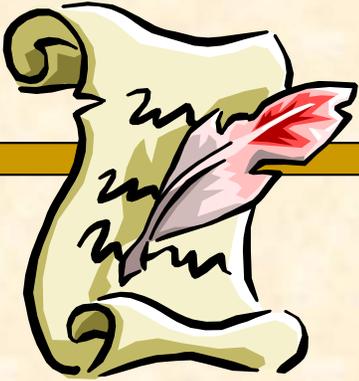
- **Age Requirements**
 - **18 v 21**
- **City Residency Requirements**
 - **6 months vs. 12 months**



Content

Direct Democracy

Initiative
Referendum
Recall



Initiative, Referendum and Recall

An initiative petition asks the city council to act on a specific issue when it has not done so previously.

A referendum petition asks the city council to reverse an action already taken or proposed.

A recall petition asks the city council to call an election for a vote on removal of one or more council members from office.



Content

General Provisions



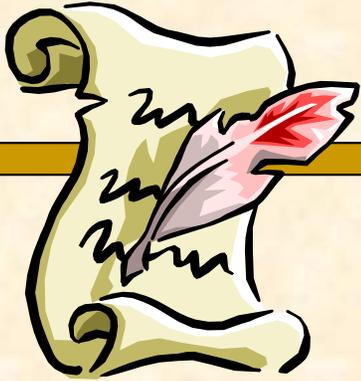
General Provisions

- **Standards of Conduct**
- **Legal**
- **Miscellaneous**
- **Enforcement Provisions**



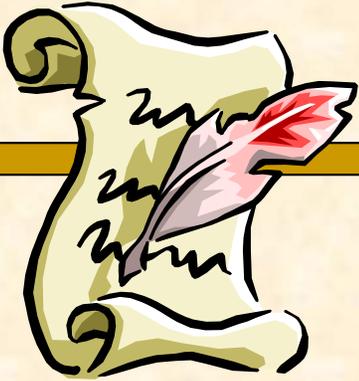
General Provisions

- **Standards of Conduct**
 - **Conflicts of Interest**
 - **Prohibitions of Conduct**
 - **Political Activity**
 - **Nepotism**
 - **Gifts**



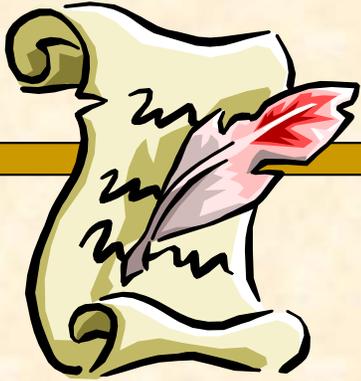
General Provisions

- **Miscellaneous**
 - Disannexation
 - Regulation of Alcohol
 - Disaster Clauses



General Provisions

- **Enforcement of Provisions**
 - Removal provisions
 - Civil Enforcement
 - Criminal Enforcement



Charter Amendments

Texas Constitution Article XI, Section 5

Charter may only be amended once every two years



Leon Valley Proposed Home Rule Charter

LEON VALLEY PROPOSED HOME RULE CHARTER



Leon Valley Proposed Home Rule Charter

Commissioners

The Commission was appointed by City Council on July 14, 2014. They held 10 meetings with their final meeting being on January 7, 2015.

President, Arthur "Art" Reyna

Vice President, Jack Dean

Commissioner Rudy Garcia

Commissioner Kathy Hill

Commissioner David Jordan

Commissioner Liz Maloy

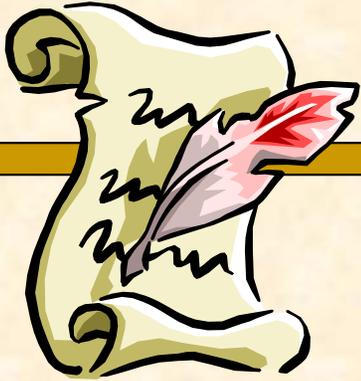
Commissioner Mike McCarley

Commissioner Darby Riley

Commissioner Victor Rodriguez

Commissioner Manuel Rubio

Commissioner Al Uvietta



Leon Valley Proposed Home Rule Charter

Article I

FORM OF GOVERNMENT AND POWERS

City Council/Manager

Leon Valley shall have the power of local self government to the fullest extent permitted by law



Leon Valley Proposed Home Rule Charter

Article II

BOUNDARIES

Power to Annex

Power to Disannex after public hearing and adoption of ordinance by 2/3's vote



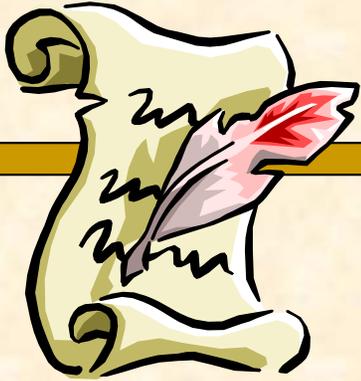
Leon Valley Proposed Home Rule Charter

Article III

THE CITY COUNCIL AND MAYOR

City Council shall be composed of the Mayor and six Council Members. The Mayor and Council Members shall be elected from the City:

- at large;
- by place; and
- for three (3) year terms



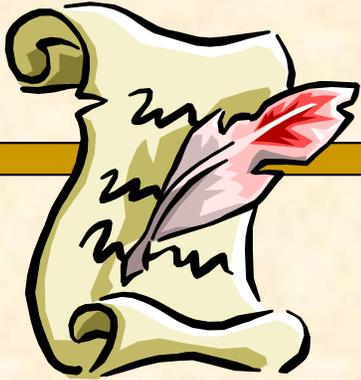
Leon Valley Proposed Home Rule Charter

Article III

THE CITY COUNCIL AND MAYOR

No past, current, or future elected official shall serve, or have served, more than three consecutive terms of office and no more than five (5), terms during a lifetime.

Any official who has served three (3) consecutive terms shall be prohibited from serving another term for a period of one year and eleven months from the date of the expiration of the third consecutive term.



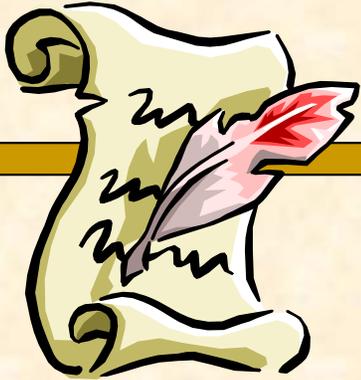
Leon Valley Proposed Home Rule Charter

Article III

THE CITY COUNCIL AND MAYOR

City Council shall not receive any compensation except as follows:

- **Compensation is determined and approved by City Council upon a two-thirds vote of the City Council; and**
- **The increase in compensation shall take effect for the Mayor and each Council Member at the beginning of the next term of office for each respective office.**



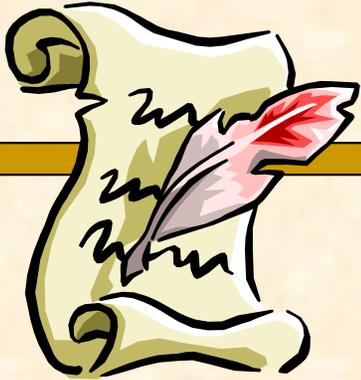
Leon Valley Proposed Home Rule Charter

Article III

THE CITY COUNCIL AND MAYOR

The Mayor shall be the presiding officer of the City Council and shall be recognized as the head of the City government for all ceremonial purposes, for emergency management purposes, and by the governor for purposes of military law.

The Mayor may debate and discuss any matters before the City Council and shall vote on all issues with the City Council.



Leon Valley Proposed Home Rule Charter

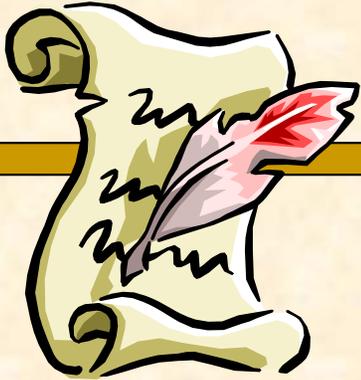
Article III

THE CITY COUNCIL AND MAYOR

Vacancies shall occur upon death, resignation, removal from office by recall, or forfeiture of office.

Forfeiture occurs upon:

1. Failure to maintain qualifications for office;
2. Conviction of a misdemeanor involving moral turpitude, a violation of any state laws regulating conflicts of interest of municipal officers, a felony, or is assessed a deferred adjudication or probation for a felony or any state laws regulating conflicts of interest of municipal officers;



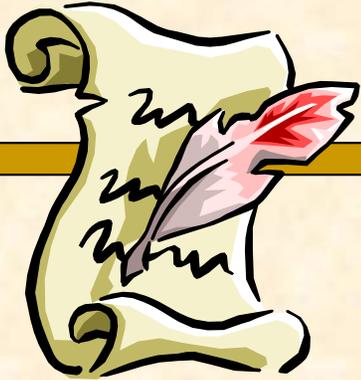
Leon Valley Proposed Home Rule Charter

Article III

THE CITY COUNCIL AND MAYOR

3. Failure to regularly attend City Council meetings without an approved absence obtained by a majority vote by City Council either before or after the absence.

There shall be a presumption of failure to regularly attend when three (3) regular meetings are missed during a term year without obtaining an approved absence from City Council.



Leon Valley Proposed Home Rule Charter

Article III

THE CITY COUNCIL AND MAYOR

All vacancies with unexpired terms of more than 12 months shall be filled by special election pursuant to State law.

All vacancies with unexpired terms of 12 months or less may be filled, at the discretion of City Council, by appointment of the City Council upon a majority vote, may be left vacant for the remainder of the unexpired term or filled by a special election pursuant to state law.



Leon Valley Proposed Home Rule Charter

Article III

THE CITY COUNCIL AND MAYOR

Prohibitions:

Admission of liability or payment of claim for damages without first obtaining a written opinion from the City Attorney.

Holding position of City Manager, City Attorney, or Department Head until three (3) years after the expiration of term of office.



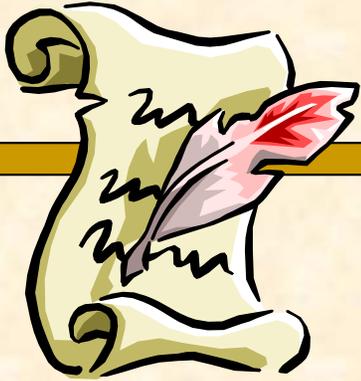
Leon Valley Proposed Home Rule Charter

Article III

THE CITY COUNCIL AND MAYOR

Prohibitions:

Except for the purpose of inquiries and investigations shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the City Council nor its individual members shall give orders to any such officer or employee, either publicly or privately.



Leon Valley Proposed Home Rule Charter

Article III

THE CITY COUNCIL AND MAYOR

Prohibitions:

Shall not dictate to the City Manager the appointment of any person to office or employment.

Shall not release any attorney-client privileged communication.



Leon Valley Proposed Home Rule Charter

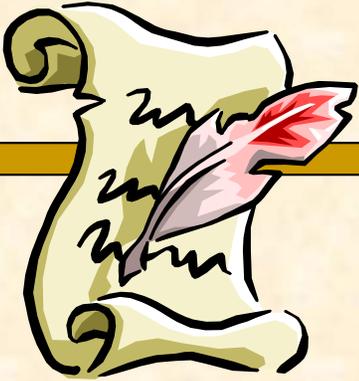
Article III

THE CITY COUNCIL AND MAYOR

Agendas - A member of City Council may place an item on an agenda by agreement of two additional members of City Council.

- At a meeting of City Council a member of City Council may place an item on an agenda by making a motion to place the item on a future agenda and receiving a second.

- The City Manager may place any item on any City Council agenda.



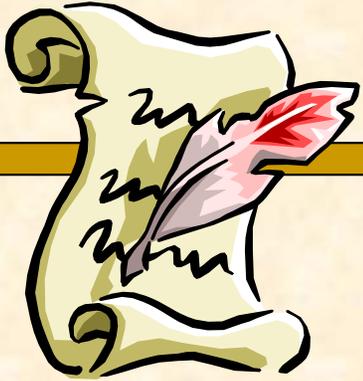
Leon Valley Proposed Home Rule Charter

Article III

THE CITY COUNCIL AND MAYOR

Ordinances: It shall require two readings, on two separate days to adopt an ordinance except in an emergency.

Council Investigations: Provides authority for Council to investigate any official conduct and a process for hearings on Forfeitures of Office and violations of Charter prohibitions.

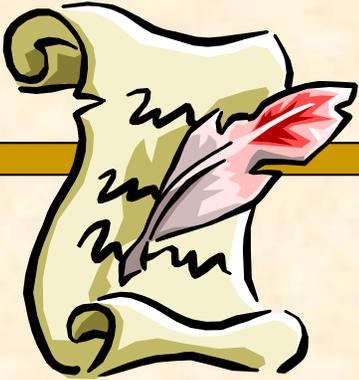


Leon Valley Proposed Home Rule Charter

Article IV

ELECTIONS

All Elections shall be held pursuant to State law



Leon Valley Proposed Home Rule Charter

Article V

ADMINISTRATIVE ORGANIZATION

City Manager: shall be appointed for an indefinite term upon the affirmative vote of two-thirds (2/3s) of the City Council, and may be removed at the discretion of the City Council by an affirmative vote of two-thirds (2/3s) of the City Council.

Council Investigations: Provides authority for Council to investigate any official conduct and a process for hearings on Forfeitures of Office and violations of Charter prohibitions.



Leon Valley Proposed Home Rule Charter

Article V

ADMINISTRATIVE ORGANIZATION

Other Departments: City Council may continue or establish City Departments except that created by the Charter

City Attorney: City Council appoints City Attorney

Municipal Court: Court is established and Judges (licensed attorneys) are appointed by City Council.

City Secretary: appointed by City Manager.

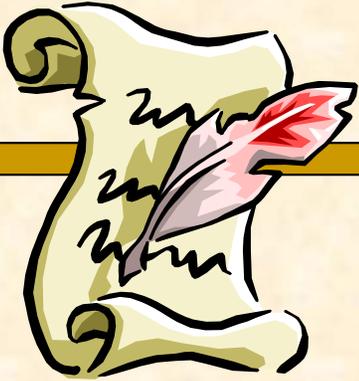


Leon Valley Proposed Home Rule Charter

Article VI

INITIATIVE, REFERENDUM AND RECALL

Registered Voters have power of initiative, referendum and recall



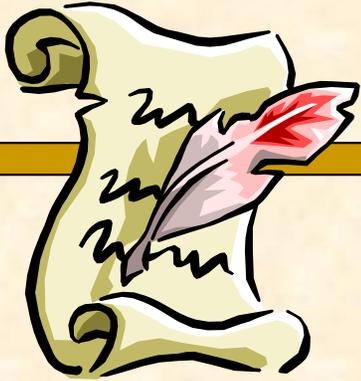
Leon Valley Proposed Home Rule Charter

Article VI

INITIATIVE, REFERENDUM AND RECALL

Any five (5) Registered voters of the City may commence initiative, referendum, or recall proceedings by filing affidavit with City Secretary.

Petitions shall be returned to the Office of the City Secretary for filing within ninety (90) days after filing of the affidavit of petitioners committee and no signature on said petition shall have been affixed prior to the filing of the affidavit of petitioners committee.



Leon Valley Proposed Home Rule Charter

Article VI

INITIATIVE, REFERENDUM AND RECALL

A petition certified insufficient for lack of the required number of valid signatures may be supplemented once upon the filing of a notice of intention to supplement with the City Secretary within 3 working days after receiving notice of the insufficiency.



Leon Valley Proposed Home Rule Charter

Article VI

RECALL

No petition for recall shall be filed within one-hundred and eighty (180) days of the date of an individual's election to City Council or within one-hundred and eighty (180) days before the end of an individual's term on City Council.



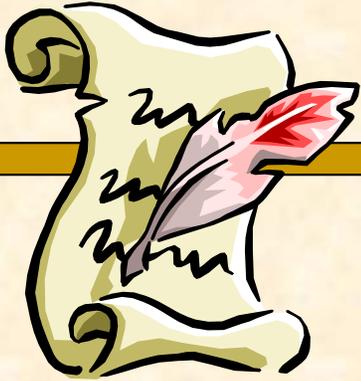
Leon Valley Proposed Home Rule Charter

Article VI

INITIATIVE

A petition for initiative must contain the number of valid signatures totaling at least fifteen percent (15%) of the total number of registered voters registered to vote at the last general City election.

City Council shall, within forty-five (45) calendar days after the petition is determined sufficient, pass and adopt such ordinance without alteration as to meaning or effect, or to call for an election on the question of adopting or rejecting the proposed ordinance.



Leon Valley Proposed Home Rule Charter

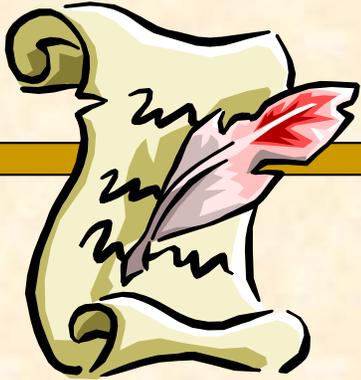
Article VI

INITIATIVE

If adopted at an election the ordinance shall be considered adopted.

If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

No ordinance on the same subject which has been defeated at any election may be initiated by the voters within two (2) years from the date of such election.



Leon Valley Proposed Home Rule Charter

Article VI

INITIATIVE

No ordinance which may have been passed by the City Council upon a petition or adopted by popular vote under the provisions of this Article may be repealed or amended by the City Council for a period of three (3) years from the date said ordinance became effective and then only upon by an affirmative vote of two-thirds (2/3s) of the City Council.



Leon Valley Proposed Home Rule Charter

Article VI

REFERENDUM

A petition for referendum must contain the number of valid signatures totaling at least fifteen percent (15%) of the total number of registered voters registered to vote at the last general City election.

Within forty-five (45) days after final sufficiency of the petition City Council shall either repeal the referred ordinance or order an election to submit the referred ordinance to the registered voters of the City.



Leon Valley Proposed Home Rule Charter

Article VI

REFERENDUM

If a majority of the registered electors voting on a referred ordinance vote against the ordinance, it shall be considered repealed upon certification of the election results.

A petition for referendum on the same subject matter may only be submitted once every three (3) years.

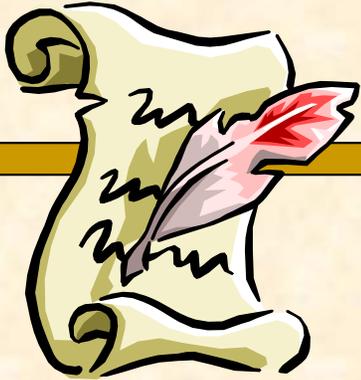


Leon Valley Proposed Home Rule Charter

Article VII

GENERAL PROVISIONS

No employee of the city shall continue in such position after becoming a candidate for City Council.

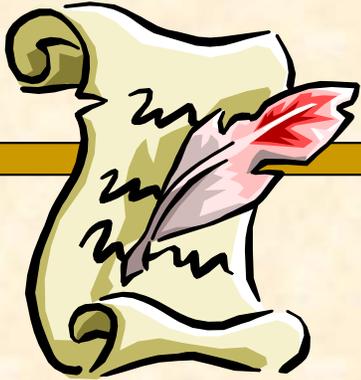


Leon Valley Proposed Home Rule Charter

Article VII

GENERAL PROVISIONS

In case of disaster when a legal quorum of the City Council cannot otherwise be assembled due to multiple deaths or injuries, the surviving persons of the City Council, or highest surviving City official, if no elected official remains, shall, within twenty-four (24) hours of such disaster, request the highest surviving officers of the Bexar County Commissioners Court to appoint a number of residents of Leon Valley equal to the number necessary to make a quorum to act during the emergency as the City Council. The newly appointed City Council shall call a City election within fifteen (15) days of their appointment, or as provided in the Texas Election Code, for election of the vacant offices, if for good reasons it is known a quorum of the present City Council will never again meet. If it is determined that a quorum of the present City Council will meet again, the appointed Council Members shall serve in their position until such time as the present Council Members may begin serving.

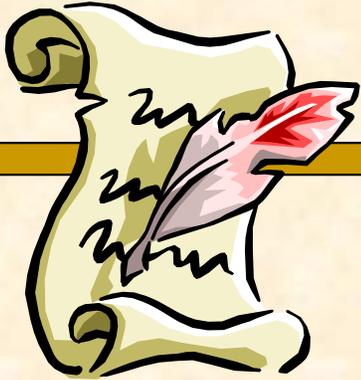


Leon Valley Proposed Home Rule Charter

Article VII

GENERAL PROVISIONS

The City Council shall appoint a Charter Review Committee in the third (3rd) year after this Charter is adopted and every sixth (6th) year thereafter. The Charter Review Committee shall consist of nine (9) citizens.



Leon Valley Proposed Home Rule Charter

Article VII

GENERAL PROVISIONS

Any person who by himself or with others violates any provision of this charter shall, in addition to any other penalty, be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars (\$500.00). City Council shall enact an ordinance enforcing this section.

Civil Penalty. Upon the affirmative vote of two-thirds of the City Council any person who by himself or with others violates any provision of this charter shall be, in addition to any other Page 21 penalty provided for herein, subject to a civil fine of not more than five hundred dollars (\$500.00).



QUESTIONS