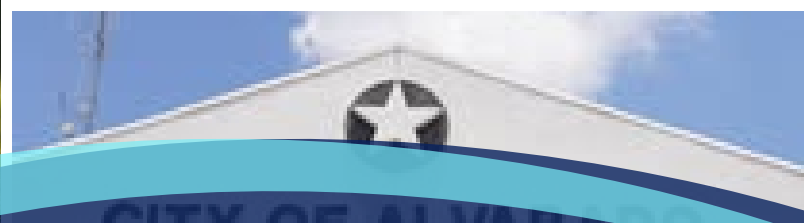




CANDIDATE PACKET

May 2, 2026- General Election



CITY OF ALVARADO

More Information

 taylorb@cityofalvarado.org

 817/790-3351 ext. 134



City of Alvarado
Office of the City Secretary
107 E. College Ave | Alvarado Texas 76009
OFFICE: 817-790-3351 | EMAIL: taylorb@cityofalvarado.org

December 1, 2025

Dear Potential Candidate,

The City Secretary's Office has prepared this "Candidate Packet" to acquaint you with the applicable legal requirements pertaining to campaign contributions, expenditures, and responsibilities set forth in the State Election Code. This packet has been enhanced to provide you with as much information as possible, but it is not an all-inclusive listing of what you, the candidate, may be required to do. Therefore, reading all materials provided will be essential.

ELECTION DATE

May 2, 2026

PLACES TO APPEAR ON THE BALLOT

City Council Place 5, Ward 2
City Council Place 6, Ward 3

OFFICE TERM

Three Years

FILING FEES

None

FILING PERIODS

Open January 14, 2026, 8:00 A.M.
Close February 13, 2026, 5:00 P.M.
Write-In Close February 18, 2026, 5:00 P.M.

CITY COUNCIL MEETINGS

The 3rd Monday of each Month with special Called meetings, work sessions, and training on an as needed basis.

DRAWING FOR A PLACE ON THE BALLOT

February 19, 2026, 2:00 P.M.

FILING AUTHORITY AND LOCATION

Please note that the Office of the City Secretary is the official filing authority for all candidates in the City of Alvarado elections, as well as for any local Political Action Committees. All forms must be submitted to this office, not directly to the Texas Ethics Commission. An application for a place on the Ballot can be delivered in person, by email taylorb@cityofalvarado.org, or by fax 817-783-7925. It is critical that your application be received by 5:00 p.m. on the due date. If received after 5:00 p.m. on February 13th, your filing will be deemed late, and you will be excluded from the ballot.

FILING REVIEW

The City Secretary will carefully review all candidate filings to determine completion and compliance with the Election Code. Please file your application as soon as possible to allow

sufficient time for this review.

FATAL ERRORS

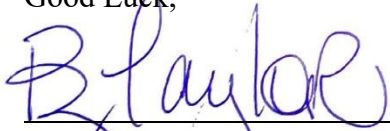
Ensure that your application is filed with all the requested information. Some omissions in the application are fatal errors. If these sections are not completed, the candidate will be disqualified from the election.

PUBLIC INFORMATION

Please be advised that once election forms have been filed, they are deemed public information. Only a candidate who currently holds office can request that the email, telephone, and address be redacted from any public information requests. If you are a candidate who does not currently hold office, all information will be considered public.

If this office can be of any additional assistance, please do not hesitate to call.

Good Luck,



Bobbie Jo Taylor, TRMC, MMC
City Secretary, Alvarado



KEY ELECTION DATES FOR CANDIDATES



City of Alvarado
Office of the City Secretary
107 E. College Ave | Alvarado Texas 76009
OFFICE: 817-790-3351 | EMAIL: taylorb@cityofalvarado.org

Key Election Dates for Candidates

2026 General Election

Date	Day of the Week	Description
January 14, 2026	Wednesday	First Day to file for Office 8:00 a.m. – 5:00 p.m.
February 13, 2026	Friday	Last Day to file for Office 8:00 a.m. – 5:00 p.m.
February 17, 2026	Tuesday	Last Day to file as a Write-In 8:00 a.m. – 5:00 p.m.
February 19, 2026	Thursday	Drawing for a Place of the Ballot 2:00 p.m.
February 20, 2026	Friday	Last Day to omit candidate from Ballot 5:00 p.m.
April 2, 2026	Thursday	First Campaign Finance Report Due 8:00 a.m. – 5:00 p.m.
April 2, 2026	Thursday	Last day to register to vote
April 20, 2026	Monday	Early Voting begins 8:00 a.m. – 5:00 p.m.
April 24, 2026	Friday	Second Campaign Finance Report Due 8:00 a.m. – 5:00 p.m.
April 28, 2026	Tuesday	Last Day of Early Voting 8:00 a.m. – 5:00 p.m.
May 2, 2026	Saturday	Election Day 7:00 a.m. – 7:00 p.m.



CITY COUNCIL MEETING INFORMATION

CHAPTER III
CITY COUNCIL AND MAYOR

§ 3.01. Governing Body.

The governing and lawmaking body of the City shall consist of the Mayor and six (6) Councilmembers and shall be known as the "City Council."

(Ordinance 2023-0013 adopted 5/6/2023)

§ 3.02. Elective Officers.

- (a) The members of the City Council shall hold office for three (3) years, until their successors are elected and have been qualified.
- (b) Two (2) Councilmembers shall be elected at the regular election held annually on the first Saturday in May, except every third year where the Mayor and two councilmembers shall be elected, unless the Council designates an alternative date allowed by state law at least six months prior to the regular election.
- (c) The City shall be divided into three (3) wards in accordance with Section 1.02 of this Charter, with two (2) Councilmembers elected from each respective ward, and the Mayor elected at large.
- (d) Places shall be assigned to the Councilmembers as follows:
 - (1) Place One shall be assigned to City Councilmember, Ward 1, seat currently occupied by Michael Bennett.
 - (2) Place Two shall be assigned to City Councilmember, Ward 2, seat currently occupied by Lydia Moon, which shall be Place Two.
 - (3) Place Three shall be assigned to City Councilmember, Ward 3, seat currently occupied by Kevin Thomas.
 - (4) Place Four shall be assigned to the second City Councilmember, Ward 1, elected in May 2023.
 - (5) Place Five shall be assigned to the second City Councilmember, Ward 2, elected in May 2023.
 - (6) Place Six shall be assigned to the second City Councilmember, Ward 3, elected in May 2023.
- (e) In order to affect a transition to three (3) year terms upon the adoption of this Charter, elections shall be held as follows:
 - (1) The Mayor and Place 1 and Place 2 shall fulfill their two-year terms and be elected to three (3) year terms upon expiration of the current term in 2024.
 - (2) The current terms of Place 3 shall be extended one (1) year to expire in 2025, at which time Place 3 shall be elected to a three (3) year term.
 - (3) Place Four shall be elected to a three (3) year term upon the expiration of the current two-year term in 2025.
 - (4) The two-year terms of Place 5 and Place 6 shall be extended one (1) year to expire in 2026, at which time Place 5 and Place 6 shall be elected to a three (3) year term.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 3.03. Limitation of Consecutive Terms for Elected Officials.

- (a) A City Councilmember who has served as a Councilmember, regardless of place, for three (3) consecutive terms shall not again be eligible to become a candidate for Councilmember for two (2) years or until the next general election after the third consecutive term has expired. A person may be appointed to fill a vacancy, as defined by Section 3.09 of this Charter, in the event a vacancy occurs with less than twelve (12) months remaining in the unexpired term for their prior Place. This shall not prevent a Councilmember from becoming a candidate for Mayor upon expiration of the third consecutive term as a Councilmember.
- (b) A Mayor who has served as Mayor for three (3) consecutive terms as Mayor shall not again be eligible to become a candidate for that office until the next general election after the third consecutive term has expired. A person may be appointed to fill a vacancy, as defined by Section 3.09 of this Charter, in the event a vacancy occurs with less than twelve (12) months remaining in the unexpired term for Mayor. This shall not prevent a Mayor from becoming candidate for Councilmember upon expiration of the third (3rd) consecutive term as Mayor.
- (c) A person may serve no more than eighteen (18) years on the City Council, in any combination of years spent as Mayor or Councilmember.
- (d) As used in this section, any length of service within a three (3) year term that exceeds 360 days is a term served, and "Councilmember" does not mean "Mayor."
- (e) Any terms served as either Mayor or Councilmember prior to the adoption of this Charter shall not count toward the term calculations.
(Ordinance 2023-0013 adopted 5/6/2023)

§ 3.04. Qualifications of Candidates.

Each person who becomes a candidate for Mayor or Councilmember shall meet the following qualifications:

- (a) Be a citizen of the United States of America;
- (b) Be a qualified voter of the City (which in this charter shall mean a person who is registered to vote by the State of Texas, whose registration is effective in the City of Alvarado);
- (c) Have resided in the City for at least twelve (12) months prior to the date of the election;
- (d) Be twenty-one (21) years of age or older on the first day of the term to be filled at the election;
- (e) Not have been finally convicted of a felony from which the person has not been otherwise released from the resulting disabilities;
- (f) Not have been declared mentally incompetent by the final judgment of a court;
- (g) Abide by the nepotism law (Chapter 573, Texas Government Code), and as provided in Section 14.01 of this Charter; and
- (h) Not be disqualified by reason of any other provision of law.

A member of the City Council who ceases to possess any of the qualifications specified in this section for a period of sixty (60) days following notice from the City Secretary regarding same, or who is convicted of a felony while in office, shall immediately forfeit the office and the City Council shall proceed to fill the vacancy in accordance with Section 3.09 of this Charter.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 3.05. City Council to be the Judge of Qualifications.

The City Council shall be the judge of the election and qualifications of its own members, and of the grounds for forfeiture of their office.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 3.06. Compensation of Elective Officers.

The City Council may determine the annual salary of the mayor and councilmembers by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of councilmembers elected at the next regular election. The mayor and councilmembers shall receive their actual and necessary expenses incurred in the performance of their duties of office.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 3.07. Presiding Officer: Duties of the Mayor.

(a) The Mayor shall preside over the meetings of the Council, and perform such other duties consistent with the office as may be imposed upon the Mayor by this Charter and by ordinances and resolutions passed in pursuance thereof. The Mayor shall be recognized as the official head of the City by the courts for the purpose of enforcing military law and for all ceremonial purposes. The Mayor shall not vote except in the event of a tie.

(b) The emergency powers of the Mayor shall be set forth by State law and local ordinances.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 3.08. Mayor Pro Tem.

At the first meeting after each general election or general election run-off, if any, or as soon thereafter as practicable, the Council shall appoint one of the Councilmembers as Mayor Pro Tem who shall hold office for one (1) year. The Mayor Pro Tem shall perform the duties of Mayor in case of the absence or disability of the Mayor.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 3.09. Vacancies; Forfeiture of Office; Filling of Vacancies.

(a) Vacancies:The office of the Mayor or a Councilmember shall become vacant upon the Mayor or Councilmember's death, resignation, removal from office (in any manner authorized by law), or forfeiture of office.

(b) Forfeiture of Office:The Mayor or a Councilmember shall forfeit their office if during a term of office, the Mayor or Councilmember:

(1) Lacks any qualification for the office prescribed by this Charter or by other law;

(2) Violates any expressed prohibition of this Charter;

- (3) Is convicted of a felony, whether final for purposes of appeal or not; a crime involving moral turpitude; or violating any state laws regulating conflicts of interest of municipal officers; or
- (4) Fails to attend three (3) consecutive regular meetings of the Council without being excused by the Council.

The Council shall, by an affirmative 3/4 vote of the entire membership, be the final judge in matters involving forfeiture of office by a Councilmember or the Mayor.

- (c) Filling of Vacancies: In the event a vacancy [occurs] from any cause in the office of Mayor or Councilmember with three-year terms, and an unexpired term greater than twelve (12) months, the City Council shall order a special election called for the purpose of filling the vacancy within one hundred and twenty (120) days after such vacancy or vacancies. However, if a vacancy occurs in the office of Mayor or Councilmember with an unexpired term of twelve (12) months or less, the City Council may call a special election to fill the vacancy or may, by majority vote of the full Council, appoint a person to fill such vacancy until the expiration of the office to be filled, if permitted by the Texas Constitution. Such appointment shall require an affirmative vote of 75% of the full City Council.

In the event a vacancy [occurs] from any cause in the office of Mayor or Councilmember with two-year terms, the City Council may call a special election to fill the vacancy or may, by majority vote of the full Council, appoint a person to fill such vacancy until the expiration of the office to be filled, if permitted by the Texas Constitution.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 3.10. Prohibitions.

- (a) Holding other office: Except where authorized by law, no Mayor or Councilmember shall hold any other compensated City office or employment by the City during the term for which they are elected to the Council, and no former Mayor or Councilmember shall hold any compensated appointive City office or employment until one (1) year after the expiration of the term for which they were elected to the City Council.
- (b) Appointment and Removals: Neither the City Council nor any of its members shall in any way dictate the appointment or removal of any City administrative officer or employees whom the City Manager or any of the City Manager's subordinates are empowered to appoint, unless otherwise provided in this Charter. The City Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.
- (c) Interference with Administration: Except for the purpose of inquiries and investigations by the direction of the Council, unless provided otherwise in this Charter, the Council or its members 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 Council nor its members shall give orders to any such officer or employee, either publicly or privately.
- (d) Admission of Liability: Neither the Mayor or Councilmembers shall accept or admit liability or pay any claim for damages asserted against the City without first obtaining a written opinion from the City Attorney regarding the City's liability therein.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 3.11. Meetings of the City Council.

The Council shall hold at least one (1) regular meeting each month at a time to be fixed by ordinance, unless the date falls on a regularly observed City holiday, provided that the Council may establish as many additional regular meetings during the month as may be necessary for the transaction of the business of the City and its citizens. Prescribed meeting dates may be cancelled by a vote of the City Council at a regular scheduled meeting. All meetings of the City Council shall be open in accordance with and except as provided by the Texas Open Meetings Act, and shall be held at the City Hall, except that the City Council may designate another place for the meetings.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 3.12. Special Meetings.

The Mayor may call special meetings by giving notice to the City Secretary who shall notify each member of the City Council of the time of the meeting and its purpose.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 3.13. Rules of the City Council: Minutes and Procedures.

- (a) The City Council shall determine its own rules of procedure and may compel the attendance of its members. Minutes of the proceedings of the City Council shall be kept, to which any citizen may have access at all reasonable times and which shall constitute one of the archives of the City.
- (b) The vote upon the passage of all ordinances and resolutions shall be taken by a show of hands or other method to indicate the vote of each member and entered into the minutes, and every ordinance or resolution upon its final passage, shall be authenticated by the signature of the presiding officer and the person performing the duties of the City Secretary, and kept as required by law.
- (c) Any item requested by the City Manager or by the Mayor, shall be placed on the agenda by the City Secretary. The Mayor will establish the order of the agenda for each City Council meeting. The City Secretary shall prepare the agenda, which shall be publicly posted at City Hall in accordance with the Texas Open Meetings Act.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 3.14. Quorum and Voting.

Four (4) Councilmembers, excluding the Mayor, shall constitute a quorum to do business and no action of the Council shall be valid or binding unless adopted by the affirmative vote of four (4) or more members of the City Council, including the Mayor in the event of a tie. A number less than a quorum may adjourn from time to time and compel the attendance of absent members. If the City Council is reduced to less than four (4) members on account of vacancies, the remaining members shall constitute a quorum for the sole purpose of calling an election.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 3.15. Absence of Mayor and Councilmembers.

- (a) If the Mayor or a Councilmember has four (4) unexcused absences from a regular city council meeting in a term, the Mayor or Councilmember may be removed from office by a vote of [a] majority of the entire City Council. If removed, the City Council shall declare the office vacant and proceed to fill the office as in the case of other vacancies.
- (b) At each regular meeting from which the Mayor or a Councilmember is absent, the City Council shall

determine whether the absence is excused.
(Ordinance 2023-0013 adopted 5/6/2023)

§ 3.16. Code of Ethics and Conduct.

The City Council may adopt by ordinance a code of ethics and conduct that is consistent with the provisions of this Charter and state and federal law applicable to elected officers, appointed board, commission, and committee members, and employees of the City.
(Ordinance 2023-0013 adopted 5/6/2023)



ELIGIBILITY REQUIREMENTS

§ 3.04. Qualifications of Candidates.

Each person who becomes a candidate for Mayor or Councilmember shall meet the following qualifications:

- (a) Be a citizen of the United States of America;
- (b) Be a qualified voter of the City (which in this charter shall mean a person who is registered to vote by the State of Texas, whose registration is effective in the City of Alvarado);
- (c) Have resided in the City for at least twelve (12) months prior to the date of the election;
- (d) Be twenty-one (21) years of age or older on the first day of the term to be filled at the election;
- (e) Not have been finally convicted of a felony from which the person has not been otherwise released from the resulting disabilities;
- (f) Not have been declared mentally incompetent by the final judgment of a court;
- (g) Abide by the nepotism law (Chapter 573, Texas Government Code), and as provided in Section 14.01 of this Charter; and
- (h) Not be disqualified by reason of any other provision of law.

A member of the City Council who ceases to possess any of the qualifications specified in this section for a period of sixty (60) days following notice from the City Secretary regarding same, or who is convicted of a felony while in office, shall immediately forfeit the office and the City Council shall proceed to fill the vacancy in accordance with Section 3.09 of this Charter.

(Ordinance 2023-0013 adopted 5/6/2023)



ALVARADO CITY CHARTER

Chapter CHA

HOME RULE CHARTER

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Editor's note—Printed herein is the charter of the City of Alvarado, Texas, which was approved by the voters of the city at an election held on May 6, 2023, and declared adopted by Ordinance 2023-0013, adopted May 15, 2023. Apart from minor nonsubstantive changes in style and formatting, the charter is reproduced as adopted. Capitalization, punctuation and grammar have been retained. Obviously misspelled words have been corrected without notation. Material enclosed in brackets has been added for clarification. Amendments to the charter are indicated by a history note following the amended section.

CHAPTER I
INCORPORATION AND POWERS OF CITY

§ 1.01. Incorporation, Corporate Name.

All inhabitants of the City of Alvarado, Johnson County, Texas, residing within the boundaries of the City now established or as hereinafter established in the manner provided by law, shall constitute a municipal body politic incorporated under the name of "City of Alvarado," hereinafter referred to as the "City," with such powers, rights, authority, privileges, obligations, and immunities as are herein provided in accordance with the Constitution and statutes of the State of Texas.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 1.02. Creation and Change of Municipal Ward Boundaries.

The City Council shall have power by ordinance to divide the City of Alvarado into municipal wards, and shall have power to alter or change the municipal ward boundaries of the City of Alvarado, which municipal wards shall be comprised, as nearly as practicable, of contiguous territory within straight lines, and as nearly as practicable shall contain the same number of registered voters, and it shall require a three-fourths (3/4) vote of all the City Council persons elected to change, at any time, the number of municipal wards, or the boundaries of the same, and no change shall be made in said municipal wards or the boundaries of the same, unless it be done at least more than six (6) months before the next general ensuing City election; provided, however, when any additional territory shall become a part of the City, the municipal ward(s) that the same was adjoining shall be held for all purposes to be extended so as to include said added territory; provided, there shall at all times be at least [three] (3) municipal wards within the City.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 1.03. Form of Government.

The municipal government provided by this Charter shall be known as "Council-Manager Government." Pursuant to the provisions of, and subject only to the limitations imposed by the State Constitution, State Laws, and this Charter, all powers of the City shall be vested in an elective council, hereinafter referred to as the "City Council." The City Council shall appoint a City Manager, who shall be directly responsible to the City Council, for the execution of the laws and the administration of the government of the City.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 1.04. Corporate Boundaries.

- (a) The boundaries of the City shall be as they exist when this Charter is adopted, until changed by the City Council.
- (b) The boundaries and limits of the City shall be those established and described on an official map duly adopted by the City Council by ordinance and amended from time to time to include annexations and disannexations from the corporate limits. The City Secretary shall at all times keep a correct and complete description and official map on file, with recent annexations and disannexations.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 1.05. Annexation.

The City Council shall have the powers to fix the boundary limits of the City, to provide for the extension of said boundary limits and the annexation of additional territories lying adjacent to said City, to provide for the disannexation of territory within said City and to provide for the exchange of territory with other cities, according to such rules as may be provided by this Charter or any other method that may be prescribed by the laws of the State of Texas. Such rules or methods shall not be inconsistent with the procedural rules of the Municipal Annexation Act of the State of Texas.

- (a) Annexation of lands by petition: The qualified voting property owner or owners of any land contiguous and adjacent to the City may, by petition in writing to the City Council request the annexation of such contiguous and adjacent land, describing it by metes and bounds. The City Council shall thereafter hear such petition and the arguments for and against the same, and grant or refuse such petition. The City Council may by proper ordinance, under such procedural rules as may be prescribed by law, receive and annex such territory as a part of the City.
- (b) Annexation by election: The City Council shall have the power to order an election or elections if it so desires for the purpose of annexing territory adjacent to the City. Said election shall be in accordance with this Charter or as prescribed by State statutes.
- (c) Annexation of lands by ordinance: The City Council may by ordinance annex territory adjacent to the City with or without the consent of the inhabitants or owners thereof, subject to such procedural rules as may be prescribed by law.

Annexed territory to become part of the City: Upon completion of any one of the procedures hereinabove provided, the territory so annexed shall become a part of the City, and said land and its residents and future residents shall be entitled to all the rights and privileges of other citizens of the City and shall be bound by the acts, ordinances, resolutions and regulations of the City.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 1.06. Disannexation.

The City Council may, by ordinance, disannex any territory within the corporate boundaries of the City, if the City Council determines the territory is not necessary or suitable for City purposes, and may exchange territory with other municipalities, by agreement approved by resolution or ordinance. When the disannexation ordinance is passed, the disannexed territory shall cease to be a part of the City but the disannexed territory shall remain liable for its pro rata share of any indebtedness incurred while the area was a part of the City and the City shall continue to levy, assess and collect taxes on the property in the disannexed territory until such indebtedness has been paid, unless the City Council determines that it is not necessary or advisable.

(Ordinance 2023-0013 adopted 5/6/2023)

CHAPTER II
POWERS OF THE CITY

§ 2.01. General Powers of the City.

The City shall have all powers possible for a municipality to have under the constitution and laws of this state as fully and completely [as] though they were specifically enumerated in this Charter.
(Ordinance 2023-0013 adopted 5/6/2023)

§ 2.02. Construction.

The powers of the City under this Charter shall be constructed liberally in favor of the City, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power stated in this article [chapter].
(Ordinance 2023-0013 adopted 5/6/2023)

§ 2.03. Eminent Domain.

The City shall have the full right, power and authority to exercise the power of eminent domain when necessary to carry out any of the powers conferred upon it by this Charter, or by the Constitution or laws of the State of Texas. The power of eminent domain hereby conferred shall include the right of the City to take fee title and easement interest in the lands so condemned, and such power and authority shall include the right to condemn public or private property for such purposes.
(Ordinance 2023-0013 adopted 5/6/2023)

§ 2.04. Power to Acquire Property Inside and Outside the City for Public Purposes.

The City shall have the power to sell and to acquire by condemnation or purchase either private or public property located inside or outside of the corporate limits for public purposes.
(Ordinance 2023-0013 adopted 5/6/2023)

§ 2.05. Street Powers.

The City shall have exclusive domain, control, and jurisdiction in, upon, over, and under all alleys, streets, gutters, and sidewalks situated in the City, and the power to layout, establish, open, alter, widen, lower, extend, grade, drain, abandon, and improve streets, alleys, sidewalks, squares, parks, public places, and bridges and regulate the use thereof, and require the removal from streets, sidewalks, alleys, and other public property or places of all obstructions, telegraph, telephone, or other poles carrying electric wires or signs, encroachments of every nature or character upon any said streets and sidewalks, and to vacate and close private ways; and when a street or alley has been vacated or abandoned, the City shall have the right to sell the same in any lawful manner. The City shall have the power to assess property owners for improvements and collect attorney's fees for the collection of assessments as allowed under state law. Such exclusive dominion, control, and jurisdiction in, upon, over, or under the public streets, avenues, sidewalks, parkways, alleys, and highways of the City shall also include, but not be limited to, the right to regulate, locate, relocate, remove, or prohibit the location of all utility pipes, lines, wires, or other property of any sort. The right of control and use of the public streets, highways, sidewalks, and alleys is hereby declared to be inalienable to the City, except by ordinances not in conflict with this Charter.
(Ordinance 2023-0013 adopted 5/6/2023)

§ 2.06. Health and Police Powers.

- (a) The City Council shall have the power to provide for and/or own and regulate the following, but not to the exclusion of other powers:
- (1) A solid waste collection and disposal system;
 - (2) A sanitary sewer utility or system;
 - (3) A water utility or system;
 - (4) An electric utility or system;
 - (5) A fire department;
 - (6) A police department;
 - (7) A health department;
 - (8) Parks and playgrounds.
- (b) The City Council shall have the power to define all nuisances and prohibit them within the City and outside the City limits for at least a distance of 5,000 feet.
- (c) The City Council shall have the power to provide for fixing of penalties for failure of any person, firm, corporation, or association to comply with any such rules and regulations so prescribed by the City Council under the provisions of this section; it being the intention to vest in the City Council not only powers expressly enumerated in this section but all other powers reasonably necessary for the protection of the health, safety, and welfare of the City and its inhabitants.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 2.07. Intergovernmental Relations.

The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation by contract or otherwise, with any one or more States, and divisions or agencies thereof, the United States or any agency thereof.

(Ordinance 2023-0013 adopted 5/6/2023)

CHAPTER III
CITY COUNCIL AND MAYOR

§ 3.01. Governing Body.

The governing and lawmaking body of the City shall consist of the Mayor and six (6) Councilmembers and shall be known as the "City Council."
(Ordinance 2023-0013 adopted 5/6/2023)

§ 3.02. Elective Officers.

- (a) The members of the City Council shall hold office for three (3) years, until their successors are elected and have been qualified.
- (b) Two (2) Councilmembers shall be elected at the regular election held annually on the first Saturday in May, except every third year where the Mayor and two councilmembers shall be elected, unless the Council designates an alternative date allowed by state law at least six months prior to the regular election.
- (c) The City shall be divided into three (3) wards in accordance with Section 1.02 of this Charter, with two (2) Councilmembers elected from each respective ward, and the Mayor elected at large.
- (d) Places shall be assigned to the Councilmembers as follows:
 - (1) Place One shall be assigned to City Councilmember, Ward 1, seat currently occupied by Michael Bennett.
 - (2) Place Two shall be assigned to City Councilmember, Ward 2, seat currently occupied by Lydia Moon, which shall be Place Two.
 - (3) Place Three shall be assigned to City Councilmember, Ward 3, seat currently occupied by Kevin Thomas.
 - (4) Place Four shall be assigned to the second City Councilmember, Ward 1, elected in May 2023.
 - (5) Place Five shall be assigned to the second City Councilmember, Ward 2, elected in May 2023.
 - (6) Place Six shall be assigned to the second City Councilmember, Ward 3, elected in May 2023.
- (e) In order to affect a transition to three (3) year terms upon the adoption of this Charter, elections shall be held as follows:
 - (1) The Mayor and Place 1 and Place 2 shall fulfill their two-year terms and be elected to three (3) year terms upon expiration of the current term in 2024.
 - (2) The current terms of Place 3 shall be extended one (1) year to expire in 2025, at which time Place 3 shall be elected to a three (3) year term.
 - (3) Place Four shall be elected to a three (3) year term upon the expiration of the current two-year term in 2025.

- (4) The two-year terms of Place 5 and Place 6 shall be extended one (1) year to expire in 2026, at which time Place 5 and Place 6 shall be elected to a three (3) year term.
(Ordinance 2023-0013 adopted 5/6/2023)

§ 3.03. Limitation of Consecutive Terms for Elected Officials.

- (a) A City Councilmember who has served as a Councilmember, regardless of place, for three (3) consecutive terms shall not again be eligible to become a candidate for Councilmember for two (2) years or until the next general election after the third consecutive term has expired. A person may be appointed to fill a vacancy, as defined by Section 3.09 of this Charter, in the event a vacancy occurs with less than twelve (12) months remaining in the unexpired term for their prior Place. This shall not prevent a Councilmember from becoming a candidate for Mayor upon expiration of the third consecutive term as a Councilmember.
- (b) A Mayor who has served as Mayor for three (3) consecutive terms as Mayor shall not again be eligible to become a candidate for that office until the next general election after the third consecutive term has expired. A person may be appointed to fill a vacancy, as defined by Section 3.09 of this Charter, in the event a vacancy occurs with less than twelve (12) months remaining in the unexpired term for Mayor. This shall not prevent a Mayor from becoming candidate for Councilmember upon expiration of the third (3rd) consecutive term as Mayor.
- (c) A person may serve no more than eighteen (18) years on the City Council, in any combination of years spent as Mayor or Councilmember.
- (d) As used in this section, any length of service within a three (3) year term that exceeds 360 days is a term served, and "Councilmember" does not mean "Mayor."
- (e) Any terms served as either Mayor or Councilmember prior to the adoption of this Charter shall not count toward the term calculations.
(Ordinance 2023-0013 adopted 5/6/2023)

§ 3.05. City Council to be the Judge of Qualifications.

The City Council shall be the judge of the election and qualifications of its own members, and of the grounds for forfeiture of their office.
(Ordinance 2023-0013 adopted 5/6/2023)

§ 3.06. Compensation of Elective Officers.

The City Council may determine the annual salary of the mayor and councilmembers by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of councilmembers elected at the next regular election. The mayor and councilmembers shall receive their actual and necessary expenses incurred in the performance of their duties of office.
(Ordinance 2023-0013 adopted 5/6/2023)

§ 3.07. Presiding Officer: Duties of the Mayor.

- (a) The Mayor shall preside over the meetings of the Council, and perform such other duties consistent with the office as may be imposed upon the Mayor by this Charter and by ordinances and resolutions passed in pursuance thereof. The Mayor shall be recognized as the official head of the City by the courts for the purpose of enforcing military law and for all ceremonial purposes. The Mayor shall not vote except in the event of a tie.

(b) The emergency powers of the Mayor shall be set forth by State law and local ordinances.
(Ordinance 2023-0013 adopted 5/6/2023)

§ 3.08. Mayor Pro Tem.

At the first meeting after each general election or general election run-off, if any, or as soon thereafter as practicable, the Council shall appoint one of the Councilmembers as Mayor Pro Tem who shall hold office for one (1) year. The Mayor Pro Tem shall perform the duties of Mayor in case of the absence or disability of the Mayor.
(Ordinance 2023-0013 adopted 5/6/2023)

§ 3.09. Vacancies; Forfeiture of Office; Filling of Vacancies.

- (a) Vacancies: The office of the Mayor or a Councilmember shall become vacant upon the Mayor or Councilmember's death, resignation, removal from office (in any manner authorized by law), or forfeiture of office.
- (b) Forfeiture of Office: The Mayor or a Councilmember shall forfeit their office if during a term of office, the Mayor or Councilmember:
- (1) Lacks any qualification for the office prescribed by this Charter or by other law;
 - (2) Violates any expressed prohibition of this Charter;
 - (3) Is convicted of a felony, whether final for purposes of appeal or not; a crime involving moral turpitude; or violating any state laws regulating conflicts of interest of municipal officers; or
 - (4) Fails to attend three (3) consecutive regular meetings of the Council without being excused by the Council.

The Council shall, by an affirmative 3/4 vote of the entire membership, be the final judge in matters involving forfeiture of office by a Councilmember or the Mayor.

- (c) Filling of Vacancies: In the event a vacancy [occurs] from any cause in the office of Mayor or Councilmember with three-year terms, and an unexpired term greater than twelve (12) months, the City Council shall order a special election called for the purpose of filling the vacancy within one hundred and twenty (120) days after such vacancy or vacancies. However, if a vacancy occurs in the office of Mayor or Councilmember with an unexpired term of twelve (12) months or less, the City Council may call a special election to fill the vacancy or may, by majority vote of the full Council, appoint a person to fill such vacancy until the expiration of the office to be filled, if permitted by the Texas Constitution. Such appointment shall require an affirmative vote of 75% of the full City Council.

In the event a vacancy [occurs] from any cause in the office of Mayor or Councilmember with two-year terms, the City Council may call a special election to fill the vacancy or may, by majority vote of the full Council, appoint a person to fill such vacancy until the expiration of the office to be filled, if permitted by the Texas Constitution.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 3.10. Prohibitions.

- (a) Holding other office: Except where authorized by law, no Mayor or Councilmember shall hold any other compensated City office or employment by the City during the term for which they are elected to the Council, and no former Mayor or Councilmember shall hold any compensated appointive City office or employment until one (1) year after the expiration of the term for which they were elected to the City Council.
- (b) Appointment and Removals: Neither the City Council nor any of its members shall in any way dictate the appointment or removal of any City administrative officer or employees whom the City Manager or any of the City Manager's subordinates are empowered to appoint, unless otherwise provided in this Charter. The City Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.
- (c) Interference with Administration: Except for the purpose of inquiries and investigations by the direction of the Council, unless provided otherwise in this Charter, the Council or its members 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 Council nor its members shall give orders to any such officer or employee, either publicly or privately.
- (d) Admission of Liability: Neither the Mayor or Councilmembers shall accept or admit liability or pay any claim for damages asserted against the City without first obtaining a written opinion from the City Attorney regarding the City's liability therein.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 3.11. Meetings of the City Council.

The Council shall hold at least one (1) regular meeting each month at a time to be fixed by ordinance, unless the date falls on a regularly observed City holiday, provided that the Council may establish as many additional regular meetings during the month as may be necessary for the transaction of the business of the City and its citizens. Prescribed meeting dates may be cancelled by a vote of the City Council at a regular scheduled meeting. All meetings of the City Council shall be open in accordance with and except as provided by the Texas Open Meetings Act, and shall be held at the City Hall, except that the City Council may designate another place for the meetings.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 3.12. Special Meetings.

The Mayor may call special meetings by giving notice to the City Secretary who shall notify each member of the City Council of the time of the meeting and its purpose.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 3.13. Rules of the City Council: Minutes and Procedures.

- (a) The City Council shall determine its own rules of procedure and may compel the attendance of its members. Minutes of the proceedings of the City Council shall be kept, to which any citizen may have access at all reasonable times and which shall constitute one of the archives of the City.
- (b) The vote upon the passage of all ordinances and resolutions shall be taken by a show of hands or other method to indicate the vote of each member and entered into the minutes, and every ordinance or resolution upon its final passage, shall be authenticated by the signature of the presiding officer and the person performing the duties of the City Secretary, and kept as required

by law.

- (c) Any item requested by the City Manager or by the Mayor, shall be placed on the agenda by the City Secretary. The Mayor will establish the order of the agenda for each City Council meeting. The City Secretary shall prepare the agenda, which shall be publicly posted at City Hall in accordance with the Texas Open Meetings Act.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 3.14. Quorum and Voting.

Four (4) Councilmembers, excluding the Mayor, shall constitute a quorum to do business and no action of the Council shall be valid or binding unless adopted by the affirmative vote of four (4) or more members of the City Council, including the Mayor in the event of a tie. A number less than a quorum may adjourn from time to time and compel the attendance of absent members. If the City Council is reduced to less than four (4) members on account of vacancies, the remaining members shall constitute a quorum for the sole purpose of calling an election.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 3.15. Absence of Mayor and Councilmembers.

- (a) If the Mayor or a Councilmember has four (4) unexcused absences from a regular city council meeting in a term, the Mayor or Councilmember may be removed from office by a vote of [a] majority of the entire City Council. If removed, the City Council shall declare the office vacant and proceed to fill the office as in the case of other vacancies.

- (b) At each regular meeting from which the Mayor or a Councilmember is absent, the City Council shall determine whether the absence is excused.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 3.16. Code of Ethics and Conduct.

The City Council may adopt by ordinance a code of ethics and conduct that is consistent with the provisions of this Charter and state and federal law applicable to elected officers, appointed board, commission, and committee members, and employees of the City.

(Ordinance 2023-0013 adopted 5/6/2023)

CHAPTER IV
RESPONSIBILITIES OF THE CITY COUNCIL

§ 4.01. Powers of the City Council.

All powers and authority, including determination of all matters of policy, which are expressly or by implication conferred on or possessed by the City, shall be vested in and exercised by the City Council; provided, however, that the City Council shall have no authority to exercise those powers which are expressly conferred upon other City officers by this Charter.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 4.02. Appointment of Members of Boards.

The members of all boards, commissions, or committees created by this Charter or by the City Council shall be appointed by the City Council.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 4.03. Investigative Powers of the Council.

The City Council shall have the power to inquire into or investigate the official conduct of any department, agency, officer, or employee of the City and for that purpose shall have the power to administer oaths; subpoena witnesses; [and] compel the production of books, papers, records, or other evidence. Contempt for failure or refusal to obey any such subpoena or to produce any such books, papers, records, or other evidence shall be punishable by a fine not to exceed five-hundred dollars (\$500) and/or removal from office.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 4.04. Depository of City Funds.

The City Council is authorized to select a depository, according to State law, for the City funds.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 4.05. Independent Audit.

The City Council shall provide for an independent annual audit of all City accounts and may provide for more frequent audits as it deems necessary. Such audits shall be carried out in accordance with Section 10.15 herein.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 4.06. Interference in Administrative Matters.

The City Manager shall be the chief administrative officer and the head of the administrative branch of the City. Except for the purpose of inquiry or investigation, Councilmembers and the Mayor shall deal with the administrative departments and personnel solely through the City Manager, and no member of the City Council or the Mayor shall give orders to any subordinate of the City Manager, either publicly or privately.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 4.07. Appointive Offices.

In addition to the elected officers, the other officers of the City shall be the City Manager, City

Attorney, and such other officers as the City Council may from time to time direct. The Council may appoint, abolish, or consolidate such offices and positions as it may deem to be in the best interest of the City and may divide the administration of such offices or positions as it may deem advisable, create new offices and positions, and discontinue any office or position at its discretion except the offices of City Manager and City Attorney. Removal of officers appointed by the City Council shall be at the discretion of the City Council, by an affirmative 3/4 vote of the entire membership.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 4.08. State of Emergency.

- (a) A state of emergency shall be deemed to exist during periods of impending or actual public crisis or disaster. If a meeting of the City Council cannot be called within the time available, whenever conditions threaten to render inadequate the normal procedures of the City for protection of persons or property, a state of emergency may be declared by the vote of the City Council, or by order of the Mayor, or, in the Mayor's absence or disability, the Mayor Pro Tem.
- (b) During a state of emergency, the Mayor, or, in the Mayor's absence or disability, the Mayor Pro Tem shall have all the powers that would be vested in the City Council by State law to the extent he considers reasonable or necessary for the protection of persons or property.
- (c) The emergency powers herein provided shall be exercised only to the extent made necessary by the nature of the emergency and during the continuation of the state of emergency.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 4.09. Validation of all Ordinances, Resolutions, Rules and Regulations.

All ordinances, resolutions, rules, and regulations of the City heretofore ordained, passed, adopted, or enacted, that are in force at the time this Charter becomes effective, and which are not in conflict with such Charter, shall remain in full force until altered, amended, or repealed by the City Council after such Charter takes effect.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 4.10. Action Requiring an Ordinance.

- (a) The City Council shall legislate by ordinance. In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the City Council shall be by ordinance which:
 - (1) Adopt, amend, or establish an administrative code;
 - (2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
 - (3) Levy taxes;
 - (4) Adopt a budget;
 - (5) Grant, renew, extend, or abolish a franchise;
 - (6) Convey, lease, or authorize the conveyance or lease of any City lands;
 - (7) Regulate the rate charged for services by a public utility;

- (8) Authorize the borrowing of money that cannot be repaid within the current fiscal year;
 - (9) Regulate land use development;
 - (10) Adopt, with or without amendment, ordinances proposed under the initiative power; and
 - (11) Amend or repeal any ordinance previously adopted, except as otherwise provided in Chapter IX of this Charter with respect to repeal of ordinances reconsidered under the referendum power.
- (b) Acts other than those referred to in the preceding sentence may be done either by ordinance, resolution, or minute order.
- (Ordinance 2023-0013 adopted 5/6/2023)

§ 4.11. Form of Ordinances.

Every proposed ordinance shall be introduced in writing and in substantially the form required for final adoption. The subject of the ordinance shall be clearly expressed in its title except ordinances or resolutions making appropriations or authorizing the contracting of indebtedness or issuance of bonds or other evidence of indebtedness. The enacting clause of every ordinance shall be: "Be it ordained by the City Council of the City of Alvarado ..." but the same shall be omitted when the ordinances of the City are codified and published in a book or pamphlet form by the City. Any ordinance that repeals or amends an existing ordinance or part of the City code shall clearly set forth the provision or provisions being repealed or amended (which may be done by reference to code provisions) and, if amended, shall further clearly set forth the amendment being made.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 4.12. Procedure for Enacting Ordinances and Resolutions; Publications.

- (a) Ordinances and resolutions may be passed at any regular meeting or special meeting called for that purpose provided notice has been given in accordance with the Texas Open Meetings Act.
- (b) All ordinances and resolutions, unless otherwise provided by State law, this Charter, or the ordinance itself shall be effective on the passage or adoption by the required majority of the City Council. Every ordinance, resolution or motion shall require on final passage the affirmative vote of a majority of a quorum of the City Council unless more is required by State law or this Charter.
- (c) The descriptive caption or title of an ordinance that imposes a penalty, fine or forfeiture and the penalty for violating the ordinance shall be published at least once in the official newspaper of the City.
- (d) All ordinances and resolutions may be admitted and received in all courts, subject to the rules of evidence and laws of jurisdictions where proof of such ordinances and resolutions are tendered, without further proof.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 4.13. Emergency Ordinances.

- (a) To meet a public emergency affecting life, health, property, or the public peace, the City Council may adopt one or more emergency ordinances, but such ordinances may not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for its service; or authorize the borrowing of money except as provided elsewhere in this Charter.

- (b) An emergency ordinance shall be introduced in the form and manner generally prescribed for ordinances, except that they shall be plainly designated in the title as an emergency ordinance and shall contain after the enacting clause a declaration stating that an emergency exists and describe the emergency in clear and specific terms.
- (c) An emergency ordinance may be introduced at any City Council meeting and can be adopted with or without amendment or rejected at the meeting at which it is introduced. The affirmative vote of a majority of the Councilmembers present shall be required for adoption.
- (d) Emergency orders shall become effective upon adoption and shall be published as soon as thereafter practicable. Every emergency ordinance so adopted, except one authorizing the borrowing of money as described herein, is automatically repealed as of the sixty-first (61st) day following the day on which it became effective. This shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 4.14. Codification of Ordinances.

The City Manager, as soon as practical after the adoption of this Charter shall cause to be codified and properly entered and published for public distribution or for anyone desiring same, the ordinances of the City, which codification shall be revised and updated at least annually.

(Ordinance 2023-0013 adopted 5/6/2023)

CHAPTER V
CITY ADMINISTRATION

§ 5.01. Appointment and Qualifications of City Manager.

- (a) The City Council, by majority vote of the City Council qualified and serving, shall appoint a City Manager, who shall be the chief administrative and executive officer of the City. The City Manager shall be responsible to the City Council for administration of all affairs of the City, with only those exceptions that are named in this Charter.
- (b) The method of selection shall be left to the discretion of the City Council so long as the method insures orderly, non-partisan action toward securing a competent and qualified person to fill the position. The City Manager shall be chosen solely upon the basis of the person's administrative training, experience, ability, and character.
- (c) Neither the Mayor nor any Councilmember shall be appointed City Manager or acting City Manager while holding office, or for a period of one (1) year after leaving office.
(Ordinance 2023-0013 adopted 5/6/2023)

§ 5.02. Compensation of City Manager.

The City Manager shall receive compensation as may be fixed by the Council, and amended from time to time, according to the person's experience, education, and training.
(Ordinance 2023-0013 adopted 5/6/2023)

§ 5.03. Term and Removal of City Manager.

- (a) The City Manager may be appointed for a definite term but shall serve at the will and pleasure of the City Council.
- (b) If the City Council requests the city manager resign, and the City Manager declines to resign, the City Council may suspend the City Manager by a resolution approved by a 75% vote of the total membership of the City Council. Such resolution shall set forth the reasons for suspension and proposed removal. A copy of such resolution shall be served immediately upon the City Manager. The City Manager shall have fifteen (15) days in which to reply thereto in writing, and upon request, shall be afforded a public hearing, which shall occur not earlier than ten (10) days nor later than fifteen (15) days after such hearing is requested. After the public hearing, if one is requested, and after full consideration, the City Council by a 75% vote of its total membership may adopt a final resolution of removal. The City Manager shall continue to receive full salary until the effective date of a final resolution of removal.
- (c) The action of the City Council in suspending or removing the City Manager shall be final. It is the intention of this Charter to vest all authority and fix all responsibilities of such suspension or removal in the City Council.
- (d) In case of the absence, disability, or suspension of the City Manager, the City Council may designate a qualified administrative officer of the City to perform the duties of the office.
- (e) The City Council is authorized to enter into a contract with a City Manager to establish additional terms of employment.
(Ordinance 2023-0013 adopted 5/6/2023)

§ 5.04. Bond of City Manager.

The City Council may require the City Manager before entering office, to execute a good and sufficient surety company bond, in such amount as the City Council may demand, payable to the City and conditioned for the faithful performance of the duties of the City Manager's office. The premium of such bond is to be paid by the City.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 5.05. Powers and Duties of City Manager.

The City Manager shall be the chief administrative officer and head of the administrative branch of the City. The City Manager shall be responsible to the City Council for the proper administration of all the affairs of the City and to that end shall have the power and be required to:

- (a) In cooperation with the City Attorney, see that all State laws and City ordinances are effectively enforced.
 - (b) Appoint, suspend, and/or remove the City Secretary and all or any one of the heads of departments and all subordinate officers and employees of the City; provided, however, that the City Council by ordinance may provide for personnel procedures or policies that permit the City Secretary and/or designated department heads an appeal to the Council regarding termination of employment.
 - (c) Direct and supervise the administration of all departments and subdivisions thereof created by this Charter, or that may hereafter be created by the City Council, except as hereinafter provided.
 - (d) See that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise are faithfully kept and performed, and upon knowledge of any violation thereof to call the same to the attention of the City Attorney, whose duty it shall be to take such steps as may be necessary to enforce the same.
 - (e) Attend all meetings of the City Council, except when excused by the City Council. The City Manager shall have the right to take part in discussion but shall not vote.
 - (f) Prepare a proposed budget annually and submit to the City Council and the City Secretary as required by Texas Local Government Code Section 102.005, as amended.
 - (g) Administer the budget of the City.
 - (h) Prepare and submit to the City Council at the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year.
 - (i) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may seem to him advisable.
 - (j) Prepare personnel rules subject to the approval of the City Council.
 - (k) Prepare the official agenda of all City Council meetings and meetings of the boards and commissions.
 - (l) Perform such other duties as may be prescribed by this Charter or by the City Council.
- (Ordinance 2023-0013 adopted 5/6/2023)

§ 5.06. Acting City Manager.

- (a) The City Manager, within thirty (30) days after taking office, shall designate by letter filed with the City Secretary, a qualified administrative officer of the City to perform the duties of the City Manager in his absence or disability. Such designation shall be subject to approval of the City Council. No member of the City Council nor the Mayor shall serve as Acting City Manager. Upon resignation or termination of the City Manager, the Acting City Manager shall perform the duties of the City Manager until a new City Manager or Acting City Manager is appointed by the City Council.
- (b) Should the need for an Acting City Manager occur prior to the City Manager submitting a designee or prior to the City Council's approval of the City Manager's designee, the City Council shall appoint an Acting City Manager.
- (c) The City Manager may select a different Acting City Manager by replacing the letter of designation and obtaining the City Council's approval. The previous designation is rescinded by this action.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 5.07. Appointment of City Secretary.

The City Manager shall hire a City Secretary who shall report to the City Manager and act as the Secretary to the City Council. The City Secretary shall report to the City Manager, who shall have disciplinary and termination authority over the City Secretary. The City Secretary shall be entitled to a seat at the City Council table at all official meetings.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 5.08. Duties of the City Secretary.

The duties and powers of the City Secretary shall be as follows:

- (a) Give notices of all official City Council meetings in a manner consistent with this Charter and state law.
- (b) Attend all public meetings and hearings of the City Council.
- (c) Record the minutes of all official meetings of the City Council; provided, however, only the captions of duly enacted ordinances and resolutions shall be recorded in the minutes.
- (d) Be the custodian of all municipal records of the City Council.
- (e) Recommend to the City Council rules and regulations to be adopted by ordinances to protect the safety and security of the municipal records.
- (f) Hold and maintain the City Seal and affix to all instruments requiring such seal.
- (g) Inquire into or investigate the genuineness of any signature on and the factual sufficiency of any initiative, referendum, or recall petition filed with the City Secretary in accordance with the provisions of this Charter, and for that purpose the City Secretary shall have the power to administer oaths, subpoena witnesses, [and] compel the production of books, papers, records, and other evidence.
- (h) Perform such other duties as may be required by the City Council, or required by law.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 5.09. Compensation of City Secretary.

The City Manager shall set the compensation of the City Secretary.
(Ordinance 2023-0013 adopted 5/6/2023)

§ 5.10. Administrative Departments.

- (a) There shall be such administrative departments as are established by this Charter and as may be established by ordinance and excepting as otherwise provided in this Charter, these administrative departments shall be under the direction of the City Manager. The City Council shall have the authority to establish administrative departments or offices not herein provided by this Charter. The City Manager may discontinue, redesignate, or combine any of the administrative departments or offices.
- (b) The head of each department shall be a chief, director, superintendent, or coordinator who shall be appointed by the City Manager, and such chief, director, superintendent, or coordinator shall have supervision and control over that department. Two or more departments may be headed by the same individual, and the City Manager may act as City Secretary and may head one or more departments.

(Ordinance 2023-0013 adopted 5/6/2023)

CHAPTER VI
MUNICIPAL COURT

§ 6.01. Purpose of the Municipal Court.

There shall be established and maintained a court, designated as a Municipal Court of the City of Alvarado for the trial of misdemeanor offenses, with all such powers and duties as are now, or may hereafter be prescribed by the laws of the State of Texas relative to Municipal Courts.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 6.02. Judge of the Court.

The "Judge of the Municipal Court," shall be appointed by the City Council. The Judge shall be a resident of this State, and a citizen of the United States. The City Council shall fix the compensation for the Judge and such compensation shall never be based on fines assessed or collected. The Judge of the Municipal Court shall be appointed to a term of three (3) years and may be appointed to additional consecutive terms upon completion of the term of office. The removal of the Judge shall be at the discretion of the City Council, by majority of the full membership of the City Council. The Judge may request a public hearing prior to their removal.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 6.03. Clerk of the Court.

There shall be a Clerk of said court appointed by the City Manager for a term concurrent with the Judge of the Municipal Court. The Clerk of the court and such deputies as the Clerk and/or City Manager may appoint, shall have the power to administer oaths and affidavits, make certificates, keep minutes of the proceeding of the court, affix the seal of said court thereto, and generally do and perform any and all acts usual and necessary as performed by clerks and deputies of courts. The City Manager may require the Court Clerk, before entering upon the duties of the office, to execute a good and sufficient surety company bond, in such amount as the City Manager may demand, payable to the City and conditioned for the faithful performance of the duties of the office. The premium of such bond is to be paid by the City. The City Clerk shall be supervised by the City Manager and removal of the City Clerk shall be at the City Manager's discretion.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 6.04. Absence of Judge.

The City Council shall be empowered to appoint one or more alternate Judge(s) who shall have the same qualifications as the Judge of the Municipal Court and who shall receive such salary as may be fixed by the City Council. In case of the temporary disability or absence of the Judge of the Municipal Court, an alternate Judge shall have authority to act as Judge of said court. The City Council shall by appointment fill a vacancy in the office of the Judge for the remainder of the unexpired term.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 6.05. Fines.

All monies received as court-imposed fines or penalties shall be paid into the general fund of the City treasury, unless otherwise required by State law.

(Ordinance 2023-0013 adopted 5/6/2023)

CHAPTER VII
CITY ATTORNEY

§ 7.01. City Attorney.

- (a) The City Council shall appoint by the affirmative vote of a majority of the full membership of the City Council, a competent, duly qualified, licensed, and practicing attorney in the State of Texas, to be an attorney for the City, hereinafter referred to as the "City Attorney." The City Attorney shall serve at the discretion of the City Council and shall receive such compensation as may be fixed by the City Council.
- (b) The City Attorney shall:
 - (1) Serve as the legal advisor to the City Council and the City Manager;
 - (2) Represent the City in litigation and legal proceedings as directed by the Council and City Manager;
 - (3) Review and provide opinions as requested by the City Council or the City Manager on contracts, legal instruments, and ordinances of the City; and
 - (4) Perform other duties prescribed by this Charter, by ordinance, or as directed by the City Council.
- (c) The City Council may contract with an attorney or with a firm of attorneys who may designate one (1) member of said firm, with City Council approval, to serve as City Attorney.
- (d) Compensation shall be fixed by contract with approval of the City Council or by appointment subject to the approval of the City Council.
- (e) The City Council shall have the right to retain special counsel at any time that it may deem necessary and appropriate.
- (f) The City Attorney serves at the pleasure of the City Council and may be removed by the affirmative vote of a majority of the full membership of the City Council.
(Ordinance 2023-0013 adopted 5/6/2023)

§ 7.02. City Prosecutor.

All cases in the Municipal Court shall be prosecuted by the City Attorney, or such designated Prosecutor as the City Council may authorize.
(Ordinance 2023-0013 adopted 5/6/2023)

CHAPTER VIII
ELECTIONS

§ 8.01. City Elections.

The regular City Election shall be held annually on the first Saturday in May, unless specifically prescribed by State law. The City Council shall fix the hours and place for holding elections.
(Ordinance 2023-0013 adopted 5/6/2023)

§ 8.02. Special Elections.

The City Council may, by ordinance or resolution, call special elections as are authorized by the State law, this Charter, or for any other reason the City Council deems necessary, fix the time and place of holding same, and provide all means for holding special elections in accordance with State law.
(Ordinance 2023-0013 adopted 5/6/2023)

§ 8.03. Publicizing City Elections.

It is the responsibility of the City Council to publicize all municipal elections in accordance with the Texas Election Code, as amended. Sample ballots shall be posted outside the City offices and shall be published in some newspaper of general circulation in the City of Alvarado not less than ten (10) days prior to the election.
(Ordinance 2023-0013 adopted 5/6/2023)

§ 8.04. Regulation of Elections.

All general and special elections shall be held in accordance with the laws of the State of Texas regulating the holding of municipal elections and in accordance with this Charter and ordinances or resolutions adopted by the City Council for the conduct of elections. The City Council shall appoint the election judges and shall provide for the compensation of all election officials in the City elections and for all other expenses in holding the elections. Sample ballots identical to the voting format for the specific election shall be posted in the voting place for the benefit of the voter.
(Ordinance 2023-0013 adopted 5/6/2023)

§ 8.05. Exception of Election Code.

In the event there is a conflict between any of the provisions of this Charter and the Texas Election Code or an omission of any elements or provisions necessary for the conduct of an election, then those provisions of the Texas Election Code then existing shall prevail.
(Ordinance 2023-0013 adopted 5/6/2023)

§ 8.06. Voter Qualification.

All duly qualified electors under the laws of the State of Texas, who are residents of the City, shall be qualified to vote in any City election.
(Ordinance 2023-0013 adopted 5/6/2023)

§ 8.07. Filing for Office/Procedures.

- (a) Each candidate for an elective office shall meet the qualifications set forth in Section 2.04 [3.04] and the Texas Election Code, as amended.

- (b) Any person so qualified who desires to become a candidate for election shall file an application with the City Secretary, in accordance with the Texas Election Code. Such an application shall be in compliance with the Texas Election Code.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 8.08. Holding Other Office.

- (a) No person elected to the City Council shall, during the term for which the person is elected to the City Council, hold or be appointed to any compensated office, position, or employment in the service of the City. This Section shall not prohibit a Councilmember from serving on the board of an economic development corporation, crime control and prevention district, or other instrumentality of the City.

- (b) If any appointive officer of the City shall become a candidate for election to any public office the officer shall, immediately upon becoming a candidate, forfeit the office held with the City.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 8.09. Official Ballots.

- (a) Candidate Names on Ballots: The names of all candidates who have filed for office shall be printed on the official ballots without party designation. The order on the ballot of the names of the candidates for each office or position shall be determined by lot in a drawing to be held under the supervision of the City Secretary, or as otherwise required by State law.

- (b) Absentee Balloting: Voting shall be permitted in accordance with the Texas Election Code.

- (c) Write-in Votes: Write-in voting shall be permitted in accordance with the Texas Election Code.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 8.10. Canvassing and Election Results.

- (a) Canvassing shall be conducted in accordance with state law. Returns of every municipal election shall be delivered forthwith by the election judges to the City Secretary with a copy of the returns being sent to the Mayor. The City Council shall canvass the returns, investigate the qualifications of the candidates and declare the official results of the election in accordance with the Texas Election Code. The results of every municipal election shall be recorded in the minutes of the City Council.

- (b) Majority Rules: The candidate for each place on the ballot who shall have received the majority of the votes cast for such place shall be declared elected. In the event that no candidate for a designated office receives a majority of the votes cast for that place in the regular or special election, a runoff election shall be held between the candidates who received the two (2) greatest number of votes for such place. Such a runoff election shall be held in accordance with State law.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 8.11. Notification of City Officers.

The City Secretary, with the concurrence of the City Council, shall promptly notify all persons elected to office. A candidate who is elected in a regular, special, or runoff City election shall, after taking the oath of office as prescribed herein, take office, and enter upon their duties at the next City Council meeting after the date of the election.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 8.12. Oath of Office.

Every officer of the City, whether elected or appointed, shall take the oath of office prescribed by the Texas Constitution prior to assuming office.

(Ordinance 2023-0013 adopted 5/6/2023)

CHAPTER IX
INITIATIVE, REFERENDUM AND RECALL

§ 9.01. Recall.

Any elected City official shall be subject to recall and removal from office by the qualified voters of the City on grounds of incompetency, misconduct, or malfeasance in office.
(Ordinance 2023-0013 adopted 5/6/2023)

§ 9.02. Petitions for Recall.

Before the question of recall of such officer shall be submitted to the qualified voters of the City, a petition demanding such question to be submitted shall first be filed with the person performing the duties of City Secretary, which said petition shall be signed by qualified voters of the City equal in number to at least thirty-five percent (35%) of the number of votes cast at the last regular municipal election of the City, but in no event less than one hundred and fifty (150) such petitioners. Each signer of such recall petition shall personally sign his name thereto in ink or indelible pencil, and shall write after his name his place of residence, giving name of street and number, or place of residence, and shall also write thereon the day, the month, and year his signature was affixed.
(Ordinance 2023-0013 adopted 5/6/2023)

§ 9.03. Form of Recall Petition.

The recall petition mentioned above must be addressed to the City Council of the City of Alvarado, must be distinctly and specifically point out the ground or grounds upon which such petition for removal is predicated, and, if there be more than one (1) ground, such as for incompetency, misconduct, or malfeasance in office, shall specifically state each ground with such certainty as to give the officer sought to be removed notice of the matters and things with which they are charged. Each signer of such recall petition shall provide all requisite information as required by the Texas Election Code, as amended, and this Charter. The signature shall be verified by oath in the following form:

"State of Texas)
County of Johnson)

I, _____, being first duly sworn, on oath depose and say that I am one of the signers of the above petition, and that the statements made therein are true, and that each signature appearing thereto was made in my presence on the day and date it purports to have been made, and I solemnly swear that the same is the genuine signature of the person it purports to be.

Sworn and subscribed before me this ____ day of _____, 20__.

Notary Public in and for the State of Texas."

(Ordinance 2023-0013 adopted 5/6/2023)

§ 9.04. Various Papers Constituting Petition.

The petition may consist of one (1) or more copies, or subscription lists, circulated separately, and the signatures thereon may be upon the paper or papers containing the form of petition or upon other papers attached thereto. Verifications provided for in the preceding section 9.03 of this Charter may be made by one (1) or more petitioners; and the several parts of copies of the petition may be filed separately and by different persons; but no signatures to such petition shall remain effective or be

counted that were placed thereon more than thirty (30) days prior to the filing of such petition or petitions with the person performing the duties of City Secretary on the same day, and that said City Secretary shall immediately notify, in writing, the officer sought to be removed, by mailing such notice to their City address.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 9.05. Presentation of Petition to the City Council.

Within seven (7) days after the date of the filing of the papers constituting the recall petition, the person performing the duties of the City Secretary shall present such petition to the City Council.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 9.06. Public Hearing to be Held.

The officer whose removal is sought may, within eleven (11) days after such recall petition has been presented to the City Council, request that a public hearing be held to permit the officer to present the facts pertinent to the charges specified in the recall petition. In this event, the City Council shall order such public hearing to be held not less than five (5) days nor more than fifteen (15) days after receiving such request for a public hearing.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 9.07. Calling of Recall Election.

If an officer whose removal is sought does not resign, then it shall become the duty of the City Council to order an election to be held on the first uniform election date that permits the compliance with the requirements of law.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 9.08. Ballots in Recall Election.

Ballots used at recall elections shall conform to the following requirements:

- (a) With respect to each person whose removal is sought, the question shall be submitted:

"Shall (name of person) be removed from the office of (name of office) by recall?"

- (b) Immediately below each such question there shall be printed the following words, one above the other, in the order indicated:

"YES"

"NO"

(Ordinance 2023-0013 adopted 5/6/2023)

§ 9.09. Results of Recall Election.

If the majority of the votes cast at a recall election are "NO," that is against the recall of the person named on the ballot, the officer shall continue in office for the remainder of their unexpired term, subject to recall as before. If the majority of the votes cast at such election are "YES," that is for the recall of the person named on the ballot, the officer shall, regardless of any technical defects in the recall petition, be deemed removed from office and the vacancy shall be filled as vacancies in the City Council are filled, as provided in this Charter.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 9.10. Recall: Restrictions Thereon.

No recall petition shall be filed against any officer of the City within six (6) months after the officer's election, nor within nine (9) months after an election for such officer's recall. Nothing herein shall prevent impeachment of an officer of the City nor removal for other causes as provided herein.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 9.11. General Power of Initiative and Referendum.

The registered voters of the City, in addition to the method of legislation herein before provided, shall have the power of direct legislation by initiative and referendum.

- (a) Initiative: The qualified voters of the City shall have power to propose ordinances to the City Council, and, if the City Council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a City election, provided that such power shall not extend to the budget or capital program or any ordinance relating to zoning, appropriation of money, levy of taxes, issuance of bonds and notes, borrowing of money, salaries or duties of City officers or employees, matters related to administration of municipal employees, annexation, municipal boundary adjustments, or in any instance where a court of proper jurisdiction determines that the initiated ordinance has been removed from the field of initiative. Such initiative power may be used to enact a new ordinance, or to repeal or to amend sections of any existing ordinances.
- (b) Referendum: The qualified voters of the City shall have power to require reconsideration by the City Council of any adopted ordinance, and if the City Council fails to repeal an ordinance so reconsidered, to approve or reject it at a City election provided that such power shall not extend to the budget or capital program or any ordinance relating to zoning, appropriation of money, levy of taxes, issuance of bonds and notes, borrowing of money, salaries or duties of City officers or employees, matters related to administration of municipal employees, annexation, municipal boundary adjustments, or in any instance where a court of proper jurisdiction determines that the referred ordinance has been removed from the field of referendum.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 9.12. Commencement of Proceedings for Initiative and Referendum; Petitioners' Committee; Affidavit.

- (a) Any five (5) qualified voters may commence initiative or referendum proceedings by filing with the City Secretary an affidavit stating they will constitute the Petitioners' Committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. The Petitioners' Committee shall designate one (1) contact person for communications with the City and to receive all notices.
- (b) Promptly after the affidavit of the Petitioners' Committee is filed the City Secretary shall verify that the applicants are qualified voters, and if they are, shall issue the appropriate petition blanks to the Petitioners' Committee.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 9.13. Petitions for Initiative and Referendum.

- (a) Number of Signatures: Initiative and referendum petitions must be signed by qualified voters of the City equal in number to at least fifteen percent (15%), or one hundred and fifty (150) voters, whichever is greater, of the total number of current qualified voters registered to vote on the date the affidavit of the Petitioners' Committee is filed with the City Secretary.
- (b) Form and Content: All papers of a petition shall be uniform in size and style and shall be assembled as one (1) instrument for filing. The form and content of a petition shall meet the requirements set forth in the Texas Election Code. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.
- (c) Time for Filing Petitions: Initiative and Referendum petitions must be filed within sixty (60) days after issuance of the appropriate petition blanks to the Petitioners' Committee. All petitions shall be filed with the City Secretary.
(Ordinance 2023-0013 adopted 5/6/2023)

§ 9.14. Procedure after Filing Petition for Initiative or Referendum.

- (a) Review by City Secretary: Upon the filing of a petition for initiative or referendum, the City Secretary shall review the petition to determine the existence of the requisite number of signatures of qualified voters and whether the form of the petition complies with the provisions of this Charter. The City Secretary shall also review the petition to determine the genuineness of the signatures.
- (b) Certificate of City Secretary: Within ten (10) days after the petition is filed, the City Secretary shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the Petitioners' Committee by registered mail.
- (c) Amendment by Petitioner: A petition certified insufficient for lack of the required number of valid signatures or due to inadequate form or content may be amended once if the Petitioners' Committee files a notice of intention to amend it with the City Secretary within five (5) days after receiving the copy of this certificate and files a supplementary petition with additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsection (b) of [section] 9.13 and within five (5) days after it is filed the City Secretary shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the Petitioners' Committee by registered mail as in the case of an original petition.
- (d) Submission to City Council: If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the Petitioners' Committee does not elect to amend as provided in subsection (c) within the time required, the City Secretary shall promptly present this certificate to the City Council and the certificate shall then be a final determination as to the sufficiency of the petition.
(Ordinance 2023-0013 adopted 5/6/2023)

§ 9.15. Action on Initiative or Referendum Petitions.

- (a) Action by City Council: When an initiative or referendum petition has been finally determined sufficient, the City Council shall promptly consider the proposed initiative ordinance in the manner prescribed for enacting ordinances or reconsider the referred ordinance by voting its

repeal. If the City Council fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the City.

- (b) Submission to Voters: The vote of the City on a proposed or referred ordinance shall be held on the next election date authorized by the Texas Election Code that allows sufficient time for compliance with the requirements of the Texas Election Code regarding deadlines to call elections. Copies of the proposed or referred ordinance shall be made available at the polls and shall be published at least once in the official newspaper of the City and on the City's website no later than fifteen (15) days before the date of the election.
- (c) Withdrawal of Signatures: No signature shall be withdrawn from any petition after such petition has been filed with the City Secretary.
(Ordinance 2023-0013 adopted 5/6/2023)

§ 9.16. Form of Ballots.

The ballots used when voting upon such proposed and referred ordinance, resolutions, or measures, shall set forth their nature sufficiently to identify them and shall also set forth upon separate lines the words:

"For the Ordinance" or

"Against the Ordinance" or

"For the Resolution" or

"Against the Resolution"

(Ordinance 2023-0013 adopted 5/6/2023)

§ 9.17. Results of Election for Initiative and/or Referendum.

- (a) Initiative: If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the City Council. 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.
- (b) Referendum: If a majority of the qualified electors voting on a referendum ordinance vote in favor of repealing it, it shall be considered repealed upon certification of the election results.
(Ordinance 2023-0013 adopted 5/6/2023)

§ 9.18. Limitation on Initiative and Referendum.

The same initiative or referendum petition shall be prohibited to be filed within one (1) year of the City Secretary's certification of the previous petition.
(Ordinance 2023-0013 adopted 5/6/2023)

CHAPTER X
MUNICIPAL FINANCE

§ 10.01. Fiscal Year.

The fiscal year of the City shall begin on the first day of October and end on the last day of September. Such fiscal year shall also constitute the budget and accounting year.
(Ordinance 2023-0013 adopted 5/6/2023)

§ 10.02. Submission of Budget.

The City Manager shall prepare and submit to the City Council a proposed budget for the ensuing fiscal year and an accompanying message. The proposed budget shall be submitted to the City Council in accordance with the deadlines for submitting a budget found in Texas Local Government Code Section 102.005, as amended.
(Ordinance 2023-0013 adopted 5/6/2023)

§ 10.03. Budget.

- (a) Budget Message: A budget message explaining the budget both in fiscal terms and in terms of the work programs shall be submitted with the budget. It shall outline the proposed financial policies of the City for the ensuing fiscal year and the impact of those policies on future years. It shall describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the City's debt position, including factors affecting the ability to raise resources through debt issues; and include such other material as the City Manager deems desirable.
- (b) Operating Budget: The operating budget shall provide a complete financial plan of all City Funds and activities and, except as required by law or this Charter, shall be in such form as the City Manager deems desirable or the City Council may require. The budget message shall explain the budget in fiscal terms and in terms of work programs for the ensuing fiscal year. It shall outline the proposed financial policies of the City, and shall include such other materials, as the City Manager deems necessary.
- (c) The budget shall contain the following:
 - (1) Comparative figures for the actual and estimated tax rate, revenues, and other income and expenditures to compare the current and prior fiscal year.
 - (2) The proposed expenditures of each office, department, or function.
 - (3) A schedule showing the debt service requirement due on all outstanding indebtedness and on any proposed debt.
 - (4) The total of the proposed expenditures shall not exceed the total estimated income and the balance of available funds.
 - (5) Tax levies and tax collections from the previous fiscal year.
 - (6) Additional information that may be required by state law, the City Council, or deemed appropriate by the City Manager.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 10.04. Capital Facilities and Property Budget.

The City Manager shall propose annually a five (5) year Capital Facilities and Property budget, which may be revised and extended each year to indicate capital improvements pending or in process of construction or acquisition, and which shall provide the following items:

- (a) A summary of proposed programs;
- (b) A list of all capital facilities and property improvements that are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
- (c) Cost estimates, method of financing, and recommended time schedules for each such improvement with the estimated effect on the tax levy and;
- (d) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired over the five (5) year period.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 10.05. Public Notice and Hearing.

The City Council shall post in the City Hall and publish in the official newspaper and on the City's website, as required by State law, prior to any required public hearing on the budget a notice stating the time and place where copies of the message and budget are available for inspection by the public, and the time and place of each public hearing on the budget.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 10.06. Amendment before Adoption.

The City Council may adopt the budget with or without amendment at a regular or special meeting. In amending the budget, it may add or increase any programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income plus funds available from prior years.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 10.07. Adoption.

The City Council, by majority vote, shall adopt the budget. Adoption of the budget shall constitute appropriations of the amount specified therein as expenditures from the fund indicated, and shall constitute a levy of the property tax therein proposed.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 10.08. Defect Shall Not Invalidate Tax Levy.

Errors or defects in the form or preparation of the budget or the failure to perform any procedural requirements shall not nullify the tax levy or the tax rate.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 10.09. Failure to Adopt a Budget.

If the City Council fails to adopt the budget in accordance with State law, the amounts appropriated

for the prior fiscal year just completed shall be deemed adopted for the ensuing fiscal year on a month to month basis with all items in it pro-rated accordingly until such time as the City Council adopts a budget for the ensuing fiscal year.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 10.10. Public Records.

Copies of the approved operation budget, capital facilities and property budget and supporting papers shall be filed with the City Secretary and shall be public records available to the public for inspection upon request.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 10.11. Specified Reserve Fund.

Specified reserve funds may be created for specific purposes, and may be used only for such purposes.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 10.12. Amendments After Adoption.

- (a) Supplemental Appropriations: If during the fiscal year the City Manager certifies that there are revenues available for appropriation in excess of those estimated in the budget, the City Council may make supplemental appropriations to fund the appropriations as desired or carry the excess into the next fiscal year or by resolution may make supplemental appropriations to retire indebtedness or to fund emergency appropriations.
- (b) Emergency Appropriations: To meet a public emergency created by a natural disaster or man-made calamity affecting life, health, property, or the public peace, the City Council may make emergency appropriations, and may authorize the issuance of emergency debt or notes.
- (c) Reduction of Appropriations: If at any time during the fiscal year it appears probable to the City Manager that the revenues available will be insufficient to meet the amount appropriated, the City Manager shall report to the City Council without delay, indicating the estimated amount of the deficit, any remedial actions taken by the City Manager, and the City Manager's recommendations as to any other steps to be taken. The City Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose the City Council may by ordinance reduce one or more appropriations.
- (d) Transfer of Appropriations: At any time during the fiscal year the City Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, division, or office and transfer part or all of any unencumbered appropriation balance from one department, office, or agency to another, within the same fund. If the City Manager transfers from one department, office, or agency to another, then the City Manager shall provide a written accounting of all transfers to the City Council at the next regular City Council meeting. The City Council may require their approval of these transfers within departments above a limit they wish to establish.
- (e) Limitations: No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof.
- (f) Effective Date: The supplemental and emergency appropriations authorized by this section may be made effective immediately upon adoption of the ordinance or budget amendments.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 10.13. Borrowing.

- (a) Authority to Incur Indebtedness: The City Council shall have the power to incur, create, refund, and refinance indebtedness and borrow money for public purposes; to issue special or general obligation bonds, certificates of obligation, industrial bonds, revenue bonds, funding and refunding bonds, time warrants, and any other evidences of indebtedness permitted by law; and to secure and pay the same in the manner and in accordance with the procedures provided and required by State law.
- (b) Bonds Incontestable: All bonds of the City having been issued and sold and having been delivered to the purchaser thereof, shall thereafter be incontestable and all bonds issued to refund in exchange for outstanding bonds previously issued shall and after said exchange, be incontestable.
- (c) Borrowing in Anticipation of Property Tax: In any budget year, the City Council may, by resolution, authorize the borrowing of money in anticipation of the collection of the property tax for the same year whether levied or to be levied. Notes may be issued for periods not exceeding one (1) year and must be retired by the end of the budget year in which issued.
- (d) Use of bond funds: Any and all bond funds approved by a vote of the citizens of Alvarado will be expended only for the purposes stated in the bond issue.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 10.14. Purchasing.

The City Council may confer upon the City Manager general authority to contract for expenditures without further approval of the City Council for all budgeted items not exceeding limits set by the City Council or State law. All contracts for expenditures involving more than the set limits must be approved by the City Council. All contracts or purchases involving more than the set limits, shall be let as provided by law or ordinance; provided that the City Council, or City Manager in such cases as he is authorized to contract for the City, shall have the right to reject any and all bids.

Emergency contracts as authorized by law may be negotiated by the City Council, or City Manager if given authority by the City Council, without competitive bidding. Such emergency shall be declared by the City Manager and approved by the City Council or may be declared by the City Council.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 10.15. Administration of the Budget.

- (a) Payments and Obligations Prohibited: No payment shall be made or obligation incurred except those specifically allowed for in the budget. Any authorization of payment or incurring of any such obligation in violation of the provisions of this Charter will be void and any payment so made will be illegal. Such action may be the cause, at the discretion of the City Manager, or the City Council in reference to the City Manager, for the removal of any officer who knowingly authorized or made such payment or incurred such obligation. However, this prohibition shall not be construed to prevent the making or authorizing of payment, or the making of contracts for, payments beyond the end of the fiscal year, provided that such action is made or approved by an ordinance.
- (b) Financial Reports: The City Manager shall submit to the City Council a report of the financial

condition of the City budget items for the fiscal year to date. The report shall be submitted periodically, as directed by the City Council, but in no event less than quarterly.

- (c) Independent Audit: At the close of each fiscal year, and at such times as it may be deemed necessary, the City Council shall cause an independent audit to be made of all accounts of the City by a Certified Public Accountant. The Certified Public Accountant shall have no personal interest, directly or indirectly, in the financial affairs of the City or any of its officers. Upon completion of the audit, the results thereof in a summary form shall be presented to the City Council. A copy of the Audit shall be posted on the City website and shall be made available to the public for inspection upon request.

(Ordinance 2023-0013 adopted 5/6/2023)

CHAPTER XI
FRANCHISES AND PUBLIC UTILITIES

§ 11.01. Inalienability of Control of Public Property.

The sole right of control, easement, use, ownership of, and title to the public streets, sidewalks, highways, bridges, alleys, public places, and other real property of the City is hereby declared to be inalienable, except by ordinance adopted by a majority of the City Council.
(Ordinance 2023-0013 adopted 5/6/2023)

§ 11.02. Powers of the City.

The City shall have the power to buy, sell, construct, lease, maintain, operate, and regulate public services and utilities within and without the City limits, and to manufacture, distribute, and sell such utility services, including but not limited to water, gas, electric, telephone, cable, waste management, recycling, and transportation services. The City shall have such regulatory powers as may now or hereafter be granted under the Constitution and laws of the State of Texas.
(Ordinance 2023-0013 adopted 5/6/2023)

§ 11.03. Power to Grant Franchise.

The City Council shall have the power by ordinance, after public hearing, to grant, amend, renew, and extend all franchises for all utilities of every character operating within the City and, to amend the same, provided, however, that no franchise shall be granted for an indeterminate term, and that no franchise shall be granted for a term of more than twenty (20) years from the date of the grant, renewal, or extension. City Council action on all ordinances granting, renewing, extending, or amending a utility franchise shall comply with the applicable provisions set forth in this Charter. Notice of the public hearing relating to a franchise shall be published at least once in a newspaper of general circulation in the City and posted on the City's website at least ten (10) days prior to the public hearing. All required publication costs shall be paid by the utility.
(Ordinance 2023-0013 adopted 5/6/2023)

§ 11.04. Exclusiveness of Franchises.

No grant or franchise to construct, maintain, or operate a public utility and no renewal or extension of such grant shall be exclusive.
(Ordinance 2023-0013 adopted 5/6/2023)

§ 11.05. Transfer of Franchise.

No utility franchise shall be transferable except with the approval of the City Council expressed by ordinance following a public hearing. The term "transferable" as used herein, shall not be construed in such a manner as to prevent the franchise holder from pledging said franchise as security for a valid debt or mortgage.
(Ordinance 2023-0013 adopted 5/6/2023)

§ 11.06. Franchise Value Not to be Allowed.

Franchises granted by the City are of no value in fixing reasonable rates and charges for utility service within the City and in determining the just compensation to be paid by the City for public utility property that the City may acquire by condemnation or otherwise.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 11.07. Right of Regulation.

All grants, renewals, extensions, or amendments of utility franchises shall be subject to the following rights of the City, whether or not specifically stated in the franchise ordinance:

- (a) To repeal the franchise by ordinance at any time for failure to begin construction or operation within the time prescribed or otherwise to comply with the terms of the franchise, such power to be exercised only after due notice and hearing.
- (b) To require an adequate extension of plant and service as is necessary to provide adequate service to the public, and maintenance of the plant and fixtures at the highest reasonable standard of efficiency.
- (c) To require at any time compensation and rental as may be permitted by the laws of the State of Texas for use of public streets, sidewalks, highways, alleys, and public places.
- (d) To require reasonable standards of service and quality of product and prevent rate discrimination.
- (e) To examine and audit the accounts and other records of any such utility and to require annual and other reports on local operations of the public service or utility as may be allowed by law.
- (f) To require the franchisee to restore at the franchisee's expense, all public or private property to a condition equally as good as or better than before disturbed by construction, repair, or removal.
- (g) To require every franchisee to furnish within a reasonable time to the City, without cost to the City, a general map, with updates outlining the location, character, size, length, and terminals of all facilities of such franchisee in, over, and underground of property in the City and to provide detailed information on request.
- (h) To impose other reasonable regulations, requirements, and conditions as may be deemed necessary to promote the health, safety, welfare, or accommodation of the public and to insure safe, efficient and continuous service to the public.
- (i) To require the franchisee to give notice to any subscriber to its services prior to permanent or temporary discontinuance of such service by the franchisee, except in cases of emergency, and to require that no officer, agent, servant or employee of the franchisee nor any vehicles under their control shall make use of, go upon or cross any private property without first obtaining the permission of the owner or occupant, except in cases of emergency, and to provide a penalty for the violation of such requirements.
- (j) To require every franchisee to indemnify and hold harmless the City against any liability, claims, or damages (including attorney's fees and expenses) for injury to persons, including death, or damages to any property, arising out of any intentional or negligent act or omission of the franchisee, or any of its officers, agents, or employees, in connection with the franchisee's construction, maintenance, and operation of the franchisee's facilities in the City.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 11.08. Regulation of Rates.

- (a) The City Council shall have full power after due notice and public hearing to regulate by ordinance the rates, charges, and fares of all public utility franchise holders operating in the City

as authorized by state and federal law.

- (b) The City Council, upon receiving a request from a public service desiring a change in rates, charges, or fares, shall call a meeting for consideration of such change.
- (c) A holder of a franchise to provide a public service or utility in the City must show the necessity for such change by establishing by clear, competent, and convincing evidence:
 - (1) Cost of its investment for service in the City;
 - (2) Amount and character of expenses and revenues connected with rendering the service; and
 - (3) Any additional evidence required by the City Council.
- (d) The City Council may, if not satisfied with the sufficiency of the legal evidence furnished by the public service, select and employ rate consultants and auditors to investigate any requests or changes in rates, charges, or fares. The public service shall reimburse the City for fifty percent (50%) of its reasonable and necessary expenses incurred.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 11.09. Records and Accounts; Annual Reports.

- (a) The Council shall require all franchise holders and public service companies operating within the City to file a sworn annual report of the receipts from the operation of the said business for the current year, how much thereof was expended for betterments or improvements, the charges for services rendered to the public, and any other facts or information that the City Council may deem pertinent for its use. Said reports to be filed with the City Secretary. Such reports shall be reviewed annually by the City Council to determine the propriety of the rates being charged.
- (b) Any franchise holder or public service company who shall for a thirty (30) day period willfully refuse or fail to report in the manner provided by this Charter, or shall file any report, knowing that the same does not truly report the facts about the matters mentioned therein, shall be subject to such penalties as may be prescribed by the City Council by ordinance.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 11.10. Municipal Owned Utilities.

The Council shall have the right to:

- (a) Set rates of City-owned public services; and
- (b) Require any City-owned public services to keep accounts of financial operations. Accounts must show actual cost of each service to the City, including costs of extensions and improvements and source of funds extended for these purposes. Costs and revenues of services furnished to other cities or government agencies must be included.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 11.11. Franchise Records.

The City shall compile and maintain a public record of utility franchises.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 11.12. Extensions.

All extensions of service of utilities within the City limits shall become a part of the aggregate property of the utility, shall operate as such, and shall be subject to all the obligations and reserved rights contained in this Charter and in any original grant hereafter made. The right to use and maintain any extension shall terminate with the original grant and shall be terminable as provided in this Chapter. In case of extension of a utility operated under a franchise hereafter granted, such right shall be terminable at the same time and under the same conditions as the original grant.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 11.13. Franchises Granted Before Ratification of this Charter.

All franchises granted before ratification of the Charter are recognized as contracts between the City and the grantee, shall continue in full force and effect, and the contractual rights contained in any such franchise shall not be impaired by the provisions of the Charter.

(Ordinance 2023-0013 adopted 5/6/2023)

CHAPTER XII
TAXATION

§ 12.01. Power to Tax.

The Council shall have the power to levy, assess, and collect taxes on property within the territory of the City for any municipal purpose.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 12.02. Tax Rate.

The tax rate shall be calculated, publicized, and adopted in accordance with State law.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 12.03. Taxes - When Due and Payable.

(a) All taxes due to the City of Alvarado shall be payable at the office of the City Tax Collector, or at such location or locations as may be designated by the City Council, and may be paid at any time after the tax rolls for the year have been completed and approved. Taxes for each year shall be paid on or before January 31st and all such taxes not paid on or prior to such date shall be deemed delinquent and shall be subject to such penalty and interest as prescribed by State statute. The Council may provide further by ordinance that all taxes, either current or delinquent, due the City of Alvarado, may be paid by installments.

(b) Failure to levy and assess taxes through omission in preparation of the appraisal rolls shall not relieve the person, firm, or corporation so omitted from obligation to pay such current or past due taxes as shown to be payable by recheck of the rolls and receipts for the years in question.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 12.04. Tax Liens.

(a) The tax levied by the City is hereby declared to be a lien, charge, or encumbrance upon the property as of January 1st of each year (or on a date otherwise established by State law), upon which the tax is due, which lien, charge, or encumbrance the City is entitled to enforce and foreclose in any court having jurisdiction over the same, and the lien, charge, or encumbrance on the property is such as to give the State courts jurisdiction to enforce and foreclose said lien on the property on which the tax is due, not only as against any resident of this State or person whose residence is unknown, but also as against the unknown heirs of any person who owns the property upon which the tax is due and also as against non-residents. All taxes upon real estate shall be a lien and a charge upon the property upon which the taxes are due, and such lien may be foreclosed in any court having jurisdiction. Such lien shall be prior to all other claims, and no gift, sale, assignment, transfer of any kind, or judicial writ of any kind can ever defeat such lien.

(b) In addition to the lien herein provided, the owner of real and personal property subject to taxation by the City shall be personally liable for the taxes due thereon for such year. The City shall have the power to sue for and recover personal judgment for taxes without foreclosure, or to foreclose its lien or liens, or to recover both personal judgment and foreclosure. In any such suit where it appears that the description of any property in the City Assessment Rolls is insufficient to identify such property, the City shall have the right to plead a good description of the property intended to be assessed, to prove the same, and to have its judgment foreclosing the tax lien and/or personal judgment against the owner for such taxes.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 12.05. Other Rules and Regulations.

Except as otherwise provided by law or this Charter, the City Council shall have the power to provide by ordinance such rules, regulations, and mode of procedure to enforce and facilitate the collection by and payment to the Tax Assessor and Collector of all taxes due the City as it may deem expedient, and may provide such penalty and interest as prescribed by State law for the failure to pay such taxes.

(Ordinance 2023-0013 adopted 5/6/2023)

CHAPTER XIII
BOARDS AND COMMISSIONS

§ 13.01. Authority, Composition and Procedures.

The City Council shall create, establish, or appoint, as may be required by the laws of the State of Texas or this Charter, or deemed desirable by the City Council, such boards, commissions, and committees as it deems necessary to carry out the functions and obligations of the City. The City Council shall, by ordinance or resolution, prescribe the purpose, composition, function, duties, accountability, and tenure of each board, commission, and committee where such are not prescribed by law or this Charter.

(Ordinance 2023-0013 adopted 5/6/2023)

CHAPTER XIV
NEPOTISM, PROHIBITIONS, AND PENALTIES

§ 14.01. Nepotism.

No person related within the second degree by affinity or within the third degree by consanguinity to any elected officer of the City or to the City Manager shall be appointed to any compensated position with the City. This prohibition shall not apply, however, to any person who shall have been continuously employed by the City for a period of six (6) months prior to the election of the Councilmember or appointment of the City Manager so related to him.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 14.02. Personal Financial Interest.

The Council, City Manager, City Secretary, department heads, or deputy department heads, of the City shall not have a substantial financial interest in any contract with the City; or be substantially interested in the sale to the City of any land, materials, supplies or services as substantial interest is defined by State law.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 14.03. Penalties.

Any person who willfully engages in and is found in violation of any of the activities prohibited in this Chapter shall be ineligible for appointment or election to a position in the City for a period of three (3) years from that time. If the person is an officer or employee of the City at the time of the violation, they shall immediately forfeit their office or position, if found in violation.

(Ordinance 2023-0013 adopted 5/6/2023)

CHAPTER XV
GENERAL AND TRANSITIONAL PROVISIONS

§ 15.01. Effect of Charter on Existing Law.

All ordinances, resolutions, rules, and regulations in force in the City on the effective date of this Charter, and not in conflict with this Charter, shall remain in force until altered, amended, or repealed. All taxes, assessments, liens, encumbrances, and demands, of or against the City, fixed or established before such date, or for the fixing or establishing of which proceedings have begun at such date, shall be valid when properly fixed or established either under the law in force at the time of beginning of such proceedings or under the law after the adoption of this Charter.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 15.02. Continuation of Present Offices.

All persons holding administrative office at the time this Charter takes effect shall continue in office and in the performance of their duties until provision shall have been made in accordance therewith for the performance of such duties or the discontinuance of such office. The powers conferred and the duties imposed upon any office, department or agency of the City by the laws of the State shall, if such office, department or agency be abolished by this Charter or under its authority, be thereafter exercised and discharged by the office, department or agency designated by the City Council unless otherwise provided herein.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 15.03. Public Meetings.

All meetings of the City Council and all boards and commissions appointed by the City Council shall be governed by the provisions of the Open Meetings Act, and any amendments thereto. This section shall not be construed to require any action or measure beyond that required by State law.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 15.04. Public Records.

Access to the records of every office, department, or agency of the City shall be subject to public inspection as provided by the Public Information Act, and any amendments thereto. This section shall not be construed to require any action or measure beyond that required by State law.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 15.05. Official Newspaper.

The City Council may designate by resolution one or more newspapers of general circulation in the City as the official newspaper of the City, and shall cause to be published therein all ordinances, notices, and other matters which are required to be published by this Charter, the ordinances of the City or the Constitution or laws of the State of Texas. In addition to publication in the official newspaper, such notices shall be posted on the City's website.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 15.06. Notice of Injury or Damage.

Before the City shall be liable for any claim for damages for the death or personal injuries of any person or for damages to property, the complainant or his authorized representative shall notify the

City Secretary. The notification shall be in writing and shall state specifically how, when, and where the death, injury, or damage occurred; the amount of loss claimed; and the identity of any witnesses upon whom it is relied to establish the claim. The person giving notice under this section shall give the addresses of every place that he has resided during the six (6) month period prior to the damage or injury and subscribe his name to the notice under oath that the statements and facts contained in said notice are true and correct. The notification shall be filed within six (6) months of the date of injury or damage or in the case of death, within six (6) months of the date of death.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 15.07. Bond or Security Not Required.

It shall not be necessary in any action, suit, or proceeding in which the City is a party, for any bond, including supersedeas bond, undertaking or security to be demanded or executed by or on behalf of said City in any of the State courts, but in all such actions, suits, appeals, or proceedings same shall be conducted in the same manner as if such bond, undertaking, or security had been given as required by law.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 15.08. Judicial Notice.

This Charter shall be deemed a public act and shall have the force and effect of a general law; may be read in evidence without pleading or proof, and judicial notice shall be taken thereof in all courts and places without further proof.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 15.09. Continuance of Contracts.

All contracts entered into by the City or for its benefit prior to the taking effect of this Charter shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws or ordinances existing at the time this Charter takes effect may be carried to completion in accordance with the provisions of such existing laws or ordinances. All suits, taxes, penalties, forfeitures, and all other rights, claims, and demands, which have accrued under the laws, heretofore in force governing the City shall belong to and be vested in and shall be prosecuted by and for the use and benefit of the City, and shall not in any way be diminished, affected, or prejudiced by the adoption and taking effect of this Charter.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 15.10. Continuance of Present Governing Body.

All members of the City Council, including the Mayor, holding office at the time of passage of this Charter shall continue to hold their respective place and office until their respective term of office for which they were elected expires, in accordance with Chapter 3 of this Charter.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 15.11. Indemnification of Officers.

The City Council shall, by appropriate ordinance, provide for the indemnification and defense of the officers and employees of the City, including members of the City Council, or any board, commission, or committee, including volunteers, against any loss, cost, or expense, including court costs and attorneys' fees, to the extent allowed by law, arising out of any claim, suit, or judgment, or settlement thereof, resulting from any alleged negligent act or omission of such officer, employee, member,

or volunteer during the discharge of his duties and within the scope of his office, employment, membership, or assigned voluntary position with the City, or in any other case where the City is directed or authorized by law to do so, provided however, that such indemnification will not be provided for any act arising out of the intentional or knowing violation of any penal statute or ordinance arising out of any conduct determined by final judgment to be an act of fraud or to have been taken with the intent to deceive or defraud, or for any personal or private business of such officer, employee, member, or volunteer, or for the gross negligence or official misconduct, or willful or wrongful act or omission of such officer, employee, member, or volunteer.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 15.12. Property Not Subject to Execution.

No property owned or held by the City shall be subject to any execution of any kind or nature.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 15.13. Garnishment.

No funds of the City shall be subject to garnishment and the City shall never be required to answer in any garnishment proceedings.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 15.14. Persons Serving on Boards, Commissions, or Committees.

Persons serving on any board, commission, or committee at the time of the adoption of this Charter shall continue to serve on the board, commission, or committee to which they were appointed until their terms shall have expired or until their successors shall have qualified.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 15.15. Assignment of Wages.

The City shall never be liable to the assignee of any wages of any officer, agent, or employee of said City, whether earned or unearned, upon any claim or account whatsoever, and as to the City such assignment shall be absolutely void.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 15.16. When General Law is Applicable.

The general laws of the State of Texas and ordinances of the City Council shall furnish the authority for the power and exercise thereof and control all matters to the extent not specifically and completely covered by this Charter.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 15.17. Severability Clause.

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid may appear except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part to which such holding shall directly apply.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 15.18. Meaning of Words.

The provisions of this Charter shall be liberally construed for the purpose of effecting the objects and ends thereof. Unless some other meaning is manifest the word "CITY" shall be construed to mean the "CITY OF ALVARADO", the words in the present tense include future tense, except when a more restricted meaning is manifest, and singular may mean plural. Throughout this Charter, words used in expressing masculine gender shall be construed to include the feminine. The word [sic] "CITY SECRETARY" refers to the person performing the duties of City Secretary. The word "COUNCIL" shall be construed to mean the "CITY COUNCIL OF THE CITY OF ALVARADO." All references to State law or the laws of the State of Texas, however expressed in this Charter, shall mean "as presently enacted or hereafter amended."

(Ordinance 2023-0013 adopted 5/6/2023)

§ 15.19. Amendment of Charter.

Amendments to this Charter may be framed and submitted to the voters of the City in the manner provided by State law, as now or hereafter enacted or amended.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 15.20. Submission of Charter to Voters.

The Charter Commission in preparing this Charter concludes that it is impracticable to segregate each subject so as to permit a vote of "yes" or "no" on the same, for the reason that the Charter is so constructed that in order to enable it to work and function, it is necessary that it should be adopted in its entirety. For these reasons, the Charter Commission directs that the said Charter be voted upon as a whole and that it shall be submitted to the qualified voters of the City at an election to be held for that purpose on Saturday, May 6, 2023. Not less than thirty (30) days prior to such election, the City Council shall cause the City Secretary to mail a copy of this Charter to each qualified voter of the City as appears from the latest certified list of registered voters. If a majority of the qualified voters voting in such election shall vote in favor of the adoption of this Charter, it shall immediately become the governing law of the City, until amended or repealed.

(Ordinance 2023-0013 adopted 5/6/2023)

§ 3.04. Qualifications of Candidates.

Each person who becomes a candidate for Mayor or Councilmember shall meet the following qualifications:

- (a) Be a citizen of the United States of America;
- (b) Be a qualified voter of the City (which in this charter shall mean a person who is registered to vote by the State of Texas, whose registration is effective in the City of Alvarado);
- (c) Have resided in the City for at least twelve (12) months prior to the date of the election;
- (d) Be twenty-one (21) years of age or older on the first day of the term to be filled at the election;
- (e) Not have been finally convicted of a felony from which the person has not been otherwise released from the resulting disabilities;
- (f) Not have been declared mentally incompetent by the final judgment of a court;
- (g) Abide by the nepotism law (Chapter 573, Texas Government Code), and as provided in Section 14.01 of this Charter; and
- (h) Not be disqualified by reason of any other provision of law.

A member of the City Council who ceases to possess any of the qualifications specified in this section for a period of sixty (60) days following notice from the City Secretary regarding same, or who is convicted of a felony while in office, shall immediately forfeit the office and the City Council shall proceed to fill the vacancy in accordance with Section 3.09 of this Charter.

(Ordinance 2023-0013 adopted 5/6/2023)



TEXAS MUNICIPAL CLERKS 2026 ELECTION CALENDAR

TEXAS MUNICIPAL CLERKS CERTIFICATION PROGRAM



Election Calendar
For a City's General Election on May 2, 2026

(dated October 22, 2025; subject to implementation of SB 2753)

Abbreviations are the same as those in the *Texas Municipal Election Law Manual* (6th edition) [M] with a green cover. SOS form numbers are provided as a convenience.

The calendar is subject to correction and legislative change. ***Additionally, the calendar presumes that SB 2753 (2025) will NOT be implemented for the May 2026 election.*** SB 2753 eliminates the gap between early voting by personal appearance and election day voting and changes the early voting period, among other things highlighted in green in this calendar. SB 2753 will be implemented when determined by the Secretary of State, who will publish a report regarding implementation no later than August 1, 2027. ***Finally, this calendar presumes the SOS will set the June runoff for June 6.*** Runoff dates appear in grey rows.

This calendar does not apply to all elections. For example, to prepare a calendar for a special election to fill a vacancy in office (even one on a uniform election date), see M §12.03; for a special election on a measure, see M §12.12. This calendar omits actions that vary from one city to another (for example, preparation of voting equipment). Each city secretary should use the chart at M §1.62 to create a personal election calendar.

Dates in column 1 are 2026 unless noted otherwise. Actions in column 2 relate to general elections (those in *italics pertain to early voting*). Actions are typically taken by the city secretary; deviations appear in column 3. Column 4 is a cross reference to the Elections Manual. If this cross reference includes a year, then refer to the updated page, not the originally printed one.

“ED Interval” in column 5 is the time between the date of the action and election day. For example, the notation “-50” in the entry for March 13 means mandatory office hours begin the 50th day before election day; the notation “+40” in the entry for June 11 means that the LAST DAY for mandatory office hours is the 40th day after election day. (***For office hours on holidays, see endnote 6 regarding new law***). An asterisk (*) in column 5 indicates the time stated is not required by statute. Not all due dates revolve around election day and are so noted.

The last column has been reserved to show completion of the event in column 2. A dashed line in the table between entries indicates separate events that fall on the same day.

When reading the Election Code, read the chapter and subchapter titles to determine if the section applies to cities. Not all sections apply. Note that counties cannot order elections of their own in May of even-numbered years and may decline to contract with cities at that time.

Date	Action	By or With Whom Taken	M §	ED Interval	Done
Dec 15 2025	LAST DAY to post on the city's bulletin board notice of the filing period for the general election (SOS Form 2-1).	City Secretary	2.13(d)(1)	-138 (30 days before 1st day to file)	
Jan 1 2026	New Year's Holiday. <i>FIRST DAY</i> voters may apply for a ballot by mail (ABBM), for an Annual ABBM, or for a Federal Postcard Application (FPCA). Note: The first day does not move despite the New Year's Day holiday. See ED – 11 days for end of period.	City Secretary	9.44(a)	1st day of the year	
Jan 2	Recommended* period to obtain forms: candidate's application for place on ballot, appointment of campaign treasurer (candidate and specific-purpose committee), report of contributions and expenditures (candidate-officeholder and specific-purpose committee), application for mail ballot, administrative forms, and precinct forms.	City Secretary	5.31	*-120	
Jan 2 to Jan 23	Recommended* period to review M §1.62 for possible action: Steps 1-5 (revising election precincts, designating polling places, changing method of voting, and contracting, if any) and Step 12 (establishing or changing terms of election judges).	City Secretary and City Council	1.62	*-120 through *-99	
Jan 14	FIRST DAY for filing application for place on general election ballot (SOS Form 2-49). Note: Filing for a general election may occur before the election is ordered (as opposed to a special election). Period ends at 5 p.m. ED – 78 days.	City Secretary	2.13(a) 2.14(a)	-108 (30 days before filing deadline)	
Jan 14	FIRST DAY for filing declaration of write-in candidacy (SOS Form 2-55). Note: Periods ends at 5 p.m. ED – 74 days.	City Secretary	2.18(b)	-108	
Jan 15	LAST DAY for timely filing of semi-annual report of contributions and expenditures. Note: See endnote 6.	City Secretary	3.12(b) 3.16	n/a	
Jan 19	Holidays: Confederal Heroes and Martin Luther King, Jr. Note: Mandatory office hours not yet effective. See endnote 6.	EC	1.52, 6.80	n/a	

Date	Action	By or With Whom Taken	M §	ED Interval	Done
Jan 20 to Feb 13	Recommended* period and statutory deadline for ordering a general election (SOS Form 1-2). Note: While the 6th edition of the manual recommends ordering shortly before the opening of the filing period for the general election, there is no statutory “first day,” and an order can be made when convenient. However, to avoid confusion, wait until after the prior election and runoff. Sometimes the phrase “calling” election is used. The deadline may be different for a special election. See endnote 2 for mock student elections. Home-rule cities see endnote 3. Cities contracting should informally notify their contracting partners as soon as possible.	Mayor	6.03	*-102 through -78	
Feb 2	LAST DAY for small city in small county to apply for exception to accessibility requirements (SOS Form 16-1). Note: Because the deadline falls on Sun, it moves to Mon.	City Secretary to SOS	5.25(c)	-90	
Feb 10 midnight	Death and ballot preparation: If a candidate dies on or before this date, the City Secretary MUST remove the candidate’s name from ballot. Note: If a candidate dies after this date but on or before the filing deadline, see endnote 4.	City Secretary	6.23(c)	-81 [day before day before filing deadline (3rd day)]	
Feb 13	LAST DAY for ordering a general (SOS Form 1-2) or special election (SOS Form 1-8) for the May uniform date. Note: See endnote 2 for student elections. Home-rule cities see endnote 3.	Mayor	6.03	-78	
Feb 13 5 p.m.	LAST DAY for filing application for place on general election ballot (SOS Form 2-49). Note: City Secretary’s office should stay open until 5 p.m. Mailed applications are filed when received. For deceased candidates, see endnote 4. If no candidate has filed in a city with 4-year terms, the filing deadline is extended to ED – 57 days (except in Nov. of even-numbered years). A home-rule charter may not change this date.	City Secretary	2.13 6.23(c)	-78	

Date	Action	By or With Whom Taken	M §	ED Interval	Done
Feb 13	Recommended* first day to provide 4-day notice of drawing to candidate. Note: Only written notice by mail is required 4 days before the drawing, but phone or email notice should follow the same timeline. Public notice must be posted (SOS Form 3-1) 72 hours before date of drawing.	City Secretary	6.22(a)(2)	*-78	
Feb 16	President's Day Holiday. Recommended* first date for preliminary work to appoint election judges. Note: Mandatory office hours not yet effective. See Endnote 6.	City Secretary	7.01	*-75	
Feb 16	Recommended* first day to post public's 72-hour notice of drawing for order of names on ballot (SOS Form 3-1).	City Secretary	6.22(a)	*-75	
Feb 17 5 p.m.	LAST DAY for a write-in candidate to declare candidacy in the general election (SOS Form 2-55). Note: City Secretary's office should stay open until 5 p.m. Mailed applications are filed when received. For deceased candidates, see endnote 4.	City Secretary	2.18(b)	-74	
Feb 18	Recommended* date to deliver the certification of unopposed candidates to city council if a candidate does not have an opponent in an election considered to be a separate election (SOS Form 13-1).	City Secretary	6.12	*-73	
Feb 19 to Feb 23	Recommended* period to conduct drawing for order of names on ballot, prepare ballot format, and send information to the printer. Note: Notice of drawing (SOS Form 3-1) must be posted 72 hours before drawing. Ask candidates to proof their names and offices.	City Secretary	6.22(b) 6.25 6.26	*-72 through *-68	

Date	Action	By or With Whom Taken	M §	ED Interval	Done
Feb 20 5 p.m.	LAST DAY for omitting a general election candidate's name from the ballot if the candidate withdraws (SOS Form 2-66) or is declared ineligible. Note: The city secretary's office should stay open until 5 p.m. A withdrawal after this date is valid if it is submitted before the ballots are prepared AND if the public notice of the logic and accuracy test has not been "published." NEW LAW: SB 2166 (2025) requires L&A testing at least 48 days before election day and notice posted (not published) at least 48 hours before then. Per EC §145.092(e), EC §1.006 does not apply to withdrawal deadlines.	City Secretary	6.23(c) 2.31(b) 2.33(d)	-71	
Feb 20	Recommended* first day to cancel a general election (SOS Form 13-2). Note: Unopposed races must be cancelled if no opposed at-large race is on the ballot.	City Council	6.13	*-71	
Mar 2	Texas Independence Holiday. Note: Mandatory office hours not yet effective. See endnote 6.	EC	1.52, 6.80	n/a	
Mar 3 to at least May 3	Texas Ethics Commission will defer an investigation of candidates until after the election any applicable runoff.	City Secretary Texas Ethics Commission	3.01(b)(2)	-60 through ED or runoff	
Mar 3	LAST DAY to deliver notice of the election to the county clerk and voter registrar of each county where the city is located. Note: This is not the publication or posting deadline. For counties with elections administrators, notice goes to them. This notice is due even if the city does not contract with the county.	City Council (City Secretary)	6.54(a)	-60	
Mar 3	Recommended* day to contact the county to get the initial list of voters who submitted annual applications for ballot by mail (ABBM).	City Secretary	9.43	*-60	

Date	Action	By or With Whom Taken	M §	ED Interval	Done
Mar 6 5 p.m.	Extended deadline to file for a place on the ballot in a city office having a 4-year term if no candidate files by ED – 78 days. Note: This extension is not applicable in Nov. of even-numbered years.	City Secretary	2.13(b)	-57	
Mar 9 to Mar 20	Recommended* period for appointing election judges (SOS Forms 4-15, 4-16, 4-17) plus members of the EVBB (SOS Forms 4-19) and SVC (SOS Form 10-12, 10-13, 10-14). Note: Home-rule cities see endnote 3. The SVC cannot meet until ED – 20 days. The EVBB can meet any time after ballots are returned and no later than ED – 9 days.	City Council	7.42(a)(2) 7.23-.24 7.33-.34	*-54 through *-43	
Mar 12	Recommended* date to print ballots that have been prepared earlier.	City Secretary	6.25	*-51	
Mar 13	FIRST DAY of mandatory office hours. Note: City Secretary’s office must be open at least 3 hours a day during regular office hours on regular business days. Period ends ED + 40 days. See endnote 6.	City Secretary	6.80(a)	-50	
Mar 13	LAST DAY for a challenge of a candidate application based on form, content, and procedure.	City Secretary	2.16(d)	-50	
Mar 16	LAST DAY to conduct logic & accuracy testing and test any automatic tabulating equipment used in a central counting station or polling place. Note: NEW LAW SB 2166 (2025). If testing cannot be done by this date, the SOS must be notified. Expect changes to SOS Forms 15-1 to 15-8. Notice for testing equipment must be posted on the city’s website at least 48 hours before testing begins. Tabulators used in a central counting station must be tested again before and after each use. Because the deadline falls on Sunday, it moves to Monday.	City Secretary	6.63(d)(1) 6.63(d)(2) 6.64(c)	-48	

Date	Action	By or With Whom Taken	M §	ED Interval	Done
Mar 18	<p><i>LAST DAY to mail ballots to FPCA voters and other voters who are eligible for early voting because they are voting from outside the U.S.</i></p> <p>Note: If it is not possible to mail these ballots by this deadline, the City Secretary must notify the SOS within 24 hours. SOS does not apply EC §1.006 to this deadline. Respond to FPCA applications received after this date within 7 days (the same as non-FPCA applications). Rosters must be posted to website by 11 a.m. on the following day (SOS Forms 5-7 & 6-55).</p>	City Secretary	9.49(b) 9.82	-45	
Mar 31	Cesar Chavez Holiday. Note: See endnote 6 for impact on office hours.	EC	1.52, 6.80	n/a	
Apr 2 5 p.m.	<p>LAST DAY for filing first report of campaign contributions and expenditures by opposed candidates and specific-purpose committees.</p> <p>Note: City Secretary's office should stay open until 5 p.m. The deadline is extended to midnight for electronic filing. See endnote 5 for current threshold dollar amounts.</p>	City Secretary	3.13(b)	-30	
Apr 2	<p>LAST DAY for submitting voter registration application in time to vote at the election or for requesting transfer of registration in time to vote in new precinct not in the same county and territory.</p>	Registrar	4.07(f) 4.07(g)	-30	
Apr 2 to Apr 22	<p>Period for publishing notice of election (SOS Form 1-14). Note: Must be published once; perhaps more for a special election on a measure. The city attorney may apply EC §1.006 to publication deadlines, but the SOS does not. Home-rule cities see endnote 3.</p>	Mayor	6.52(a)	-30 through -10	
Apr 2	<p>FIRST DAY to begin posting continuous notice if SVC meets on first available date (ED – 20 days).</p> <p>Note: The city council appoints (SOS Form 10-13) not later than 5 days after the City Secretary calls for appointment (SOS Forms 10-12). Post notice of appointment (SOS Form 10-14), notice of delivery (SOS Form 10-15), and notice of meeting (SOS Form 10-16).</p>	City Secretary City Council	6.70(a) 7.33 7.34	-30	
Apr 2	<p>Recommended* last day to request voter registrar to prepare lists of registered voters and furnish statement of residence forms to be used in conducting the election.</p>	City Secretary	4.34(a)	*-30	

Date	Action	By or With Whom Taken	M §	ED Interval	Done
Apr 3	Good Friday Holiday. Note: See endnote 6 for impact on office hours.	EC	1.52, 6.80	n/a	
Apr 11 (Apr 10 recommended)	LAST DAY for posting notice of election (SOS Form 1-14) on the bulletin board used for posting notices of city council meetings and website. Note: For cities conducting special elections on measures, additional posting and publication requirements may apply. Home-rule cities see endnote 3.	City Secretary	6.52(b) 12.15(e)	-21 through ED	
Apr 12 (Apr 10 recommended)	Type B cities: LAST DAY to post notice of election in 3 public places (SOS Form 1-14). Note: EC §1.006 does not apply to this LGC deadline; the better practice is to post before the weekend.	City Secretary	6.52(b)(3)	-20	
Apr 12	<i>FIRST DAY SVC may begin work.</i> Note: EC §1.006 does not apply to the starting date. EC §87.0271 requires SVC to inform voters of certain defects in the carrier envelope within 2 days of identification (SOS Forms 10-28 to 10-32).	City Secretary	6.70(a) 6.72	-20	
Apr 13	<i>LAST DAY for unregistered FPCA applicant to apply and be eligible to vote a full ballot.</i> Note: Because the deadline falls on Sun., it moves to Mon. for postmarked FPCAs.	City Secretary	9.61(a)	-20	
Apr 13 to Apr 21	<i>Period when unregistered FPCA applicants receive a federal ballot only.</i> Note: This may mean no ballot is sent.	City Secretary	9.61 9.68(a) chart	-19 through -11	
Apr 17	<i>LAST DAY to accept an FPCA without a postmark and mail the voter a full ballot.</i> Note: The voter only gets a federal ballot if checking “my intent to return is uncertain” or “my return is uncertain.”	City Secretary	9.66(b)	-15	
Apr 17	LAST DAY to notify judges of duty to hold the election (SOS Form 4-17).	Mayor	7.44(a)	-15	
Apr 17	LAST DAY to challenge write-in candidate for form, content, and procedure.	City Secretary	2.18(f)	-15	

Date	Action	By or With Whom Taken	M §	ED Interval	Done
Apr 20	<i>FIRST DAY</i> a voter who becomes sick, disabled, or confined due to childbirth on or after this date may apply for late (emergency) early voting ballot (SOS Form 5-32. Note: Period ends at 5 p.m. on ED. For uniform election dates, the calculation is ED – 12 days, but for other elections, the period starts the day before the last day to apply for a ballot by mail. EC § 1.006 does not apply to first day.	Voter	9.73	-12	
Apr 20	<i>LAST DAY</i> to accept application for a ballot to be voted by mail, by 12 noon or close of business, whichever is later. Note: If the deadline falls on a Sat, Sun, or legal holiday, then personal delivery must be the first regular business day preceding that day. This year, the deadline falls on San Jacinto Day, moving it back to Monday. Originals are due 4 days after fax or email (except emailed FPCA).	City Secretary	9.44(b)(1) 9.45(b-c) 9.68(b) chart	-11 (-12 due to holiday)	
Apr 20	<i>FIRST DAY</i> for early voting by personal appearance. Note: If the first day is a legal holiday, it moves to the next day. EC § 85.005(a). If voting will be conducted on Sat. or Sun., notice of same must be posted at least 72 hours before such voting begins (SOS Form 5-15). Rosters (SOS Form 5-6) must be posted by 11 a.m. on the day after voting. Period ends ED - 4 days. The EV period in Nov. is ED -17.	City Secretary	9.14	-12	
<p>SB 2753 Early Voting Period</p> <p>Default rule = ED -12. May and its runoff = ED -9</p> <p>SB 2753 Early Voting Hours (6 a.m. – 10 p.m.)</p> <p>Weekend and holiday voting is mandatory. Main EV/permanent branch (satellite office): 9 hours each day or 4 hours if less than 1,000 registered voters. Temporary branches: 8 hours each day. November: 12 hours the last 4 days except 9 on Sundays.</p> <p>SB 2753 Early Voting Polling Places</p> <p>All early voting locations must be used on ED; however, there may be more polling places on ED. November: Local entities must match the county and cannot add an EV location not used by the county on ED.</p>					
Apr 21	San Jacinto Holiday. See endnote 6 for impact on mandatory office hours.	EC	1.52, 6.80	n/a	

Date	Action	By or With Whom Taken	M §	ED Interval	Done
Apr 22	<i>LAST DAY to accept an FPCA.</i> Note: The unregistered FPCA voter may only get a federal ballot, which may mean no ballot. Because the deadline falls on San Jacinto Day, it moves to Wed.	City Secretary	9.61(c) 9.68(b) chart	-11	
Apr 22	<i>LAST DAY for county clerk or election administrator to deliver final list of voters that submitted an annual ABBM.</i> Note: Because the deadline falls on San Jacinto Day, it moves to Wed.	City Secretary	9.43(a)(1)	-11	
Apr 22	LAST DAY to publish notice of election (SOS Form 1-14). Note: The city attorney may apply EC §1.006 to publication deadlines, but SOS does not. Home-rule cities see endnote 3.	Mayor	6.52(a)(1)	-10	
Apr 23	<i>If the EVBB has not yet met, it must do so by this date.</i> Note: While the date the EVBB meets is now uniform regardless of county population, the EVBB may not count ballots until after the end of early voting by personal appearance unless there is a joint election in a county with population of 100,000 or more. 24-hour notice must be posted for each delivery of voting materials made before ED (SOS Forms 10-3 & 10-4). The board must provide notice of opportunity to cure certain defects in the carrier envelope within 2 days of identifying the deficiency (SOS Form 10-32).	Early Voting Ballot Board	9.57(a)(2) [2024] 9.57(f)(2) 10.03	-9	
SB 2753 starts early voting by personal appearance in May on ED -9. Large counties can start counting ballots by mail ED -4. EV by personal appearance cannot be counted until ED.					
Apr 24 5 p.m. or midnight	LAST DAY for filing second report of campaign contributions and expenditures by 5 p.m. or midnight if filing electronically. Note: See endnote 5 for current monetary thresholds. Reports must be posted to the city's website no later than 10 business days after receipt.	City Secretary	3.13(c)	-8	

Date	Action	By or With Whom Taken	M §	ED Interval	Done
Apr 27	<i>FIRST DAY for death in family to qualify for late (emergency) early voting (SOS Forms 5-28 & 5-29). Note: While the death occurs on or after the day before the last day of early voting by personal appearance, the application cannot be submitted until the day after early voting by personal appearance ends. Voting by this method ends close of business the day before election day.</i>	City Secretary	9.73(a)	-5	
SB 2753 repeals emergency voting for death in the family.					
Apr 28	<i>LAST DAY of regular early voting by personal appearance.</i>	City Secretary	9.11(b)	-4	
SB 2753 extends early voting by personal appearance to ED -1.					
Apr 28 to May 2 7 p.m.	<i>Once early voting by personal appearance is over until 7 p.m. on ED, early voting materials may be delivered to the EVBB for qualifying purposes when paper ballots are used or automatically tabulated ballots are used at a central counting station. Note: Ballots may not be counted until election day, except if election is held jointly with a county of 100,000 or more. Post notice of delivery continuously 24 hours before each delivery (SOS Forms 10-3 & 10-4). Ensure that the counting equipment has been tested at least 48 hours before tabulation begins.</i>	City Secretary	9.57(a)(1) 9.57(a)(3)	-4 through close of polls on ED	
SB 2753 repeals EC § 87.023 regarding delivery of automatically tabulated ballots at the CCS.					
Apr 29	<i>FIRST DAY the EVBB may begin counting ballots in an election held jointly with a county having a population of 100,000 or more.</i>	Early Voting Ballot Board	9.57(a)(2) [2024] 9.57(f)(1)	-3	
SB 2753 allows large counties to start counting ballots by mail ED -4. EV by personal appearance cannot be counted until ED.					
Apr 29 to May 1	<i>Period to apply for late (emergency) early voting because of death in family (SOS Form 5-28 & 5-29). Note: Requires absence from county on ED.</i>	City Secretary	9.73	-3 through -1	
SB 2753 repeals emergency voting for death in the family.					
April 29 to May 2 5 p.m.	<i>Period to apply for late (emergency) early voting because of illness or disability originating on or after ED -12 days (SOS Form 5-32). Note: Application deadline ends at 5 p.m., but ballot can be returned until 7 p.m.</i>	City Secretary	9.72(b)	-3 through ED	

Date	Action	By or With Whom Taken	M §	ED Interval	Done
May 1	<i>LAST DAY to deliver precinct list of registered voters, with the early voting voters marked, to presiding judges.</i>	City Secretary	9.83(e)	-1	
May 1	One-year deadline to post certain candidacy information on the city's website. Note: See endnote 1 (item 4). Continuous posting of notice of voting order priority (SOS form 7-38) is recommended.	City Secretary	2.13(d)(2)	next May election - 365 days	
May 1	Recommended* date for delivery of equipment to polling places. Note: Statutory deadline is 6 a.m. on ED.	City Secretary	6.65(b)	*-1	
May 1	Recommended* day to post notice of council meeting to canvass the returns if canvass will be on 3rd day after election. Note: Notice must be posted at least 72 hours before time of meeting. Due to late ballots that can be counted, a later canvass may be likely.	City Secretary	11.13	*-1	
May 2 7 a.m. to 7 p.m.	ELECTION DAY. Note: <i>Early voting clerk's office must remain open for early voting activities.</i> Voting by sick or disabled voters may occur at the main early voting place where electronic voting systems are used at precinct polling place (SOS Form 6-57).	City Secretary	10.13(c)(1)	ED	
May 2	<i>Deliver early voting ballots, etc., to EVBB.</i> Note: Second key to ballot box is delivered by chief of police or marshal.	City Secretary Judge EVBB (sets time)	10.13(c)(1) 9.57(b)(1)	ED	
May 2 5 p.m.	<i>LAST HOUR for late applications for ballots (SOS Form 5-32) from voters who became ill or disabled on or after ED -12 days.</i>	City Secretary	9.72(b)	ED	
May 2 7 p.m.	<i>LAST HOUR for receiving ballots from voters who became ill or disabled on or after ED -12 days.</i>	City Secretary	9.72(b)	ED	
May 2 7 p.m.	<i>LAST HOUR to receive mailed ballots with no postmark, except overseas and armed forces ballots and certain ballots placed for delivery before this deadline.</i> Note: Check mailbox at 7 p.m. regardless of regular delivery schedule. See deadline ED +1 day.	City Secretary	9.50(a)	ED	
May 2 after 7 p.m.	Receive precinct records, voted ballots, etc. Note: Chief of police or marshal receives keys to ballot boxes containing voted ballots.	City Secretary Mayor	10.13(c) 10.32(d)	ED	

Date	Action	By or With Whom Taken	M §	ED Interval	Done
May 2 after 7 p.m.	Prepare unofficial tabulation of results. Note: Presiding judge must notify City Secretary if counting will not be complete by 2 a.m.	City Secretary	10.34 10.32(b)	ED	
May 4 5 p.m.	<i>LAST DAY to receive mailed ballots if the carrier envelope arrives before 5 p.m. and has a cancellation mark indicating it was placed for delivery at or before 7 p.m. local time for the place of election.</i> Note: Because the deadline falls on Sun, it moves to Mon. This deadline applies to voters who applied for a ballot by mail and cast a by-mail ballot from within the U.S. Check your mailbox at 5 p.m.	City Secretary	9.50(a)	+1	
May 4	LAST DAY to deliver provisional ballots to voter registrar of each county in which city is located. Note: Because the deadline falls on Sun, it moves to Mon.	City Secretary	10.30(a)(2)	+1	
May 5 to May 11	<i>Period during which EVBB may meet to count ballots received from outside the U.S. if the early voting clerk certifies that all ballots mailed from outside the U.S. have been received.</i> Note: The ED interval is +13 in Nov. of even numbered years.	Early Voting Ballot Board	11.02	+3 through +9	
May 5 to May 13	<i>Recommended* period to complete report of early votes cast for each candidate or measure, by election precinct.</i> Note: must occur before canvass.	City Secretary	11.04(b)	*+3 through *+11	

Date	Action	By or With Whom Taken	M §	ED Interval	Done
May 5 to May 13	Period for official canvass. Note: <ul style="list-style-type: none"> ● TIMING: canvass may occur only if all FPCA and provisional ballots have been counted, and the time to cure any deficiencies in mailed ballot carrier envelopes has expired. ● PERIOD: 11 days except even Nov. (14 days). ● QUORUM: 2 but see runoff note. ● WINNER: cannot assume office (accept Type A cities) until canvass & oaths. ● PIA: Images of voted ballots or cast vote records are publicly available the day after the canvass. See SOS Advisory 2024-20 for redaction guidance. ● RECOUNTS: petition is due 2 p.m. 1st day (expedited) or 5 p.m. 3rd day after canvass. ● RUNOFF (not a tie): order not later than 5 days after the canvass. It is recommended that the runoff be ordered and notice issued at the canvass meeting (which would require a normal quorum). 	Mayor (sets time) City Secretary (records results) City Council (takes action)	11.12	+3 through +11	
SB 2753 requires the canvass to include the total number of votes received for each candidate and measure to be reported by polling location.					
May 5 to May 16	After canvass, recommended* period to issue certificates of election (SOS Form 23-1), official statement of elected officer (SOS Form 23-3), and oath of office (SOS Form 23-2). Note: If a recount is requested documents are not issued until after the recount.	Mayor City Secretary	11.20 11.21	*+3 through *+14	
May 5 to May 26	Period for partial manual count of electronically counted ballots to begin not later than 72 hours after polls close and be completed by ED +21st day. Note: Because the deadline falls on Sat. and Mon. is Memorial Day, the deadline moves to Tue. NEW LAW; SB 827 renames the partial manual count as the hand count election audit.	City Secretary	11.31	+3 through +21	
May 7	<i>LAST DAY to receive a ballot from military or non-military voters casting from outside the U.S. who submitted an ABBM, IF cancellation mark indicates ballot was placed for delivery by 7 p.m. on ED.</i>	City Secretary	9.50(b)(1) 9.68 11.02	+5	
May 7	LAST DAY to register to vote for the runoff of this May election.	Voter Voter Registrar	4.07(f) 4.07(g)	runoff-30	

Date	Action	By or With Whom Taken	M §	ED Interval	Done
May 7 to May 27	Period to publish notice of the runoff election. Note: The runoff must be ordered first. See note for the canvass period.	City Secretary	6.52(a)	runoff-30 to runoff-10	
May 8	<i>LAST DAY to receive an FPCA ballot from a member of the U.S. Armed Services or Merchant Marines or a spouse or dependent of a member.</i> Note: NO cancellation or receipt mark showing date placed for delivery is required on these ballots.	City Secretary	9.50(b)(2)	+6	
May 8	LAST DAY for provisional voter to present ID to voter registrar or execute required affidavit (SOS Form 9-5).	Voter Registrar	10.30(d) 9.26(d)(3)	+6	
May 8	LAST DAY for voter registrar to complete the review of provisional ballots. Note: The period is one day longer for elections in Nov. of even-numbered years.	Voter Registrar	10.30(d)	+6	
May 8	<i>LAST DAY for a vote-by-mail voter to cure certain deficiencies in the carrier envelope.</i>	Voter	6.72	+6	
May 8	Type A cites: FIRST DAY elected officials may qualify and assume duties of office. Note: LGC §22.006 states 5th day after election not counting Sun. The resulting day is the 6th day after. Officials may not take office until the canvass is complete unless the election was cancelled. EC §1.006 does not apply.	Candidate with City Secretary	11.23(a)	+6 Doesn't move	
May 9	<i>FIRST DAY a mailed ballot can be rejected if (1) the carrier envelope was not properly executed or is missing a statement of residence, and (2) the signatures do not match; provided the voter has been notified.</i> Note: EC §1.006 does not apply to first days.	Early Voting Ballot Board	6.72 11.03(a)	+7	
May 11	LAST DAY for the EVBB to convene for counting the provisional ballots or any mail ballots timely and properly received after ED. Note: This deadline is the 13th day for elections in Nov. of even-numbered years.	Early Voting Ballot Board	11.01(b)	+9	
May 12	LAST DAY for presiding judge of EVBB to mail notices of rejected mail ballots to voters (SOS Form 6-2).	Judge of EVBB	11.03(a)	+10	
May 13	LAST DAY for conducting the official canvass of the election.	City Council	11.12	+11	

Date	Action	By or With Whom Taken	M §	ED Interval	Done
May 15 to May 23 (May 22 recommended)	Period during which notice of outcome of provisional ballots must be mailed to voters (SOS Form 9-9). Note: EC §1.006 arguably does not apply to a timeframe set by rule, 1 TAC 81.176(e). Mon is Memorial Day. Accordingly, Fri is recommended.	Judge of EVBB or City Secretary	11.01(f)	Varies, by 10th day after canvass	
May 17	LAST DAY to make election records available in an electronic format for a fee of not more than \$50.00. Note: Because the deadline is Sun, it moves to Mon.	City Secretary	11.70(c)	+15	
May 25	Memorial Day Holiday. See endnote 6 for impact on mandatory office hours.	EC	1.52, 6.80	n/a	
May 26	LAST DAY for mailing results of manual count to SOS. Note: The deadline is Sat and Mon is Memorial Day. See endnote 6.	City Secretary	11.31(c)	+21	
May 26	FIRST DAY of early voting in person for the runoff.	Voter	9.11	runoff-11	
SB 2753 shortens the start of early voting by personal appearance in May to ED -9.					
Jun 1	Type A cities: LAST DAY elected officials may qualify and assume duties of office; if they fail to qualify by this day, the office is considered vacant.	Candidate with City Secretary	11.23(a)	+30	
Jun 2	LAST DAY of early voting in the runoff.	Voter	9.44 9.11	runoff-4	
SB 2753 extends the period for early voting by personal appearance in the May election to runoff day -1.					
Jun 6	RUNOFF FOR MAY ELECTION DAY	Voter	12.01(d)	set by SOS	
Jun 11	LAST DAY of mandatory office hours. Note: SOS does not apply EC §1.006.	City Secretary	6.80(a)	+40	
Jun 19	Juneteenth Holiday. Note: No impact on mandatory office hours, which ended earlier.	EC	1.52, 6.80	n/a	
July 2	FIRST DAY for transfer of voted ballots from the locked ballot box to another secure container and make original voted ballots available	City Secretary	11.70(e)	+61	
July 15	LAST DAY for timely filing of semiannual report of contributions and expenditures.	City Secretary	3.12(b) 3.16(a)	July 15	

Date	Action	By or With Whom Taken	M §	ED Interval	Done
Mar 3 2028	Last day of preservation period for ballots and other precinct election records of city election, except for candidate applications.	City Secretary	11.71(c)	day after +22 months	
May 3 2028	Last day of preservation period for candidate applications and certain petitions.	City Secretary	11.71(d)	day after +2 years	

Endnotes

1. Any city imposing an ad valorem property tax must have a website. [Tax §26.18] The following information must be posted on a city’s website [M §2.13(d)]: (1) the city’s contact information, including a mailing address, telephone number, and e-mail address; (2) each elected officer of the city; (3) the date and location of the next election for officers of the city; (4) the requirements and deadline for filing for candidacy of each elected office of the city for the next election (posted one year prior to the date of that election); (5) notice of city council meetings; and (6) minutes of city council meetings. A city with population of less than 5,000 located in a county with population of less than 25,000 does not have to post (5) and (6). [GC §2051.201].
2. The city’s governing body may choose to conduct a mock student election under EC §276.007. The major steps taken for a general election should be taken for a student election. The student election may be held on the first day before the election, but results must not be published until after the polls close on election day.
3. Follow home-rule city’s charter provision, if any. However, a home-rule city cannot alter the candidate filing deadline. [EC 143.005(a)].
4. If a candidate on the ballot dies on or before the filing deadline, the City Secretary MAY choose to remove the candidate from the ballot, in which case, the filing deadline is extended 5 days. If that extended filing deadline for filing falls on a weekend or holiday, it moves to the next business day. Withdrawal deadlines after the extended filing deadlines will be impacted.
5. See Texas Ethics Commission rules [1 TAC §18.31] for the full list of reporting triggers and dollar amounts. The following is a summary of the most common amounts [M Ch. 3]:

Election Code §	Threshold Description	Original Amount	2025 Amount	2026 Amount
253.031(b)	<i>PAC: amount of contributions or expenditures permitted before appointment of treasurer is required.</i>	\$500	\$1,080	\$1,110
254.036	<i>Electronic Filing Exemption: amount at or below which a filer may qualify.</i>	\$20,000	\$33,910	\$34,890
254.095	<i>Local officeholders, contributions: amount over which reporting is required.</i>	\$500	\$1,110	\$1,140
254.181 254.182 254.183	<i>Candidate or specific-purpose PAC, modified reporting: contribution or expenditure amount at or below which filers may avoid pre-election reports.</i>	\$500	\$1,110	\$1,140

6. See M §1.52 and §6.80 regarding the types of holidays and the impact on deadlines and office hours. NEW LAW: HB640 defines a “regular business day” as the day when the city’s main office is regularly open for business. Thus, you may not need to conduct mandatory office hours on a city holiday such as Good Friday or the Battle of Flowers. The following are Election Code holidays unless noted otherwise in italics:

Holidays in 2026	Date	Day
New Year’s Day	January 1	Thur
Confederate Heroes Day	January 19	Mon
Martin Luther King Jr. Day. (3rd Monday in January)	January 19	Mon
Presidents’ Day/Washington’s Birthday (3rd Monday in February)	February 16	Mon
Texas Independence Day	March 2	Sun
<i>Cesar Chavez Day</i>	<i>March 31</i>	<i>Tues</i>
<i>Good Friday</i>	<i>April 3</i>	<i>Fri</i>
San Jacinto Day	April 21	Tues
Memorial Day (last Monday in May)	May 25	Mon
Emancipation Day/Juneteenth	June 19	Fri
Independence Day	July 4	Sat
Lyndon Bains Johnson Day	August 27	Thur
Labor Day (1st Monday in September)	September 7	Mon
<i>National Voter Registration Day</i>	<i>September 15</i>	<i>Tue</i>
<i>Yom Kippur</i>	<i>Sept 20</i>	<i>Sun</i>
Columbus Day/Indigenous Peoples Day (2d Monday in October)	October 12	Mon
Veteran’s Day	November 11	Wed
Thanksgiving Day (4th Thursday in November)	November 26	Thu
Friday after Thanksgiving	November 27	Fri
<i>Day before Christmas (not an Election Code holiday)</i>	<i>December 24</i>	<i>Thur</i>
Christmas Day	December 25	Fri
<i>Day after Christmas (not an Election Code holiday)</i>	<i>December 26</i>	<i>Sat</i>



HANDBOOK FOR MAYORS AND COUNCILMEMBERS



HANDBOOK FOR MAYORS AND COUNCILMEMBERS

Texas Municipal League
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2025 Handbook for Mayors and Councilmembers

Foreword

Serving as a local elected official is one of the most demanding—and often thankless—tasks a citizen can perform. Municipal officials can be called upon day and night. They are subject to constant criticism, and almost everything they do will be wrong in someone’s opinion. Many spend their own money to campaign for election; most receive little, if any, pay for the job.

But serving in local office can also be rewarding and productive. For many, it is more important than being in Congress or the state legislature because the city is the real world where municipal officials can make good things happen for their fellow city residents.

We hope this handbook will offer a few suggestions that will make your job easier. While this guide cannot touch upon every relevant subject, it does include what we think are the most important topics. Throughout, however, it should be recognized that this handbook is only a guide and that there is no substitute for competent legal advice regarding interpretations of the law and other questions that might arise in specific situations.

If you don’t find the answers to your questions about the part of city government you are covering or the issues facing cities today, we’re ready to assist you in any way we can. Just give us a call at 512-231-7400, email us at legalinfo@tml.org, or visit our website at www.tml.org.

We wish you great success.

Bennett Sandlin
TML Executive Director

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About the Texas Municipal League

In the summer of 1913, Professor Herman G. James, director of the Bureau of Municipal Research and Reference at the University of Texas at Austin, and A.P. Woolridge, then the mayor of Austin, formed the League of Texas Municipalities.

The two men invited representatives from all Texas cities to come to Austin on November 4, 1913, for an organizational meeting. Fourteen cities sent representatives to Austin. At that first meeting, a modest membership fee was approved along with a constitution to govern the association.

Since that time, the League has grown into one of the largest and most respected organizations of its kind in the nation. From the original 14 members, TML's membership has grown to over 1,170 cities. Membership is voluntary and open to any city in Texas. More than 16,000 mayors, councilmembers, city managers, city attorneys, and department heads are member officials of the League by virtue of their cities' participation. Guided by its purpose statement – *Empowering Texas cities to serve their citizens* – TML exists to provide support and services to city governments in Texas.

League services to its member cities include legal information on municipal legal matters, legislative representation on the state and federal levels, information and research, publication of a monthly magazine, conferences and training seminars on municipal issues, and professional development of member city officials.

Introduction

How to Use This Handbook

In the past, the League has prepared two separate handbooks for city officials: one for those in general law cities, and one for those in home rule cities. In the interest of efficiency, those books have been combined to form this *Handbook for Mayors and Councilmembers*. Most of the information is relevant to all cities. But a fundamental understanding of the fact that there are two types of cities in Texas will help the reader recognize those areas where a distinction is made.

The two types of cities in Texas are general law and home rule. Most smaller cities (those with 5,000 or fewer inhabitants) are general law cities. A general law city operates exactly as its name implies: it can do only what state law expressly authorizes. The most important part of that authorization is the form of government of a general law city. State law defines the composition of the governing body and various items that go with that (such as filling vacancies on the governing body). Chapter two describes in detail the roles and responsibilities of officers in general law cities: Type A, Type B, and Type C. The main differences in the powers of the different types of cities are largely of historical interest, but the state law directing the makeup of the governing body is still very important.

When a general law city reaches 5,000 inhabitants, it may follow procedures in state law to draft a home rule charter. The draft is then submitted to the voters of the city at an election. If the voters approve the charter at the election, the city becomes a home rule city. A home rule city is governed by its charter (see chapter three for the roles and responsibilities of officers in home rule cities) and looks to state law for limitations on its power. The state legislature has frequently passed laws that limit the authority of home rule cities, and state law also frequently imposes certain procedures that must be followed by any type of city.

This handbook is meant to be a broad and general overview of cities in Texas. Many of the topics are covered in much more detail in various papers and memos available from the League. City officials with questions about items in this book or anything relating to the governance or authority of their city should visit the TML website at www.tml.org and/or contact the League's legal services department at legalinfo@tml.org. The information in this handbook or other information obtained from the League should never be substituted for the advice of local legal counsel.

Chapter One:

Local Government in Texas

Understanding city government requires some knowledge of all local governments. This chapter briefly discusses counties, school districts, council of governments, and types of city governments.

Units of Local Government

According to 2022 Census of Government figures, Texas has 1,225 cities, 254 counties, 1,070 school districts, and 2,984 special districts. During the past 20 years, the number of special districts has steadily increased, due mainly to the rapid creation of water districts in unincorporated areas. Conversely, the number of school districts has steadily declined as smaller systems have consolidated with larger ones. The number of counties has remained constant for 100 years, while the number of cities typically increases by one or two new cities per year.

In 2025, the United States Census Bureau recognized that Texas had seven of the 15 fastest-growing cities in the nation by percentage — Princeton, Fulshear, Celina, Anna, Fate, Melissa, and Hutto.

Counties

Counties are known as “general purpose” governments due to the many different functions they perform. Counties serve the dual purposes of providing governmental services for the benefit of their residents and administrative services on behalf of the state. Major governmental services include road construction and maintenance, jails and

courts, welfare, health, and law enforcement. Administrative services performed by counties as agents of the state include voter registration and motor vehicle licensing.

Special Districts

Schools and the many types of special districts are known as “single-purpose” governments, since they usually perform just one function, such as education, water supply, or hospital care. Most special districts serve a limited geographical area and were created because of the inability of general purpose local governments to provide a particular service.

Councils of Governments

Councils of governments (COGs) are also known as “regional planning commissions.” COGs are defined as “political subdivisions of the state” under Texas law. However, COGs differ considerably from cities, counties, and other conventional local governments because they cannot levy taxes nor incur debt.

COGs are voluntary, area-wide associations of local governments. Their function is to foster local cooperation among localities by serving as forums for intergovernmental problem-solving and by planning governmental programs and facilities on a regional basis. Though they do not have broad power to execute projects, many of the state’s COGs provide direct services on a limited basis.

Each COG operates under the supervision of a governing body composed of elected officials representing participating local governments.

Financing is provided by a combination of dues paid by member governments and federal and state funds.

Cities

Among all the different types of local governments, cities perform the greatest number of functions, both governmental and proprietary.

State law specifically defines and lists certain activities as either governmental or proprietary functions in the Texas Tort Claims Act. The law lists 36 functions that are governmental. Included among them are police and fire protection, health and sanitation services, street construction and design, transportation systems, establishment and maintenance of jails, and enforcement of land use restrictions. Three functions are listed as proprietary: the operation and maintenance of a public utility, amusements owned and operated by a city, and any activity that is abnormally dangerous or ultra-hazardous. Functions that are listed as governmental are not included as proprietary functions.

There are two categories of cities in Texas: home rule and general law.

Home rule cities are larger cities with more than 5,000 inhabitants in which the residents of the city have adopted a home rule charter. A charter is a document that establishes the city's governmental structure and provides for the distribution of powers and duties among the various branches of government.

The legal position of home rule cities is the reverse of general law cities. Rather than looking to state law to determine what they may do, as general law cities must, home rule cities look to the state constitution and state

statutes to determine what they may not do. Thus, if a proposed home rule city action has not been prohibited, limited, or preempted by the state, the city generally can proceed.

General law cities are smaller cities, most of which are less than 5,000 in population. All general law cities operate according to specific state statutes prescribing their powers and duties. General law cities are limited to doing what the state authorizes or permits them to do. If state law does not grant general law cities the express or implied power to initiate a particular action, none may be taken.

Approximately seventy-five percent of all Texas cities operate under the general laws; the remainder are home rule cities. "General law" is a term used to describe all of the state laws applicable to a particular class of things. A general law city, therefore, is one that is subject to all of the state laws applicable to such cities, many of which are found in the Local Government Code.

General law city officials occasionally call the Texas Municipal League office to request a copy of their "city charters." Unlike home rule cities, general law cities do not have charters. The creation of a general law city is documented in its incorporation papers, filed at the county courthouse, which describe when the city was established and its original boundaries.

Categories of General Law Cities

There are three categories of general law cities: Type A, Type B, and Type C. Although it is sometimes difficult to distinguish between the types, it is necessary to know the difference in order to determine which state laws apply.

Type B General Law Cities

Most new cities begin as Type B general law cities under a state law that permits the incorporation of any area containing 201 to 10,000 inhabitants. Later, as the population of a city grows to 600 or more, it can make a transition to Type A.

In a Type B general law city with the aldermanic form of government, the governing body is known as the “board of aldermen” and includes six members (a mayor and five aldermen), all of whom are elected at-large. At its discretion, the board of aldermen may provide by ordinance for the appointment or election of such additional officers as are needed to conduct the business of the city.

A Type B general law city has the same powers and duties as a Type A general law city, except where specifically provided otherwise. In other words, a Type B general law city has the authority of a Type A general law city in a particular issue where the law governing a Type B city is silent on the particular issue.

Type A General Law Cities

Type A general law cities are usually the larger general law cities. Most were incorporated under Type B status and then switched to Type A status when their population increased to 600 or more, or when they had at least one manufacturing establishment.

The governing body of a city operating as a Type A general law city is technically known as the board of aldermen, although many cities refer to it as the “city council.” The governing body varies in size depending on whether the city has been divided into wards. If the city has

been divided into wards, the council consists of a mayor and two councilmembers from each ward—whatever the number. If the city has not been divided into wards, the governing body always consists of a mayor and five councilmembers.

In addition to the city council, other municipal officers include a marshal, treasurer, tax assessor-collector, city secretary, city attorney, and engineer. Whether these offices are elective or appointive depends on the method selected by the city council for filling them. Moreover, the city council may provide by ordinance for the appointment or election of such other municipal officers as it deems necessary.

Type C General Law Cities

A Type C general law city operates with the commission form of government. The governing body is known as the “board of commissioners” and always consists of a mayor and two commissioners. No other elective officers are required; however, the board of commissioners must appoint a city clerk, and may provide by ordinance for the election or appointment of such other officers as are required.

In a Type C general law city of 500 or less population, the board of commissioners must follow the requirements applicable to a Type B general law city—that is, the board of commissioners has the same powers and duties as the board of aldermen in a Type B general law city, except where specifically provided otherwise. In a city of over 500 population, the board of commissioners must follow the requirements of a Type A general law city, except where specifically provided otherwise.

Any city operating under the commission form of government can change over to the aldermanic form of government, and vice versa. The commission form of government in a general law city should not be confused with the commission plan adopted by the City of Galveston at the turn of the century. Under the Galveston plan, each member of the municipal governing body—the city commission—simultaneously served as legislators and heads of the city’s administrative departments. Thus, one member of the governing body served as “police commissioner,” another served as “fire commissioner,” and so on, with each commissioner exercising day-to-day supervisory authority over a particular department.

General law cities operating under the commission form of government are not authorized to adopt the Galveston plan.

In a general law city, one commissioner, alderman or councilmember, acting alone, has no individual power; only the commission, board of alderman or city council, acting collectively, exercises power.

City Manager Plan

The city manager plan can be adopted in any general law city under the provisions of Chapter 25 of the Local Government Code:

- 1) Upon presentation of a petition signed by at least 20 percent of the total number of qualified voters voting for mayor in the last preceding city election, the mayor must call an election on the question of adopting

- the city manager plan within 10 days after the date the petition is filed.
- 2) If a majority of the votes cast at the election favor adoption of the city manager plan, the council must, within 60 days after the election, appoint a city manager and fix his or her salary by ordinance.
- 3) The administration of the city is to be placed in the hands of the city manager, who serves at the pleasure of the city council.
- 4) In any city where the city manager plan has been approved, all officers of the city, except members of the governing body, thereafter shall be appointed as may be provided by ordinance.
- 5) Procedures for repealing the city manager plan are essentially the same as for adopting it.

The basic structure of the city manager plan is similar to that of a private corporation, in which the stockholders elect a board of directors which then hires a president to run the company. Under the city manager plan, the voters elect a city council which, in turn, hires a city manager to administer the city’s day-to-day affairs.

Under the city manager plan, the council serves as the legislative body. The council sets policy, it approves the budget and sets the tax rate, and it determines the size of the payroll and the extent and cost of municipal services. In short, the council is the final authority on all of the many policy decisions that determine the scope and functions of the city government.

The mayor and councilmembers have no administrative duties under the city manager plan. These are vested in the city manager, who is responsible for directing the workforce

and programs of the city in accordance with ordinances, rules, and regulations adopted by the council.

The typical city manager in Texas is appointed for an indefinite term and is subject to dismissal by the council at any time except as otherwise prohibited by law. He or she is designated as the chief executive and administrative officer of the city and is accountable to the council for the proper conduct of all municipal operations. The manager has the unilateral authority to hire, discipline, and fire the department heads under the manager's control. In some cases, however, certain employees, such as the city attorney or municipal judge, are directly hired and/or supervised by the council rather than the manager. Although the manager's role varies from one city to another, the primary function is to implement the policies established by the council and ensure that the city is operated in an economical and responsible manner. Specific duties of the manager may include the following:

- 1) Enforcing all city ordinances, rules, and regulations.
- 2) Supervising all municipal employees and programs.
- 3) Preparing and executing the city's annual budget pursuant to the revenue and expenditure plans adopted by the council.
- 4) Managing the city's funds and preparing periodic reports that advise the council and the general public of the city's financial condition.
- 5) Providing information to the council to facilitate its ability to make informed decisions in the best interests of the city.
- 6) Preparing council meeting agendas and attending all such meetings to serve as

a resource to the council and the public.

- 7) Drawing the council's attention to community needs and recommending alternatives by which the council can respond to those needs.

Adopting the city manager plan does not change the basic governmental framework of a general law city. Rather, it is an administrative mechanism added to the basic structure.

Legislation passed in 2003 clarifies that city councils of cities that have not adopted a city manager plan under chapter 25 of the Local Government Code are free to delegate by ordinance management duties to a city administrator.

The Home Rule Concept

Although scholars have used a variety of flowery phrases to describe the concept of home rule, the principle is simple: home rule is the right of citizens at the grassroots level to manage their own affairs with minimum interference from the state. Home rule assumes that governmental problems should be solved at the lowest possible level, closest to the people.

As mentioned earlier, home rule cities look to the state to tell them what they are prohibited from doing, rather than for specific grants of authority to undertake particular functions. In *Forwood v. City of Taylor*, the Texas Supreme Court summarized Texas' home rule doctrine as follows:

It was the purpose of the Home-Rule Amendment ... to bestow upon accepting cities and towns of more than 5,000 population full power of self-

government, that is, full authority to do anything the legislature could theretofore have authorized them to do. The result is that now it is necessary to look to the acts of the legislature not for grants of power to such cities but only for limitations on their powers.

As a result of the *Forwood* case and other court decisions upholding their broad powers, home rule cities have the inherent authority to do just about anything that qualifies as a “public purpose” and is not contrary to the constitution or laws of the state.

Inherent Powers of Home Rule Cities

An “inherent power” is one that is possessed by a city without its having been specifically granted by the state. It is the right to perform an act without having received that right from the Texas Constitution or the state legislature.

Home rule cities have many inherent powers. A discussion of some of the inherent powers of major significance may explain why so many cities have chosen to adopt home rule charters.

Municipal Organization

In contrast to counties or general law cities, whose organization is fixed by state law, the governmental structure of a home rule city is left entirely to the discretion of local voters. The residents of a home rule city are free to decide their form of municipal government (mayor-council, council-manager, and so on); choose between a large or small city council; provide for the election of the city council at-large, by single-member district, or by place;

fix the terms of office for councilmembers at two, three, or four years; or establish overlapping terms of office. Moreover, they can decide whether the mayor is to be elected directly by the voters, selected from among members of the council, or chosen by some other method.

The residents of a home rule city also have total discretion over the city’s administrative structure. Subject only to local preferences, the charter can establish a simple administrative framework or a complex one, provide for the appointment or election of major administrative officials, and so on. And finally, the charter can provide for the creation of any boards or commissions that local voters decide are necessary to make the city function effectively.

Annexation

From 1912-2019, the inherent power of a city to unilaterally annex adjoining areas was one of the most important home rule prerogatives. To annex “unilaterally” means that the city can bring an adjacent, unincorporated area into the city without the permission of the persons residing in that area.

In 2019, the legislature passed H.B. 347, which drastically altered the annexation landscape for all cities. Now a city generally may only annex:

- 1) Land at the request of the landowner;
- 2) An area with a population of less than 200 only if the following conditions are met, as applicable: (a) the city obtains consent to annex the area through a petition signed by more than 50 percent of the registered voters of the area; and (b) if the registered voters of the area do not own more than 50

percent of the land in the area, the petition described by (1) is signed by more than 50 percent of the owners of land in the area;

- 3) An area with a population of 200 or more only if the following conditions are met, as applicable: (a) the city holds an election in the area proposed to be annexed at which the qualified voters of the area may vote on the question of the annexation and a majority of the votes received at the election approve the annexation; and (b) if the registered voters of the area do not own more than 50 percent of the land in the area, the city obtains consent to annex the area through a petition signed by more than 50 percent of the owners of land in the area; and
- 4) A very limited subset of properties without owner consent, including certain city-owned property and certain roads and rights-of-way.

Initiative, Referendum, and Recall

Initiative, referendum, and recall are inherent home rule powers that are reserved for exclusive use by local voters to provide direct remedies in unusual situations. There is no constitutional or statutory authority for initiative, referendum, or recall. These powers are unique to home rule cities, and they are not available to voters at any other level of government, including the state.

Initiative is a procedure under which local voters directly propose (initiate) legislation. Lawmaking through the initiative process allows local voters to circumvent the city council by direct ballot box action on new ordinances that have wide support in the community, but which the council refuses to enact.

The initiative process begins with the circulation of a petition setting forth the text of the desired ordinance. Then, petitioners must obtain the number of voter signatures needed to force the city council to submit the ordinance to the people at a citywide election. Petition signature requirements vary from charter to charter. Some are based on a percentage of the number of qualified voters in the city, while others are expressed as a ratio of the number of votes cast at the last general city election.

After a completed petition is filed, the city secretary checks it to make sure that all of those who signed are qualified voters. If the petition complies with the requirements of the charter and the Election Code, the city council has two options: (1) it can adopt the proposed ordinance; or (2) it must call an election on the ordinance. If, at the election on the proposed ordinance, a majority of those voting favor its adoption, the ordinance is put into effect.

Referendum is a procedure under which local voters can repeal unpopular, existing ordinances the council refuses to rescind by its own action. The procedures for forcing the city council to call a referendum election are usually the same as for initiative elections. Petitions calling for an election to repeal "Ordinance X" are circulated. When the required number of signatures is obtained, the petition is submitted to the city council, which can either repeal the ordinance by its own action or call an election at which the residents can vote to repeal it. If, at such an election, a majority favors retaining the ordinance, it is left on the books. If a majority favors its repeal, it is rescinded when the council canvasses the election returns.

Recall is a process by which local voters can oust members of the city council before the expiration of the members' terms. Under most charters, a recall election begins with the filing of an affidavit stating the name of the member of council whose removal is sought and the grounds for removal. The city clerk or secretary then furnishes the person filing the affidavit with petition forms that must be completed and returned within a prescribed time.

Most city charters impose two further limitations on recall efforts. First, they prohibit more than one recall election per member per term. Secondly, they forbid recall elections for any member during the early stages of his or her term—as, for example, prohibiting an election to recall a member within 60 days of the date he or she was sworn into office, or prohibiting recall elections for members whose terms will expire within 60 days. The following language is typical of charter recall provisions:

The people of the city reserve the power to recall any member of the council and may exercise such power by filing with the city clerk a petition, signed by qualified voters of the city equal in number to at least ten percent of the qualified voters of the city, demanding the removal of a member.

Charter Amendments

In addition to initiative and referendum, direct lawmaking by local voters can be accomplished through amendments to the charter document itself. Under Section 9.004 of the Local Government Code, citizens can force the city council to call an election on a proposed charter amendment by simply filing a petition signed by five percent of the qualified voters or 20,000, whichever is less. Voter-initiated

charter amendments, if adopted, can change most aspects of the city government.

Limitations on Home Rule Powers

Although the powers of a home rule city are broader than that of a general law city, they remain subject to all the limitations imposed by state and federal law. Some of these are briefly summarized below.

Every city must comply with the federal and state constitution and statutory requirements. Examples include state statutes that require every city to pay unemployment taxes, that require cities with 10,000 or more in population to pay longevity compensation to its police officers and firefighters or prohibit conducting regular city elections on any day except on those days prescribed by the Election Code.

Though certain limitations are imposed on home rule cities by the state, some can be further narrowed by local action. For example, the Texas Constitution authorizes any city with more than 5,000 inhabitants to levy property taxes at a maximum rate of \$2.50 per \$100 assessed valuation. But a home rule charter may set a local ceiling lower than that. If a city's charter limits the city tax rate to \$1.70 per \$100 of assessed valuation, this provision has the same effect as state law. The city council is bound by it even though the state constitution permits a higher rate.

Additionally, the governing body of a home rule city cannot act on any matter which has been preempted by the state. A clear example of preemption by state law can be found in the Texas Alcoholic Beverage Code. In this code, the state sets the business hours of retail liquor stores. Therefore, an ordinance

requiring liquor stores to open or close at times other than those prescribed by state law may not be enacted. Another example of clear preemption is recent legislation that prohibits cities from adopting or enforcing an order, ordinance, or other measure that imposes a curfew on juveniles.

Some areas of preemption are much less clear now. In 2023, the Legislature adopted H.B. 2127, also known as the “Texas Regulatory Consistency Act,” which curbed city authority.

H.B. 2127 expressly preempts a city from adopting or enforcing five types of regulations:

- Regulations of employment leave, hiring practices, breaks, employment benefits, scheduling practices, and any other terms of employment that exceed or conflict with federal or state law for non-city employers;
- New or amended predatory lending regulations;
- Regulations impeding a business involving the breeding, care, treatment, or sale of animals or animal products, including a veterinary practice, or the business’s transactions if the person operating the business holds a state or federal license to perform such actions or services;
- New or amended regulations relating to the retail sale of dogs or cats; and
- Regulations involving evictions.

Most notably, H.B. 2127 among other things, prohibits a city from adopting or enforcing an ordinance in a field of regulation occupied by state law in eight specific statutory codes (Agriculture Code, Business & Commerce Code, Finance Code, Insurance Code, Labor Code, Natural Resources Code, Occupations Code, and Property Code), unless expressly authorized by another statute. Exactly what

“fields of regulation occupied by state law” means remains unclear. This is a legal question that the courts must decide on a case-by-case basis.

H.B. 2127 appears to potentially contradict the long-standing constitutional interpretation of home rule authority in Texas. The bill adds Section 51.002 of the Local Government Code to provide as follows: “Notwithstanding Section 51.001, the governing body of a municipality may adopt, enforce, or maintain an ordinance or rule only if the ordinance or rule is consistent with the laws of this state.” That provision raises even more questions about the scope of the bill. If state law is silent in a certain area, it is unclear if a home rule city may regulate in that area. One might argue yes, because the Texas Constitution gives home rule cities the full power of self-government. But the bill certainly calls home rule authority in question in several areas. Given the language, a court could determine Section 51.002 of the Local Government Code eliminates city regulatory authority in the absence of state regulation, which would create a direct conflict between the statute and the Texas Constitution.

In August 2023, a Travis County district judge declared that H.B. 2127 is unconstitutional, lending credence to cities’ arguments during the 2023 Legislative Session that the bill was ambiguous and on questionable legal footing. The ruling came after the City of Houston—later joined by the cities of San Antonio and El Paso as intervenors—filed a lawsuit against the state challenging the constitutionality of H.B. 2127.

In July of 2025, the Third Court of Appeals reversed the trial court’s ruling on procedural grounds and granted the State’s motion to dismiss. The court of appeals opinion marks just the beginning of the legal wrangling over the new law.

The Charter Document

Although all municipal governments are subject to an abundance of federal and state laws, the charter remains the most important document for a home rule city. Members of the council should read the charter immediately upon their election to office; annual reviews also can be useful.

Most charters include the following components:

- Provisions establishing the city's form of government (mayor-council, council-manager, and so on) and its legislative and judicial machinery;
- Organizational provisions establishing the administrative structure of the city government and the means for financing its operations;
- Provisions governing the procedures of the city council and advisory boards and commissions, and procedures for granting franchises, and assessing and collecting taxes; and,
- Popular controls over the city government, such as elections, referenda, initiative, and recall.

Forms of Home Rule City Government

Every home rule city in the state operates under one of two forms of government: mayor-council or council-manager. Among Texas' approximately 385 home rule cities, the vast majority have the council-manager form.

Mayor-Council Government

The mayor-council plan has two variants: strong-mayor and weak-mayor. Under the strong-mayor system, most key administrative and appointive powers are concentrated in the hands of a full-time mayor who also presides over meetings of the city council. The mayor usually has: (1) the power to appoint and remove department heads and the members of most major boards and commissions; (2) the prerogative to prepare the city budget and, following its adoption by the council, to execute the budget; (3) a high enough salary to enable the officeholder to devote their full time to being mayor, as well as an office budget sufficient to hire an adequate staff; and (4) the power to veto actions by the city council. In a strong-mayor city, councilmembers have no administrative duties. Their role is to enact ordinances, adopt policies governing the operations of the city, and otherwise function as the legislative branch of the city government.

Under the weak-mayor system, the powers of the mayor are limited. First, the mayor may be selected by the council rather than being directly elected by the people, which dilutes his or her political influence. Secondly, the mayor's pay is usually minimal and few, if any, funds are provided for staff. Third, department heads often are appointed and removed by majority vote of the city council, which diffuses administrative authority. And finally, few weak mayors have either the authority to veto actions of the council or the exclusive power to develop and execute the budget, since these powers are collectively exercised by the council.

Very few home rule cities in Texas use the weak-mayor form of government.

Council-Manager Plan

The basic structure of the council-manager form of government is like that of a private corporation where the stockholders elect a board of directors which then hires a president to run the company. Under the council-manager plan, the voters elect a city council which, in turn, hires a city manager to administer the city's day-to-day affairs.

In a council-manager city, as in any other form of city government, the council serves as the legislative body. The council sets policy, approves the budget, sets the tax rate, determines the size of the payroll, and the extent and cost of municipal services. In short, the council is the final authority on all the many policy decisions that determine the scope and functions of the city government.

Under the council-manager plan, the mayor and councilmembers have no administrative duties. These are vested in the city manager, who is responsible for directing the workforce and programs of the city in accordance with ordinances, rules, and regulations adopted by the council. The typical city manager in Texas is appointed for an indefinite term and is subject to dismissal by the council at any time except as otherwise prohibited by law. He or she is designated, either by charter or ordinance, as the chief executive and administrative officer of the city and is accountable to the council for the proper conduct of all municipal operations. The manager has the unilateral authority to hire, discipline, and fire the department heads.

Although the manager's role varies from one city to another, the manager's primary function is to implement the policies established by the council and ensure that the city is operated in an economical and

responsible manner. Specific duties of the manager may include the following:

- 1) Enforcing all city ordinances, rules, and regulations.
- 2) Supervising all municipal employees and programs.
- 3) Preparing and executing the city's annual budget pursuant to the revenue and expenditure plans adopted by the council.
- 4) Managing the city's funds and preparing periodic reports that advise the council and the general public of the city's financial condition.
- 5) Providing information to the council to facilitate its ability to make informed decisions in the best interests of the community.
- 6) Preparing council meeting agendas and attending all such meetings to serve as a resource to the council and the public.
- 7) Drawing the council's attention to community needs and recommending alternatives by which the council can respond to those needs.

In larger cities, city managers spend comparatively little time on citizen contacts, personnel problems, and other routine matters. Managers in these cities usually have a sizable staff capable of handling day-to-day problems, thus allowing the manager to concentrate on communicating with the council, policy issues, planning activities, and work sessions with department heads.

On the other hand, the managers of medium-sized and smaller cities frequently operate with limited resources and a small staff. The manager must, by necessity, be personally involved in the details of providing police, fire, solid waste, and other services.

Chapter Two:

Roles and Responsibilities of Officers in General Law Cities

All members of the city council play unique roles in making the city government operate effectively in a general law city. Many of their functions are set by law, while others are established as a matter of local custom or policy.

Office of the Mayor

The mayor occupies the highest elective office in the municipal government. As political head of the city, the mayor is expected to provide the leadership necessary to keep it moving in the proper direction.

Except under the city manager plan of government, the mayor is the city's chief executive officer. The mayor presides over council meetings and is generally recognized as the ceremonial and governmental head of the city for most purposes.

Most of the powers exercised by the mayor are created through ordinances and resolutions adopted by the city council. Very few mayoral powers are prescribed by state law.

Legislative Responsibilities

The mayor's most important duty is to carry out the legislative responsibilities he or she shares with other members of the council—identifying the needs of the city, developing programs to satisfy those needs, and evaluating the extent to which municipal

services satisfactorily reflect the policy goals of the council.

Under the law, the mayor is the presiding officer of the city council. In this capacity as presiding officer, the mayor's actual powers in legislative matters can be greater than those of other councilmembers. For example, the mayor can influence the flow of debate through the power to recognize councilmembers for motions or statements.

Also, the mayor rules on questions of procedure at council meetings, and those rulings are binding unless successfully challenged by a majority of the governing body. Finally, the mayor of a Type A general law city can formally object to ordinances and other resolutions passed by the council. If the mayor objects to an ordinance or resolution before the fourth day after it is placed in the city secretary's office, it must be reconsidered by the governing body. If approved, it becomes effective (Local Government Code Section 52.003).

Appointive Powers

Appointive powers represent another area in which the mayor's powers often outrank those of councilmembers, especially when the mayor is authorized by ordinance to appoint department heads and advisory board members. In Chapter 25 council-manager cities, the mayor's appointive powers are more limited, because the city manager may appoint all or most administrative employees. Although most of the mayor's appointive

powers are established by ordinances enacted by the city council, some are established by state law, such as the power to appoint commissioners of a housing authority (Local Government Code Section 392.031).

Law Enforcement and Related Duties of the Mayor

The office of the mayor involves a variety of law enforcement responsibilities. The mayor is specifically obligated by law to “actively ensure that the laws and ordinances of the city are properly carried out,” and “in the event of a riot or unlawful assembly or to preserve the peace,” the mayor may order the closing of certain public places.

Under extreme circumstances, as in the case of a riot, the mayor of a Type A general law city can summon a special police force into service (Local Government Code Section 341.011) or call for assistance from the Texas National Guard. Also, if the city has used the provisions of Sections 362.001 et seq., Local Government Code, to enter into a mutual law enforcement pact with other nearby cities or the county, the mayor can call on those localities for help in dealing with civil disorders and other emergencies. Additionally, most local emergency management plans authorize the mayor to exercise supreme powers in case of a public calamity, after the mayor has declared a local disaster or asked the governor to declare a state of emergency. State law also permits a mayor to require a mandatory evacuation order and control who can access an area during a phased reentry (Government Code Chapters 418 and 433).

Judge of the Municipal Court

In every general law city where no separate office of judge of the municipal court exists by

ordinance, the mayor is ex officio judge of the court (Government Code Section 29.004). A mayor serving as the ex officio municipal judge must still receive the annual training required of all municipal judges.

Signatory Duties

As signatory for the city, the mayor may be required to sign a variety of documents to give them official legal effect. The mayor’s signature is required on all bonds, certificates of obligation, warrants, and other evidence of debt, as well as may be required on ordinances, resolutions, advertisements for bids on public works projects, contracts, and similar legal paperwork. The mayor is also responsible for signing proclamations recognizing special events and personal achievements.

Ceremonial Duties

The mayor’s participation in local ceremonial events is a never-ending responsibility. The mayor is expected on a daily basis to cut ribbons at ceremonies opening new businesses; break the ground to begin the construction of new city facilities; and regularly appear at fairs, parades, pageants, and other community celebrations.

The mayor also issues proclamations for a variety of purposes, whether to honor visiting dignitaries or declare “Support Your Local School Week.” And as a featured speaker before professional clubs, school assemblies, and neighborhood groups, the mayor can expect to be interviewed, photographed, and otherwise placed on extensive public display by the media.

Administrative Duties

Except in Chapter 25 council-manager cities, the mayor serves in the dual roles of administrator and political head of the city, going to city hall on a regular basis, working with department heads on matters that need attention each day, and performing the ceremonial duties that go with the office. In some cases, ordinances approved by the council give the mayor wide latitude to deal with the many problems that arise each day. Also, an administrative staff is sometimes available to help the mayor, but the office still involves considerably more effort—and power—than its counterpart in cities operating under the city manager plan.

Limitations on the Mayor's Powers

The broad powers of the mayor can be offset by several methods, including ordinance requirements that the council ratify mayoral appointments and other key actions.

Limiting the mayor's power at the council table is another way of imposing restraints. In Type A general law cities, for instance, the mayor is allowed to vote only in the event of a tie (Local Government Code Section 22.037). As state law is unclear on the mayor's ability to vote in Type B general law cities, those cities should consult with their local legal counsel with questions.

The mayor's prerogatives can also be restricted by the structure of the city government. Under the Chapter 25 council-manager plan, for example, the mayor has no administrative powers and will probably be in city hall on a less frequent basis. The ordinances of most council-manager cities also make it clear that decision-making is to be shared by the full council, and that the mayor

is to be considered the same as any other member of the governing body for policy purposes. This is accomplished by concentrating administrative powers in the hands of a city manager, who acts under the direction of the full council.

Qualifications of Office

In Type A general law cities, every candidate for the office of mayor must meet the following qualifications:

- 1) Be a United States citizen;
- 2) Have been a resident of Texas for at least 12 months, as of the deadline for filing for the office;
- 3) Have resided in the city for at least 12 months preceding election day;
- 4) Be a registered voter;
- 5) Be 18 years of age or older upon the commencement of the term to be filled at the election;
- 6) Not have been convicted of a felony for which he or she has not been pardoned or otherwise released from the resulting disabilities; and
- 7) Not have been deemed mentally incompetent by a final judgment of a court.

(Election Code Section 141.001; Local Government Code Section 22.032).

In Type B and Type C general law cities, every candidate for mayor must meet the qualifications listed above, except that he or she must have resided in the city for six months, rather than twelve, preceding election day (Election Code Section 141.001; Local Government Code Section 23.024).

Terms of Office

In a Type A general law city, the term of the mayor and members of the city council or board of aldermen is two years (Local Government Code Section 22.035). In a Type B general law city operating under the aldermanic form of government, the mayor's term of office is one year, unless the board of aldermen has enacted an ordinance providing a two-year term for the mayor and two-year overlapping terms for aldermen (Local Government Code Section 23.026). In a Type C general law city, the mayor's term of office is two years (Local Government Code Section 24.023).

In any city, the term of office for members of the governing body can be extended to three or four years upon approval of a majority of the voters voting at an election on the question (Texas Constitution, Article XI, Section 11).

Vacancies

When the mayor is temporarily unable to perform his or her duties because of illness, out-of-town travel, or similar reasons, the mayor pro tem assumes the responsibilities of the office on an interim basis (please see discussion of mayor pro tem on the next page). But if a permanent vacancy occurs in the office of mayor as a result of death, disability, resignation, or some other reason, the vacancy should be filled according to prescribed procedures.

In a Type A general law city operating under the aldermanic form of government, the vacancy can be filled either by appointment by the city council or by a special election if the mayor's office is the only one vacant. However, if another vacancy exists on the

board of aldermen when the mayor's office is vacant, both vacancies must be filled at a special election. When a vacancy is filled by appointment, the term of the person appointed expires at the next general municipal election. When a vacancy is filled by special election, the person elected serves out the remainder of the unexpired term of the vacancy being filled (Local Government Code Section 22.010).

In a Type B general law city operating under the aldermanic form of government, a mayoral vacancy must be filled by appointment by the board of aldermen. The term of the person appointed expires at the same time that the term of the person who vacated the office would have expired if he or she had remained in office (Local Government Code Section 23.002).

In a Type C city operating under the commission form of government, a vacancy in the office of mayor must be filled by appointment by the two remaining members of the board of commissioners. But if there are two vacancies on the board of commissioners, the vacancies must be filled at a special election called by the county judge, and the persons elected serve out the remainder of the unexpired terms of the vacancies being filled (Local Government Code Section 24.026).

If the terms of office in a city have been changed to three or four years, appointment to fill a vacancy is no longer an option. Any vacancy must be filled by special election (Texas Constitution, Article XI, Section 11).

Absences

Under Section 22.041 of the Local Government Code, "if a member of the governing body is absent for three regular consecutive meetings, the member's office is considered vacant

unless the member is sick or has first obtained a leave of absence at a regular meeting.”

Removal

Procedures for removing the mayor or a councilmember from office are set forth in Chapter 21 of the Local Government Code. Under the law, a member of the governing body is subject to removal for incompetence, official misconduct, or intoxication. A petition for removal must be filed with a district court, may be filed by any resident of the city, and must state the alleged grounds for removal. The judge may decide to issue a citation to the member in question or may decline to do so. If the judge declines to issue a citation, the petition is dismissed at the cost of the petitioner. If the judge issues a citation to the member, the member must appear before the judge to answer the petition and may request a trial by jury. The petitioner must execute a bond in an amount fixed by the judge. The bond shall be used to pay damages and costs to the member if the alleged grounds for removal are found to be insufficient or untrue. The final judgment on the issue may be appealed by either party. Conviction of the member for any felony or for a misdemeanor involving official misconduct will result in immediate removal, and the removed member is ineligible for reelection for two years.

There is no such thing in a general law city as “recall,” which is a procedure citizens can use to vote an incumbent mayor or councilmember out of office before the expiration of his or her term. The power of recall is limited to voters in home rule cities in which the charter provides for the procedure.

Compensation

In Type C cities, the board of commissioners may, by ordinance, fix the mayor’s

compensation at a maximum of \$5 for each regular commission meeting and \$3 for each special meeting. Alternatively, the board of commissioners in a city of less than 2,000 can pay the mayor a salary of up to \$600 per year, while the board of commissioners in a city of 2,000 or greater population can pay the mayor up to \$1,200 per year (Local Government Code Section 141.003).

In Type A and B general law cities, no maximum salary amount is fixed for the mayor. The governing body can set the mayor’s compensation at any level it chooses (Local Government Code Sections 141.001 and 141.002). Only one limitation exists: an elected officer cannot receive a pay increase that was approved during the term for which he or she is elected. Such an increase will become effective only after the next general municipal election at which the office is filled (Local Government Code Section 141.001).

Expense Reimbursement

It is commonplace for the city to reimburse the mayor for travel and other expenses incurred on official city business trips, such as meetings of the Texas Municipal League and similar organizations. Most city travel policies are established by ordinance or resolution.

Office of the Mayor Pro Tem

The mayor pro tempore is a member of the council who performs the mayor’s duties during the mayor’s incapacity or absence. The mayor pro tem is selected by majority vote of the council from among its own membership. The mayor pro tem’s term is one year. The mayor pro tem retains the right to vote on all matters before the council while performing

the duties of the mayor (Local Government Code Sections 22.037 and 23.027).

Office of Councilmember

Councilmembers are the city's legislators. Their primary duty is policymaking, which includes identifying the needs of local residents, formulating programs to meet the changing requirements of the community, and measuring the effectiveness of ongoing municipal services.

Unless restricted by state law, each councilmember is entitled to vote or abstain on every question decided at a council meeting and has full parliamentary privileges in council meetings—including the right to speak and make motions when recognized by the chair and the right to introduce new ordinances and amendments to existing ones.

Though foremost in importance, lawmaking is just one of many functions councilmembers perform. They also wear several other hats, which one writer describes as follows:

- **Regulator**—The council exercises regulatory powers over the conduct and property of its citizens. It has the power to declare certain conduct to be criminal, to require that certain businesses and activities be licensed, and to tell property owners how and for what purposes they may use their property.
- **Financier**—The council may levy taxes, assess fees and charges, and sell bonds in order to finance the many functions of the city government. The council also has to budget the expenditure of the city's funds, and then explain to the people why municipal government is a

bargain compared to the price of rampant crime, fires, disease, and all of the other problems that would flourish without proper city services.

- **Employer**—The council is responsible for all the city's employees and must see that they are adequately paid and provided with decent working conditions and fringe benefits.
- **Buyer**—The council is one of the biggest purchasers in the community and must see to it that the city gets the best value possible for dollars spent.

This is not even a complete description of all the challenges that confront councilmembers.

The real task is in providing leadership and direction for the city, in deciding what needs to be done, and in helping plan what the city will be for future generations.

Qualifications

In general law cities, the qualifications for the office of councilmember are:

- 1) Be a United States citizen;
- 2) Have been a resident of Texas for at least 12 months as of the deadline for filing for the office;
- 3) Have resided in the city for at least six months preceding election day;
- 4) Be a registered voter;
- 5) Be 18 years of age or older upon the commencement of the term to be filled at the election;
- 6) Not have been convicted of a felony for which he or she has not been pardoned or otherwise released from the resulting disabilities; and

- 7) Not have been deemed mentally incompetent by a final judgment of a court.

(Election Code Section 141.001; Local Government Code Sections 22.032 and 23.024).

One additional requirement: if a Type A general law city has been divided into wards, every council candidate must, at the time of his or her election, be a resident of the ward he or she proposes to represent if elected (Local Government Code Section 22.032).

Terms of Office

In a Type A general law city, the term of office for members of the city council is two years (overlapping terms) (Local Government Code Section 22.035). In a Type B general law city, the term of office for aldermen is one year, unless the board of aldermen has enacted an ordinance providing a two-year term for the mayor and two-year overlapping terms for aldermen (Local Government Code Section 23.026).

In any city, the term of office of members of the governing body can be extended to three years or four years upon approval of a majority of the voters voting at an election called on the question (Texas Constitution, Article XI, Section 11).

Vacancies

In a Type A general law city operating under the aldermanic form of government, when there is only one vacancy on the governing body, the vacancy can be filled either by appointment of the city council or by means of

a special election. However, if there are two or more vacancies on the governing body, such vacancies must be filled at a special election (Local Government Code Section 22.010).

In a Type B general law city operating under the aldermanic form of government, vacancies on the board of aldermen— whatever the number of vacancies—must be filled by appointment by the remaining members of the board (Local Government Code Section 23.002).

In a Type C general law city, a single vacancy must be filled by appointment by the two remaining members of the board of commissioners. But if there are two vacancies on the board, they must be filled at a special election called by the county judge (Local Government Code Section 24.026).

Absences

Under Section 22.038 of the Local Government Code, an illness of an alderman or someone in his or her family is the only reason for absence from council meetings in a Type A general law city without a fine. Unexcused absences are punishable by a fine of \$3 for each council meeting missed. If an alderman is absent for three consecutive regular meetings—unless because of sickness or the alderman has obtained a leave of absence at a regular meeting—his or her office shall be vacant. (Local Government Code Section 22.041).

There is no law applicable to absences by aldermen in Type B general law cities or members of the board of commissioners in cities operating under the commission form of government (Type C general law cities). However, in cities over 500 population, which operate under the commission form of

government, Sections 51.035 and 51.051 (the “borrowing provisions”) of the Local Government Code (relating to the application of laws to cities with the commission form) would probably make Sections 22.038 and 22.041 of the Local Government Code (relating to absences) applicable to such cities. Type B general law cities should contact their local legal counsel to discuss this issue, as state law is unclear.

Removal

Procedures for removing a councilmember from office in a general law city are the same as for the mayor and are governed by Chapter 21 of the Local Government Code.

Compensation

In Type C cities, the board of commissioners may, by ordinance, fix commissioners’ compensation at a maximum of \$5 for each regular commission meeting and \$3 for each special meeting. Alternatively, the board of commissioners in a city of 2,000 or greater population can provide for paying commissioners up to \$600 per year (Local Government Code Section 141.003).

In Type A and B general law cities, no maximum salary amount is fixed for aldermen. Therefore, the governing body can set councilmember compensation at any level it decides. Only one limitation exists: an alderman cannot receive the benefit of a pay increase adopted during the term for which he or she is elected. Such increase will become effective only after the next general municipal election at which the office of the alderman serving at the time of the pay increase is filled

(Local Government Code Chapter 141).

Expense Reimbursement

It is commonplace for cities to reimburse councilmembers for travel and other expenses incurred on official city business trips to meetings of the Texas Municipal League, a council of governments, and similar organizations. Most travel policies are established by ordinance or resolution.

Chapter Three:

Roles and Responsibilities of Officers in Home Rule Cities

All members of the city council play unique roles in making the city government operate effectively in a home rule city. Many of their functions are set by law, while others are established as a matter of local custom or policy. While the information in this chapter is broadly applicable to cities across the state, each home rule charter is distinct. To ascertain the scope of a particular official's role in a specific city, one would need to consult that city's charter.

Office of the Mayor

The mayor occupies the highest elective office in the municipal government. As political head of the city, the mayor is expected to provide the leadership necessary to keep it moving in the proper direction.

Except under the city manager plan of government, the mayor is the city's chief executive officer, just as the governor serves as chief executive of the state. The mayor presides over council meetings, is the signatory for the city, and is generally recognized as the ceremonial and governmental head of the city for most purposes.

Most of the powers exercised by the mayor are created either by provisions in the charter or through ordinances and resolutions adopted by the city council. State law prescribes very few mayoral powers.

Legislative Responsibilities

The mayor's most important duty is to carry out the legislative responsibilities he or she shares with other members of the council—identifying the needs of the city, developing programs to satisfy those needs, and evaluating the extent to which municipal services satisfactorily reflect the policy goals of the council.

Most charters designate the mayor as presiding officer of the city council so his or her actual powers in legislative matters can be greater than those of other councilmembers. For example, as presiding officer of the council, the mayor can influence the flow of debate through the power to recognize councilmembers for motions or statements.

Also, the mayor rules on questions of procedure at council meetings, and those rulings are binding unless successfully challenged by a majority of the governing body. Finally, the charters of some cities authorize the mayor to veto ordinances and other enactments approved by the city council.

Appointive Powers

Appointive powers represent another area in which the mayor's powers often outrank those of councilmembers, especially in mayor-council cities where the mayor is authorized to appoint department heads and advisory board members. In council-manager cities, however, the mayor's appointive powers are usually more limited, since the city manager appoints

all or most administrative employees, and the full council often appoints the members of advisory boards and commissions.

Signatory Duties

As signatory for the city, the mayor must sign a variety of documents to give them official legal effect. The mayor must sign all bonds, certificates of obligation, warrants, and other evidence of debt, as well as ordinances, resolutions, advertisements for bids on public works projects, contracts, and similar legal paperwork. The mayor is also responsible for signing proclamations recognizing special events and personal achievements.

Ceremonial Duties

The mayor's participation in local ceremonial events is a never-ending responsibility. The mayor is expected on an almost daily basis to cut ribbons at ceremonies opening new businesses; break the ground to begin the construction of new city facilities; and regularly appear at fairs, parades, city events, and other community celebrations.

The mayor also issues proclamations for a variety of purposes, whether to honor visiting dignitaries, recognize exceptional achievements, or declare "Support Your Local School Week." And as a featured speaker before professional clubs, school assemblies, and neighborhood groups, the mayor can expect to be interviewed, photographed, and otherwise placed on extensive public display by the media.

Powers of the Mayor in Council-Manager Home Rule Cities

Under the council-manager form of government, the mayor has no day-to-day

administrative duties; rather, these are vested in a city manager who is responsible for implementing policies established by the council. In most council-manager cities, the mayor is in city hall on an irregular basis and is involved very little in routine operational matters.

The charters of most council-manager cities make it clear that the full council exercises the decision-making and that the mayor is considered the same as any other member of the council for policy-making purposes. This is accomplished by concentrating administrative powers in the hands of the city manager and by requiring action by the whole council—not just the mayor—to appoint key board and commission members.

And finally, a number of state laws further ensure that the full council shares appointive powers. Several examples can be found in the Local Government Code. Chapter 211 mandates that the city's governing body appoints the members of the city's zoning commission as well as the members of the zoning board of adjustment. Additionally, Chapters 504 and 505 authorize the governing body to appoint the directors of Type A and Type B economic development corporations.

Powers of the Mayor in Mayor-Council Home Rule Cities

The Mayor-Council setup, sometimes referred to as the "Strong Mayor" form of government, allows the mayor in home rule cities to serve in the dual roles of administrator and political head of the city. Even though this form of local government is allowable in home rule cities in Texas, it remains relatively uncommon. When adopted, the mayor is in city hall on a continuing basis, working with department heads on routine items that need to be

addressed each day, handling emergencies, and performing all of the ceremonial duties that go with the office. Depending on the city, the charter may give the mayor broad authority to deal with the many problems that arise each day. A skilled administrative staff usually is available to help the mayor carry the day-to-day load. In some cities, the charter gives the mayor the power to veto actions of the council.

The broad powers of the mayor in mayor-council cities usually are offset by charter provisions that require the council to ratify mayoral appointments and other key actions. For example, council approval of the budget provides councilmembers with an effective method of slowing down a zealous mayor by reducing or abolishing expenditures.

Further checks can be created by distributing governmental powers in a certain way. For instance, under the Houston charter, an elected city controller is responsible for supervising the expenditure of municipal funds independent of both the mayor and council.

Limitations on the Mayor's Powers

As noted above, the powers of the mayor in both mayor-council and council-manager home rule cities can be limited by requiring full council approval of the budget, board and commission appointments, and by distributing governmental powers among a variety of city officials rather than concentrating them in the office of mayor. Another way to impose restraints on the mayor is to limit his or her power at the council table. For example, some charters in home rule cities do not allow the mayor to initiate motions at council meetings, while some charters forbid the mayor from voting except to break a tie.

Office of the Mayor Pro Tem

The mayor pro tempore is a member of the council who performs the mayor's duties if the mayor's is incapacitated or absent. The mayor pro tem is usually selected by a majority vote of the council. The term of service as a mayor pro tem can vary from city to city. For example, in most cities the term of the mayor pro tem is often the same as that of a councilmember. In another city, for example, each councilmember serves a three-month term as mayor pro tem on a rotating basis.

Office of Councilmember

Councilmembers are the city's legislators. Their primary duty is policymaking, which includes identifying the needs of local residents, formulating programs to meet the changing requirements of the community, and measuring the effectiveness of ongoing municipal services.

Unless restricted by state law, each councilmember is entitled to vote on every question presented at a council meeting. And each councilmember has full parliamentary privileges in council meetings—including the right to speak and make motions when recognized by the chair and the right to introduce new ordinances and amendments to existing ones.

Though foremost in importance, lawmaking is just one of the many functions councilmembers perform. They also wear several other hats, which one writer describes as follows:

- **Regulator**—The council exercises regulatory powers over the conduct and property of its citizens. It has the

power to declare certain conduct to be criminal, to require that certain businesses and activities be licensed, and to tell property owners how and for what purposes they may use their property.

- **Financier**—The council must levy taxes, assess fees and charges, and sell bonds in order to finance the many functions of the city government. The council also has to budget the expenditure of the city's funds, and then explain to the people why city government is a bargain compared to the price of rampant crime, fires, disease, and all of the other problems that would flourish without proper city services.
- **Employer**—The council is responsible for all the city's employees and must see that they are adequately paid and provided with decent working conditions and fringe benefits.
- **Buyer**—The council is one of the biggest purchasers in the community and must see to it that the city gets the best value possible for dollars spent.

In addition to these everyday duties, councilmembers spend considerable time representing the city in a wide circle of external relationships. Examples include:

- Serving on committees of the Texas Municipal League and other statewide local government organizations.
- Working with state legislators on city-related bills.
- Working with the National League of Cities, the U.S. Conference of Mayors, and other national public interest groups on municipal issues pending before Congress or federal regulatory agencies.

- Supporting efforts of the chamber of commerce, industrial foundations, and other organizations to foster the city's economic development.

Size of the Council

There is no state law requiring the city council of a home rule city to be any particular size. As is true in so many other areas of home rule, the size of the governing body is determined by the city's charter.

Terms of Office

The terms of office for mayors and councilmembers range from two to four years and are set by the city's charter. More than ninety percent of all home rule charters provide continuity on the governing body by staggering councilmembers' terms, thus preventing wholesale changeovers on the council at any one election. Under staggered term procedures, the terms of approximately half of the members of the council expire at one municipal election, and the other half expire at the next election. For instance, in the case of a seven-member city council with two-year terms, the terms of three members might expire during each odd-numbered year, while the other four terms would expire during each even-numbered year. Some home rule charters limit the number of terms a councilmember may serve.

Method of Electing the Council

Council members in cities with two-year terms may be elected by winning a plurality of votes cast; however, Article XI, Section 11 of the Texas Constitution stipulates that in cities with terms longer than two years, members of the governing body must be elected by a majority

vote. This requirement can occasionally lead to the need for runoff elections to ensure a majority vote is achieved. There are four basic methods of electing home rule city councils in Texas. The first is the pure at-large system, under which candidates are elected citywide without regard to where they live.

The second is the at-large place system of electing the council, under which candidates run citywide, but each must file for a designated seat or “place” on the council.

Under an at-large/from-districts system, candidates are elected citywide, but councilmembers must reside in designated geographical areas of the city.

Under a single-member district electoral system, all candidates for the council (not including the mayor) must live in designated districts of the city and are voted upon only by the voters residing in those districts.

Additionally, a number of cities use hybrid electoral systems that combine various features of the plans described above. Mixed systems include those in which some members of the council are elected at-large and the remaining councilmembers are elected from single-member districts, or where some members of the council are elected at-large and the balance are elected from districts at-large.

Qualifications

Every candidate for the office of mayor or councilmember must meet the qualifications prescribed by the Texas Election Code, which requires that a candidate:

1. Be a United States citizen;
2. Be 18 years of age or older upon the commencement of the term to be filled at the election;
3. Has been a resident of Texas for at least 12 months as of the deadline for filing for the office;
4. Has resided in the city for at least 6 months as of the deadline for filing for the office;
5. Has not been convicted of a felony for which he or she has not been pardoned or otherwise released from the resulting disabilities;
6. Has not been found mentally incompetent by a final judgment of a court; and
7. Be a registered voter in the city.

(Election Code Section 141.001).

The Election Code authorizes home rule cities to establish two exceptions to these six criteria. First, the charter can require council candidates to be up to 21 years old, rather than 18, upon the commencement of the term to be filled at the election. Second, the charter can require candidates to be residents of the city for 12 months, rather than 6 months, as of the deadline for filing for office (Election Code Section 141.003).

Vacancies

Vacancies on the council can result from a failure to qualify for office, resignation, death, disability, recall, or failure of a member of council to meet the requirements of the charter. In some instances, a vacancy can occur if a member of the council announces for another elective office. For example, under Article XI, Section 11, of the Texas Constitution, in cities where the term of office

for councilmembers is three or four years, any councilmember who announces for another elective office automatically resigns from the council if more than one year and 30 days remains in his or her term at the time of such announcement.

Also, some city charters provide that any councilmember who runs for another office automatically vacates his or her seat on the council. For example, a city charter may provide that:

If any officer of the city shall file as a candidate for nomination or election to any public office, except to some office under this charter, they shall immediately forfeit their office.

Procedures for filling vacancies vary from charter to charter. In some instances, charters require that vacancies on the governing body be filled by appointment of the council in every case, regardless of whether a regular city election is imminent. The charters of others require the council to fill a single vacancy by appointment, but if two or more vacancies exist, they must be filled at a special election. Under Article XI, Section 11, of the Texas Constitution, cities with three- or four-year terms must fill all vacancies by election unless: (a) there is 12 months or less left in the member's term; and (b) the charter provides for appointment. Finally, some charters require that all council vacancies be filled by special election. Among these cities, the common practice is not to require special elections in cases where a regular city election is imminent (for example, within sixty to ninety days of the time the vacancy occurred).

Compensation

State law generally provides that the city council in a home rule city may set the amount of compensation for each officer of the city. The council and mayor's compensation can be governed by the charter or set by local policy if the charter is silent.

Salaries

In most of the cities operating under the mayor-council form of government, the mayor may receive a substantial salary for his or her full-time administrative services. In council-manager cities, the charter generally treats councilmembers as part-time legislators, providing them with minimum compensation.

Most charters fix the dollar amount of the salary or fees to be paid to members of the governing body. A few permit the council to set its own compensation.

Expense Reimbursement

It is commonplace for cities to reimburse members of council for travel, lodging, and other expenses incurred on official city business trips to meetings of the Texas Municipal League, National League of Cities, and similar organizations. Only a small number of charters make any mention whatsoever of members' expense reimbursement. Most travel policies are established by ordinance or resolution.

Other Benefits

A final category of benefits for councilmembers includes staff and office facilities. Again, there is no consistency among cities: benefits range from providing part-time clerical help to full-time secretaries and administrative assistants.

As with so many other issues, the question of what—if any—staff and facilities should be provided to councilmembers must be decided locally.

Chapter Four: Powers and Duties of Cities

Both home rule and general law cities have the authority to deal with many issues. General law cities must look to state law for the authority to act, while home rule cities may have more latitude in certain areas although the state legislature has seen fit to limit home rule authority in many ways (See Chapter One for a discussion on H.B. 2127). Below is a discussion of some of the basic powers given to cities.

Administrative Oversight in General Law Cities

The Mayor as Chief Executive Officer

In a general law city, a mayor's duties and authority come first from the Local Government Code and other state law and then may be expanded by the city council. See Local Government Code Sections 22.037, 22.042, and 23.027.

Through an express delegation of authority, the city council in some cities may delegate to the mayor the authority to supervise the city's employees, procure supplies, ensure that the streets are cleaned and repaired, or oversee the multitude of other items that need attention each day. The council may delegate the authority for department heads to report directly to the mayor, who then meets with them from time to time to check on their problems. Most of the mayors who assume these extensive responsibilities usually do so in addition to their regular jobs.

The degree of flexibility the council permits the mayor to exercise in administrative matters

varies from one city to another. In some cities, the council expects the mayor to make routine decisions only as specifically authorized by ordinances enacted by the governing body. In others, the mayor is given free rein over the city's administration. It is important to note that while the city council can delegate these authorities, they also retain the power to rescind or modify such delegations as circumstances or preferences change.

Placing the lead responsibility for administration in the hands of the mayor enables citizens and the city council to go to one central point for solutions to particular problems. Also, this arrangement can help focus accountability and keep the city's business moving ahead smoothly and efficiently. At the same time, this system can easily go awry if the mayor does not get along with the council, encounters political difficulty, or when council meetings deteriorate into haggling sessions over whether the mayor has the legal authority to do something.

The City Council as Administrative Board

In addition to their legislative duties, some city councils supervise local operations on a continuing basis. Under this approach, the full council approves all purchases and other administrative details, and department heads report directly to the council at every regular meeting.

This arrangement provides the council with maximum control over the city's operations and does not put power in a single individual. If a department is not functioning properly, the

council can go directly to the source of the problem and take corrective action.

The downside is that because councils meet just once or twice a month, they may not be able to deal in a timely manner with problems as they arise. Delays can occur if a department is unable to proceed with a project because of snags that only the council can overcome, or if critical items are left off council meeting agendas. This arrangement tends to be inefficient unless some method is established for coordinating the operations of various departments on a regular basis between council meetings, without violating open meetings laws.

City Manager or Administrator

Many city councils have found it advantageous to delegate administrative powers and responsibilities to a single appointive officer or employee. Often this official has the title “city manager” or “city administrator,” who is the chief administrative officer of the city. In other cases, the lead administrative role is assumed by the city clerk or secretary, the utility manager, or another department head who serves as “first among equals.” Whatever the title, the official the city has delegated administrative functions to, by ordinance or city policy, is responsible for overseeing all the city’s operations on a continuing basis and for reporting to the council on behalf of the various departments. All administrative actions by the council are taken through the official, and any questions the council may have concerning the enforcement of ordinances or performance of city programs are directed to that individual.

Centralizing authority and accountability in one appointed officer or employee can simplify the council’s job. The council will be

relieved of attending to minor details and will have more time for the important task of setting policy. With proper guidance from the council, a skillful administrator can create an efficient management team capable of running itself.

Conversely, concentrating too much authority in the hands of an appointed officer or employee may put a barrier between citizens and their elected representatives. Also, allowing a single person to control information concerning the city’s internal administrative operations can lead to a situation in which councilmembers are isolated from the real-world problems the community is experiencing with the city government.

The residents in general law cities have an additional option for choosing their city’s form of administrative oversight through an election. Chapter 25 of the Local Government Code allows for the creation of the city manager position pursuant to an election, with the duties established by state law. This form of government is rare and has different characteristics from other forms where a manager or administrator position is created solely by ordinance at the city council’s discretion.

Council Committees

Most smaller cities are faced with the problem of limited resources, and there simply are not enough staff members to handle the many demands imposed on the city organization. One method of dealing with this problem is to subdivide the council into administrative committees, each responsible for a different area of the city government.

Council committees usually are organized by service or function: police, fire, health, budget,

and so on. “Standing committees” are permanent panels that meet regularly and have assigned areas in which there is always work to be done. On the other hand, “ad hoc” or “special” committees serve on a temporary basis and deal with short-term items that cannot be handled by a standing committee. At the option of the city council, either the full council can designate the councilmembers who chair or serve as members of the various committees or the council can delegate this authority to the mayor.

Commonly, council committees serve as the liaison between the governing body and individual city departments. They communicate with department heads, ensure that the full council is kept apprised of departmental problems, and, as necessary, conduct departmental evaluations and report their findings to the council.

The most common temptation for members of council committees is to overstep the bounds of their authority. Although they can be vested with substantial authority—such as the authority to conduct investigations or take employment action—council committees do not possess legislative powers and should never attempt to act as if they are the city council.

One cautionary note: care should be taken to avoid violations of the Texas Open Meeting Act, which requires that notices of meetings of all governmental bodies be posted in advance and meetings be open to the public, unless an exception applies. If there is some question about whether meetings of a council committee are subject to the Open Meetings Act, the best practice usually is to assume that they are (see Texas attorney general opinions numbers H-3, and JM-1072; and JC-60) and consult with the city attorney for guidance.

Administrative Oversight in Home Rule Cities

While the same general policy-making functions are shared by city councils everywhere, administrative responsibilities differ according to the particular city government organization. For example, if the city operates under a city manager or city administrator plan, or if the mayor serves as an administrative head of the city, the council exercises control in a more indirect way by setting broad policies that are left to the mayor, manager, or administrator for execution.

Regardless of the administrative structure used, every city council should operate based on written policies that set out the specific powers and duties of all the city’s departments and officials. And some method should be established for ensuring that those policies are carried out. Policy decisions are not implemented automatically, and no matter how much careful thought may go into their preparation, there is always a management job to be done. Someone must assume the responsibility for organizing and controlling the city’s administrative machinery.

The city’s charter, along with local ordinances and policies, outline the administrative procedures in a home rule city.

The Police Power

Cities have the power to regulate a wide range of activities in order to promote the general welfare of the city’s residents. This is known as the city’s “police power,” and it encompasses

all governmental powers exercised for the public good.

More particularly, the police power is defined as the city's authority to preserve and promote the health, safety, morals, and welfare of local residents. It is based on the supremacy of the rights of the general public over individual rights. Some of the more common methods by which city police powers are exercised are described below.

To preserve the peace, the city council has the power to create a police department to maintain order, enact ordinances controlling noise and other disturbances, and require animals to be leashed. The council also can declare certain activities to be public nuisances and penalize persons who create them.

With regard to public health and safety, the council has the power to take all actions and make all regulations that may be necessary or expedient for the promotion of health or the suppression of disease. A city's authority to protect the health of the public is generally broader than other city police powers.

The regulation of dogs and other animals, the regulation of unwholesome business practices, and the regulation of slaughterhouses are just a few of the powers the city council may exercise to protect the health of its citizens. The council also has the power to enact quarantine regulations, regulate cemeteries, and regulate weeds and stagnant water. The authority for these regulations can be found in the Local Government Code, the Government Code, the Health and Safety Code, and other statutes.

Additionally, a city can enact a zoning ordinance to regulate land, improvements on the land, and the uses of the land. Zoning

regulations can include the height and size of buildings, the size of lots and density of population, and the location and use of buildings (Local Government Code Chapter 211). The city council also has the authority to prescribe some standards for the construction of buildings within the city, regulate the condition of buildings, and condemn unsafe buildings.

Planning, Subdivision Controls, and Annexation

The city council has the power to spend city funds to compile statistics, conduct studies, and make plans for the orderly growth of the city and the welfare of its residents. The council can create a planning commission to develop and maintain a city plan, and can establish a planning department to implement the plan.

The council can establish rules and regulations governing the subdivision and development of land within the city. The city also can extend its subdivision controls to land located within the city's area of extraterritorial jurisdiction in order to ensure the orderly development of outlying areas (Local Government Code Chapters 212 and 213).

As annexation authority stands today, except in certain specific circumstances, both home-rule and general law cities may annex property only on request of the landowners, or by following the procedures below:

1. A city may annex an area with a population of less than 200 only if the following conditions are met, as applicable: (1) the city obtains consent to annex the area through a petition

signed by more than 50 percent of the registered voters of the area; and (2) if the registered voters of the area do not own more than 50 percent of the land in the area, the petition described by (1) is signed by more than 50 percent of the owners of land in the area.

2. A city may annex an area with a population of 200 or more only if the following conditions are met, as applicable: (1) the city holds an election in the area proposed to be annexed at which the qualified voters of the area may vote on the question of the annexation and a majority of the votes received at the election approve the annexation; and (2) if the registered voters of the area do not own more than 50 percent of the land in the area, the city obtains consent to annex the area through a petition signed by more than 50 percent of the owners of land in the area.

Cities also may annex a very limited subset of properties without owner consent, including certain city-owned property and certain roads and rights-of-way.

Regulation of Streets and Other Public Places

The city council has supervisory powers over all streets, alleys, sidewalks, bridges, parks, and other public ways and places within the city. The council has the power to: (1) regulate the use of streets and other public ways, provide for cleaning and lighting, prevent and remove encroachments, and direct and regulate the planting of trees; (2) regulate openings for laying out gas, water, and other mains and pipes; (3) regulate the use of

sidewalks and require the owners or occupants of abutting premises to keep their sidewalks free from obstructions; (4) prevent activities that would result in damage to streets, alleys, or other public grounds; (5) regulate crosswalks, curbs, and gutters; (6) regulate and prevent the posting of signposts, handbills, and similar items on streets or sidewalks; (7) regulate traffic and sales on streets, sidewalks, and other public spaces; (8) control weedy lots and junked vehicles; (9) regulate the location of manufactured housing; and (10) regulate the location of sexually oriented businesses and establishments that sell alcoholic beverages.

Construction of Public Facilities

In addition to its regulatory powers, the council has the authority to erect, construct, and maintain a wide variety of facilities for public use, including water and sewage systems, airports, hospitals, parks, libraries, transit systems, electric and gas systems, streets, bridges, culverts, sidewalks, street lights, and many other kinds of facilities.

A city may construct or maintain certain public facilities using either traditional competitive bidding or an alternative procurement and delivery method (such as design-build, construction management, a job order contract, or competitive sealed proposals) that provides the “best value” to the city (Local Government Code Chapter 252 and Government Code Chapter 2267).

Donations of City Funds

The Texas Constitution prohibits the donation of city funds to private individuals, corporations, or associations (such

as garden clubs or The Scouts), no matter how worthy the cause. The purpose of this prohibition is to prevent a city council from appropriating public money for private purposes (Texas Constitution, art. III, §52, and art. XI, §3).

Expenditures that serve a “public purpose” (for example, contributions to a local volunteer fire department) may fall outside of the constitutional prohibition against donations.

If the city council wishes to make these expenditures, it must determine whether the expenditure accomplishes a public purpose, among other things. The determination is subject to review by the courts. Written contracts with formal control over use of a city expenditure or payment are usually necessary for the council to ensure that the city receives some sort of payment or value for its expenditure—the accomplishment of the public purpose.

The constitutional prohibition does not apply to expenditures made in connection with contracts for services provided by engineers, architects, and other professionals, nor to the payment of dues to the Texas Municipal League, councils of governments, or similar organizations.

A city may establish and implement programs to promote state or local economic development and to stimulate business and commercial activity within the city. These programs may include provisions for making loans and grants of public money and for utilizing the city’s personnel and services for the purpose of economic development (Local Government Code Chapter 380).

Payment of Bonuses to City Employees

The Texas Constitution (Article III, Sections 52 and 53) prohibits the payment of bonuses to city employees. If, for example, when December arrives, it is found that the city has some extra funds and it is decided that it would be nice to reward the city’s employees with a Christmas bonus, that distribution of public funds would be illegal. However, if the payment is part of the employee’s overall compensation, and is included in the budget, it can be a legitimate expenditure.

Public Purchasing

Chapter 252 of the Local Government Code requires that any city purchase requiring the payment of more than \$100,000 be awarded pursuant to certain competitive bidding or sealed proposal procedures. The statute mandates that the city either accept the lowest responsible bid under the traditional competitive bidding process, accept the bid or proposal that provides goods or services at the best value for the city, use an Internet-based reverse auction procedure, or participate in a cooperative purchasing program.

Certain cities that choose to use traditional competitive bidding when purchasing real or personal property may give preference to a local bidder if certain procedures are followed and the local bid is within a certain percentage of the lowest bid from a non-local bidder. In some cases, local preference is allowed only if the purchase is for less than \$100,000.

Cities making an expenditure of more than \$3,000 but less than \$100,000 must contact at least two historically underutilized businesses

(HUBs) from a list provided by the Texas Facilities Commission through the state comptroller's office. If the list does not identify a HUB in the county in which the city is situated, the city is exempt from this requirement.

The above procedures do not apply to some purchases, including: (1) the purchase of land or rights-of-way; (2) personal or professional services, such as engineering, architectural, or planning services; (3) property bought at an auction; (4) property bought at a going-out-of-business sale; (5) property bought from another political subdivision or the state or federal government; and (6) advertising, other than legal notices.

And the city can waive the requirement for bids in—for example—the following instances: (1) in the case of public calamity, where it becomes necessary to act at once to provide relief for local citizens or to preserve or protect the public health; or (2) in the case of unforeseen damage to public property, machinery, or equipment, where immediate repair is necessary.

A city may use a competitive sealed proposal procedure for the purchase of goods, services, and high technology items. If a city makes a contract without compliance with competitive procurement laws, it is void, and the performance of the contract, including the payment of any money under the contract, may be enjoined by: (1) any property tax-paying resident of the city; or (2) a person who submitted a bid for a contract to which the competitive sealed bidding requirement applies, regardless of residency, if the contract is for the construction of public works.

City Depository

Under chapter 105 of the Local Government Code, the city council is authorized to designate a bank as the official depository of the city's funds. The city attorney should be consulted as to the manner of designating the depository, as well as procedures the city must follow after designation has been made.

Uniform Election Dates

The Texas Election Code prescribes certain days for holding municipal elections for officers. Any municipal election for officers held on a day other than one of those prescribed is void, with a few exceptions. Currently, the uniform election dates for city elections are the first Saturday in May and the first Tuesday after the first Monday in November.

Official Newspaper

At the beginning of each fiscal year, the council is required to designate the official newspaper of the city by ordinance or resolution. In the official newspaper, the city must publish the captions of penal ordinances, notifications of public hearings, and other required public notices (Local Government Code Sections 52.004 and 52.011). Type B general law cities must, before enforcing an ordinance, publish the ordinance (or simply the caption and penalty for violations of the ordinance) enacted by the governing body by either posting it in three public places or by publication in the newspaper (Local Government Code chapter 52). Many home rule charters have similar provisions.

Federal Voting Rights Act

On June 25, 2013, the United States Supreme Court issued its opinion in *Shelby County v. Holder*. In the case, Shelby County, Alabama, alleged that the basis for applying the federal Voting Rights Act to certain states is unconstitutional. The Court agreed. It concluded that Section 4 of the Act is unconstitutional, but the holding also affects other portions of the law, including the requirement that any voting change made by a city be “precleared” by submitting it to the United States Department of Justice or a federal court for a determination that it is not discriminatory.

In response to the opinion, the United States Department of Justice is providing a written response to jurisdictions that submit proposed changes to the Attorney General that advises that no determination will be made under Section 5 of the Voting Rights Act on the specified change.

Based on the United States Department of Justice’s response, the Texas Municipal League

advises that Section 5 preclearance submissions to the Department of Justice are no longer required. However, each city should heed the advice of its attorney to make the determination on whether or not preclearance is required, as pending litigation may impact other sections of the Voting Rights Act.

Delegation of Legislative Powers

The city council is prohibited from delegating its legislative powers. As a practical matter, this means that the council may not authorize any person, committee, board, or commission to make policy decisions on its behalf. City council can assign the job of ensuring that the council’s policies are carried out to the mayor, city manager, or some other city official. But the ultimate responsibility for establishing policy rests with the council.

Chapter Five:

The City Council at Work: Open Government

It is imperative that every meeting of the city council be conducted in an orderly and legal manner. If the council's conduct is improper, the legality of its actions may be successfully challenged in court. If its meetings are slovenly and disorganized, the council cannot expect to command public respect.

Legal Requirements

State law prescribes several specific requirements for council meetings, including: (1) that meetings be scheduled at a fixed time and place; (2) that notice of a meetings be posted within a specific time frame; (3) that a quorum of the council be present (either in person or, in certain cases, by video conference) for the transaction of business; and (4) that any question before the council be decided by majority vote of the members present and voting, except where the law requires otherwise.

Texas Open Meetings Act

Every meeting of the city council must be conducted in accordance with Chapter 551 of the Government Code, the Texas Open Meetings Act. Among all the state laws affecting city officials, this is the one most likely to be unintentionally violated because of lack of knowledge.

To help educate government officials on the Act's requirements, each elected or appointed member of a governmental body must take at

least one hour of training in the Open Meetings Act. The training must be completed not later than 90 days after the member takes the oath of office or assumes the responsibilities of the office.

The attorney general's office allows the training requirement to be met in at least two ways: (1) viewing a video that is available to borrow or online; and (2) receiving training from certified entities, such as TML. Please visit the attorney general's website or call TML for more information on the training.

The Open Meetings Act requires that written notice of the date, hour, location, and subject of every council meeting be posted at least three business days in advance of such meeting on a bulletin board in city hall accessible to the public day and night. Cities that maintain a website must also concurrently post the notice of the city council meeting and the meeting agenda on the city's website. Also, the minutes of the city council's meetings must be posted on the city's website when approved. The validity of an Internet posting of the notice and agenda by a city that is made in good faith to comply with the requirements of the law is not affected by the failure to comply due to technical problems beyond the control of the city. Additionally, if the city makes a good-faith attempt to continuously post the notice of the meeting on the Internet during the prescribed period, the notice physically posted at city hall must be readily accessible to the general public only during normal business

hours. There are some special requirements, including additional notice requirements, if a meeting is to be held by videoconference call. And when a city holds a meeting to discuss the city's budget, the notice must also include the proposed budget and a taxpayer impact statement.

There are three exceptions to the three-business-day posting requirement:

- 1) At least one hour advance notice is required for a special meeting called in the case of "emergency or urgent public necessity," the nature of which must be stated in the notice.
- 2) Emergency or urgent public necessity items may be added to an agenda of a meeting for which three business days' notice has already been posted if a supplemental notice listing such items is posted at least one hour prior to the meeting stating the emergency that requires action on the additional items.
- 3) Pursuant to a general posting of items of "community interest," the following need not specifically appear on the posted notice: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; honorary recognitions of city officials, employees, or other citizens; reminders about upcoming events sponsored by the city or other entity that is scheduled to be attended by a city official or employee; and announcements involving imminent threats to the public health and safety of the city.

The Act also requires that all council meetings, with narrow exceptions, be open to the public. Closed meetings (also referred to as "executive

sessions") are permitted for the discussion of items that legitimately fall within the exceptions stated in the law. Exceptions from the open meeting requirement are provided for the following:

- 1) Private consultations between the city council and its lawyers to discuss pending or contemplated litigation, settlement offers, and other legal matters that implicate the attorney-client privilege. The city's attorney must be present (either in person if the attorney is a city employee, or in person or by telephone, video conference call, or Internet communications if the attorney is an independent contractor) at any closed meeting held under this exception.
- 2) Discussions regarding the purchase, exchange, lease, or value of real property, or negotiated contracts for prospective gifts or donations to the city, when a discussion of these items in public would have a detrimental effect on the city's negotiating position.
- 3) Deliberations involving the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a city officer or employee, or to hear complaints or charges against such officer or employee, unless such officer or employee requests a public hearing.
- 4) Discussions regarding the deployment or implementation of security personnel or devices, or a security audit. Also, security assessments or deployment relating to information research technology.
- 5) Discussions regarding commercial information received from a business prospect and/or the nature of any

incentives being considered by the city for economic development purposes.

- 6) Deliberations regarding a test item or information relating to a test that the city administers to individuals who seek to obtain or renew a license or certificate necessary to engage in an activity.
- 7) Electric or gas service discussions in very limited circumstances.
- 8) Discussions regarding various critical infrastructure and homeland security information, including: (a) staffing requirements of an emergency response provider; (b) tactical plans; (c) infrastructure vulnerability assessments and other reports prepared for the federal government; (d) the location of dangerous materials that may be used for weapons; (e) computer passwords; and (f) information regarding security systems that protect property from terrorism or related criminal activity.

Before an executive session can take place, the council must first convene in open session, the presiding officer must announce that a closed meeting will take place, and he or she then must identify the section of the Open Meetings Act that authorizes the closed session.

The law requires that a certified agenda or a recording must be made of all meetings that are closed to the public, except executive sessions held for the purpose of consulting with an attorney under the provisions of the law. For an executive session to discuss critical infrastructure or homeland security matters, a recording is mandatory. The law does not define the term "certified agenda," but it does provide that the certified agenda shall state the subject matter of each deliberation and

include a record of any further action taken. It also must include a record of the date and time of the beginning and end of the meeting. The presiding officer must certify that the agenda is a true and correct record of the proceedings. In lieu of the certified agenda, the city may make a recording of the closed meeting, including an announcement made by the presiding officer at the beginning and end of the meeting indicating the date and start and end times.

The certified agenda or the recording must be maintained for a period of two years after the date of the meeting. However, if a lawsuit is filed during this two-year period, the certified agenda or recording must be preserved pending the outcome of the action. The certified agenda or recording is not a public record, and it is a criminal offense to make either available to the public without lawful authority, but either may be reviewed by a current member of the city council. It is advisable that the certified agenda or the recording be placed in a sealed envelope identifying the contents and then placed in secured storage. The certified agenda and tape recording are available for inspection by a judge if litigation has been initiated involving an alleged violation of the open meetings law. The judge may order that the recording or certified agenda be made available to the public if the closed meeting was not authorized.

Although a certification of the posted notice may have been the intent of the legislature, the fact that a certified agenda or recording is to be made available to members of the public only upon court order may indicate that the contents of the certified agenda consist of a more descriptive agenda item than might be placed on the posted notice. For example, while the posted notice may state that an

executive session is being held for the purpose of discussing “Land Acquisition for an Electric Substation,” the certified agenda may read “Land Acquisition—Discuss acquisition of land for a new electric substation to serve The Oaks subdivision.” Although the statute requires the certified agenda to include a record of any further action taken, the open meetings law expressly provides that no final action, decision, or vote can be made except in a meeting that is open to the public. The “further action” which must be noted on the certified agenda may be, for instance, no action, a directive to place the item on an open meeting agenda for final action, or a request that additional information be gathered for discussion on another date.

One of the most difficult aspects of the Open Meetings Act results from the fact that communications between a quorum of a city council about public business, no matter the forum or the time, constitute a “meeting” to which the Open Meetings Act applies. As a result, members of council have generally been advised to avoid commenting, for instance, on social media sites related to city business if the discussion will ultimately involve a quorum.

However, a written communication between members of council about public business or public policy over which the council has supervision or control does not constitute a meeting if the following conditions are met: (1) the communication is posted to a city-owned or controlled online message board that is viewable and searchable by the public, (2) the communication is displayed in real time and displayed on the message board for no less than 30 days after the communication is first posted, and (3) the message board is prominently displayed on the city’s primary internet webpage and not more than one click

away from the city’s primary internet webpage. A city may not have more than one online message board used for these purposes.

Additionally, the online message board may only be used by members of council or city employees who have received authorization from the council. If a city employee posts on the message board, the employee must include his or her name and title with the communication. Moreover, the council may not vote or take action by posting on the city’s online message board, and if the city removes a posted message, the city must retain the posting for six years as it is considered public information.

Stiff penalties are provided for violations of the Open Meetings Act. A member of council who participates in an illegal closed meeting can be punished by a fine of \$100 to \$500, confinement in the county jail for one to six months, or both. The same penalty applies to a member of council who engages in a prohibited series of communications. For instance, using the telephone or email to poll other members of council or meeting with them individually to deliberate over some matter of city business that will be deliberated among a quorum of members could violate the Act.

The actions taken by a city council in an illegal meeting are voidable, and a court may assess costs of litigation and reasonable attorney’s fees incurred by a party who substantially prevails in an action brought under the open meetings law.

Public Information Act

Chapter 552 of the Government Code requires that most city records, including those in the possession of members of council, be open to public inspection.

As with the Open Meetings Act, each elected or appointed member of the city council must take at least one hour of training in the Public Information Act or designate a public information coordinator to take the training on his or her behalf.

The training or designation must be completed not later than 90 days after the member takes the oath of office or assumes the responsibilities of the office. Again, note that a public official (for example, a member of a city council) may designate a public information coordinator to satisfy the open records training requirement.

“Public information” is defined as information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business: (1) by a governmental body; (2) for a governmental body and the governmental body: (a) owns the information; (c) has a right of access to the information; or (d) spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information; or (3) by an individual officer or employee of a governmental body in the officer’s or employee’s official capacity and the information pertains to official business of the governmental body. Information is in connection with the transaction of official business if the information is created by, transmitted to, received by, or maintained by an officer or employee of the governmental body in the officer’s or employee’s official capacity, or a person or entity performing

official business or a governmental function on behalf of a governmental body, and pertains to official business of the governmental body.

“Public information” includes any electronic communication created, transmitted, received, or maintained on any device if the communication is in connection with the transaction of official business. “Official business” is defined as any matter over which a governmental body has any authority, administrative duties, or advisory duties. This means, for instance, that the Public Information Act now expressly provides that communications on the privately-owned computer or cell phone of a member of council, if made in connection with the transaction of official business, are public information.

Members of council are considered “temporary custodians” of the public information on their privately-owned devices. A “temporary custodian” is an officer or employee of a city, including a former officer or employee, who, in transaction of official business, creates or receives public information that the officer or employee has not provided to the city’s officer for public information or the officer’s agent. As a temporary custodian, the member of council must either preserve the public information in its original form in a backup or archive and on the privately-owned device for the required record retention period, or transfer the public information to the city or the city server. Also, as a temporary custodian, a member of council is required to surrender public information in a privately-owned device and that is the subject of public information request to the public information coordinator not later than the tenth day after receiving a request from the public information coordinator. Failure to surrender the information could be grounds for disciplinary action by the city council, as well as,

other penalties being brought against the temporary custodian.

The media on which public information is recorded may include paper; film; a magnetic, optical, or solid state or other device that can store an electronic signal; tape; mylar; and any physical material on which information may be recorded, including linen, silk, and vellum. The general forms in which the media containing public information exist may include a book, paper, letter, document, email, Internet posting, text message, instant message, other electronic communication, printout, photograph, film, tape, microfiche, microfilm, photostat, sound recording, map, and drawing and a voice, data, or video representation held in computer memory.

Certain information is specifically excluded from the requirements of the law. While the list of exempt materials is too long to recite here, it includes such information as working papers being used to draft ordinances or resolutions; certain personnel records; certain law enforcement records; information that would, if released, give an advantage to bidders; documents protected because of attorney-client relationships; documents relating to pending litigation; and various types of critical infrastructure and homeland security information, including information that relates to: (1) staffing requirements of an emergency response provider; (2) tactical plans; (3) infrastructure vulnerability assessments and other reports prepared for the federal government; (4) the location of dangerous materials that may be used for weapons; (5) computer passwords; and (6) information regarding security systems that protect property from terrorism or related criminal activity.

Despite the narrow exemptions established in the law, its net effect is to require that most public information, upon request, must be made promptly available, to members of the public. A city that receives a written request for information that it wishes to withhold from public disclosure and that it considers to be within one of the exceptions to disclosure under the Public Information Act, must, with some exceptions, ask for a decision from the Texas attorney general. If an attorney general decision is required, the city must request the decision and state the exceptions that apply not later than the 10th business day after receiving the written request. Not later than the 15th business day after receiving the request, the city must submit to the attorney general the reasons that the exceptions apply, a copy of the request for information, and a copy of the information requested or representative samples labeled to indicate which exceptions apply to which parts of the information. Cities, other than those with fewer than 16 full-time employees or that are located in a county with a population of less than 150,000, are required to submit all requests for an attorney general ruling and certain related documents through the attorney general's electronic filing system.

Formal Meetings of the Council/ The Agenda

A well-organized agenda is an indispensable part of every orderly council meeting. The agenda establishes a calendar of activities for the council to follow in the course of its meeting. It lists all the items of business that will be considered. By putting members of council on notice as to what will be discussed,

each of them is enabled to arrive at the meeting prepared and ready to conduct business.

The following illustrates a typical agenda format:

- 1) Call to Order—The presiding officer calls the meeting to order and determines whether a quorum is present.
- 2) Invocation—Optional.
- 3) Roll Call—Although most city councils are small enough to readily determine who is present by simply looking around the council table, a formal roll call lends an air of dignity to the proceedings.
- 4) Approve Minutes of the Previous Meeting—Unless a majority of the council desires that the minutes of the previous council meeting be read, the minutes can be approved as submitted or corrected.
- 5) Consent Items—“Consent” items are noncontroversial items that can be considered and voted upon as a block.
- 6) Public Comment Session—Scheduling this agenda item early in the meeting permits members of the public to complete their business with the council in a timely manner and then leave if they wish.
- 7) Public Hearings.
- 8) Old Business—Final passage of ordinances, and other business pending from previous council meetings.
- 9) New Business—New ordinances or resolutions (or amendments to existing ones) or policies that councilmembers or city staff wish to have the council consider. Under the Open Meetings Act, each item to be considered must be specifically described in the agenda.

It is not sufficient just to put the words “New Business” or “Old Business” on the agenda, and then allow the consideration at the council meeting of any or all items that might be brought up.

- 10) Reports of Advisory Boards and Commissions—Each board or commission must be listed, together with a description of each report that will be presented at the council meeting.
- 11) Items from Council—This part of the agenda is provided for members of council to present matters other than ordinances, resolutions, and other matters requiring formal action. The attorney general has opined that matters raised by members of council or city staff must be specifically described on the agenda (other than items of “community interest,” as previously explained in this chapter). Examples would include a councilmember’s request that the staff take action on a particular problem, as described in the agenda.
- 12) Staff Reports—This agenda item includes reports from the mayor and/or city administrator on the status of various projects, problems that are developing in particular neighborhoods, and so on. Under the open meetings law, each of these reports must be listed and specifically described in the agenda.
- 13) Announcements.
- 14) Adjournment—If there is no further business, the mayor can adjourn the meeting. If all of the items listed in the agenda have not been considered and disposed of, a majority vote usually is required to adjourn.

The amount of detail included in the agenda is a matter for the council to decide. Oftentimes, the agenda is used as the notice of the meeting. In that case, the legal rule applicable to the format of an agenda is found in the open meetings law, which requires that every agenda item be specifically described in the meeting notice. In practice, this means that broad categories, such as “Old Business” or “New Business,” cannot be included in the agenda without listing each of the specific items that will be discussed. The Open Meetings Act requires that each subject in a meeting be fully disclosed in the notice.

The city council is specifically required to keep minutes or a recording of each of its open meetings. The minutes must state the subject matter of each deliberation and must indicate each vote, other decision, or other action taken by the council. The minutes or recording are public records and may be examined or copied by members of the public. This requirement must be met for all open meetings of the council, including meetings where formal actions or votes do not occur. For example, a city council or board that meets to discuss formulation or development of a policy or ordinance that will be voted on at a later date must keep a formal record of the proceedings, even though no final vote or action is taken. As mentioned above, a closed meeting requires either a certified agenda or an audio recording.

Rules of Order and Procedure

Recognizing that every legislative body needs a systematic way of conducting its business, many city councils operate according to formal rules of order and procedure. Rules of order and procedure prevent confusion by establishing an organized process for

conducting council meetings. Properly followed, they save time for all participants, while protecting the individual member’s right to participate fully.

The following provisions usually are included in rules of order and procedure:

- Designation of the time and location of regular meetings of the council, together with a description of procedures for calling special meetings;
- Procedures for placing items on a meeting agenda;
- Methods for compelling members of council to attend meetings;
- A description of the duties of the presiding officer at council meetings;
- A description of the parliamentary rules under which the council will operate;
- Procedures for introducing and voting on ordinances, resolutions, and other items;
- The order of business the council will follow at each meeting; and
- A ranking of motions by order or precedence, which motions may or may not be debated, and so on.

Although most city councils use *Robert’s Rules of Order* to conduct their meetings, some have adopted their own local rules. *Robert’s Rules of Order* may be appropriate for some cities, but is often too cumbersome for others. State law is silent with regard to what procedural rules apply; so, unless your city charter provides otherwise, any standard rules that are reasonable and consistently followed are acceptable.

The following two sections briefly describe motions and debate rules that are fairly common.

Motions

A motion is simply a vehicle for initiating action on a proposal. Some types of motions can be brought up and voted on at any time, while others are out of order at certain times.

Certain motions outrank others. Some motions require a second; others do not. Knowing the difference between the various types of motions and when to use them is a first step in taking an active part in passing or defeating measures before the council.

A main motion is used to initiate the consideration of a new item of business. After being seconded, a main motion is subject to being debated, amended, tabled, or withdrawn before a final vote is taken.

Any councilmember making a main motion may, prior to receiving a second, withdraw or change it. If the motion has been seconded, approval of the person who seconded it is required in order for the maker of the motion to change or withdraw it, unless another councilmember objects, in which case the change or withdrawal must be voted upon.

A new main motion cannot be brought up for consideration while another main motion is being debated. Each main motion must be disposed of before another is made.

A secondary motion is used to propose an action on a main motion being debated by the council. Examples of secondary motions include the following:

- 1) Motion to table the main motion; that is, lay it aside and go on to the next item on the agenda.
- 2) Motion to request that discussion cease and that the main motion be

voted upon; that is, moving the previous question.

- 3) Motion to limit discussion to a fixed amount of time.
- 4) Motion to postpone action on the proposal until some definite time in the future.
- 5) Motion to refer the proposal to a committee.
- 6) Motion to amend the main motion.
- 7) Motion to postpone action on the proposal to an indefinite future time.

These examples of secondary motions are listed in the order of their rank. Therefore, if the council is debating Councilmember X's motion that the item under consideration be referred to a committee, and Councilmember Y moves to table the main motion, debate would cease until Councilmember Y's higher-ranking motion is voted upon.

A privileged motion is used to bring procedural questions before the council, such as whether the council should recess or adjourn. Unlike other motions, privileged motions do not require a second in order to be considered.

A privileged motion can be offered at any time, without regard to any other motion pending before the council and must be decided before the council returns to the other business under discussion. Therefore, a motion to adjourn, if made while a main motion is before the council, must be decided before the main motion is considered any further.

Some privileged motions are more privileged than others. This is the usual order of their importance:

- 1) Motion to set the time and place of the next meeting.
- 2) Motion to fix the time of adjournment.

- 3) Motion to adjourn.
- 4) Motion to recess.
- 5) Motions on questions of privilege.
- 6) Motion to keep the meeting to the agreed order of business.

Thus, during consideration of a main motion, a privileged motion might be made to adjourn. But before the question is called on the motion to adjourn, another higher-ranking privileged motion might be made to set the time and place of the next meeting.

Debate

Motions are usually classified three ways: (1) undebatable motions; (2) privileged motions upon which limited debate is permitted; and (3) fully debatable motions.

Undebatable motions involve procedural questions that can be resolved without discussion, such as tabling a main motion, moving the previous question, restricting further discussion of a main motion to a fixed number of minutes, postponing action, or referring an item under discussion to a committee. [See items (1) through (7) under “secondary motions.”] After an undebatable motion is offered, the presiding officer must immediately take a vote, without discussion.

Privileged motions upon which limited debate is permitted include setting the time of the next meeting and others listed among items (1) through (6) under “privileged motions.” Any discussion of a privileged motion must be addressed to the motion itself. A motion to fix the time for adjourning the council meeting, for example, might require limited debate as to the advisability of such a decision, but other points of discussion would be out of order.

Fully debatable motions are subject to unlimited discussion prior to a decision.

One of the most important principles of debate is that councilmembers’ statements be directly relevant to the item under consideration. Councilmembers recognized by the mayor are given the floor only for the purpose of discussing the item then pending, and they are out of order if they depart from that item.

“Debate” can easily evolve into statements of personal philosophy. Interesting though they may seem to the speaker, such departures do not belong in a council meeting. Meandering can be controlled by limiting councilmembers to one speech per agenda item or by restricting the length of their speeches. (Robert’s Rules of Order sets an arbitrary limit of 10 minutes for each such speech.) A more difficult alternative is to impose limits on the total number of minutes that will be allotted for a given agenda item.

Role of the Mayor as Presiding Officer

The mayor, as presiding officer, has the primary responsibility for ensuring that the council’s rules of procedure are followed and for maintaining the dignity of council meetings. The mayor calls the meeting to order and confines the discussion to the agreed order of business. He or she recognizes councilmembers for motions and statements and allows participation from the public at appropriate times. The mayor sees to it that speakers limit their remarks to the item being considered and, as necessary, calls down people who are out of order.

Proper performance of these functions requires that the mayor know parliamentary procedure and how to apply it. The mayor

must recognize that parliamentary procedure is a tool, not a bludgeon—that is used to ensure that the will of the majority prevails while the right of the minority to be heard is protected.

In addition to fulfilling the duties of the presiding officer, the mayor should be familiar with legal requirements imposed by state law. This involves knowing which actions are required on ordinances, when extraordinary council votes are required, and when a time element—such as the deadline for giving notice of a city election—is important. The city attorney can help with these matters, but if the mayor knows the basics, time can be saved and illegal or incomplete actions prevented.

Presiding effectively at a council meeting is an art that no book can fully teach. The tactful presiding officer knows how to courteously discourage councilmembers who talk too much or too often, and how to encourage shy councilmembers who are hesitant to speak at all.

Councilmembers' remarks should always be directed to the chair. Even when responding to questions asked by another councilmember, he or she should begin by saying, "Mayor, if you will permit me. . ." and wait for recognition from the chair before proceeding. This helps avoid the spectacle of two councilmembers haggling over an issue that is of little interest to their council colleagues.

In addition to maintaining order and decorum at council meetings, the mayor must see to it that all motions are properly dealt with as they arise. The mayor must recognize the councilmember offering the motion, restate the motion, present it to the council for consideration, call for the vote, announce the

vote, give the results of the effect of the vote, and then announce the next order of business.

In some cases, the mayor might refuse to allow a councilmember to offer a motion, even though it is in order, either because of unfamiliarity with parliamentary procedure or because of personal opposition to the proposed action. The mayor's refusal to allow a motion to be considered is subject to appeal, as are all of the mayor's decisions regarding procedures. A simple majority vote is all that is required to overrule the mayor's decision on procedural issues. If the decision of the chair is sustained, no further action is taken; but if the decision of the chair is overruled by the council, the council goes forward with the discussion of the motion or other matters before it.

On rare occasions, the mayor, in the heat of the moment, may rule that an appeal is out of order, or even declare the meeting adjourned. Both rulings are improper. A meeting cannot be summarily adjourned by the mayor. If an appeal from the decision of the chair is made immediately following the ruling, it is not out of order. If the mayor refuses to honor the appeal, the person making the appeal could then state the question, suggest limited debate, and then put the question to a vote.

Streamlining Council Meetings

Even the best planned council meetings can deteriorate into endurance contests. These are not necessarily the exceptional meetings, with long public hearings or battles over controversial ordinances. As often as not, these are regularly-scheduled meetings which drone on until the entire council is thoroughly exhausted.

Regulating Talk

Too much talking is the most common cause of lengthy meetings. Talking can assume a variety of forms—bickering or tiresome exchanges of personal opinions among councilmembers, endless speeches by citizens appearing before the council, or unnecessarily long and detailed reports by staff.

Nearly all these problems can be overcome by tactful action on the part of the presiding officer. If citizens addressing the council ramble on and on, the mayor may have no choice but to tell them to confine their remarks to the subject at hand and conclude as quickly as possible. If the problem is created by a talkative councilmember, a simple statement to the effect that “it’s getting late and we must move along” usually will suffice, though private visits by the mayor may be needed to handle chronic talkers.

Shortening the Agenda

Having too many items on the agenda is another frequent cause of lengthy council meetings. This is not an easy problem to solve, and several evaluation sessions may be needed to correct the situation.

Perhaps the agenda is loaded down with detailed items that are included for reasons of custom, rather than necessity, and many of these could be handled by staff without council action. If too much meeting time is needed to explain the various items on the agenda, perhaps a requirement that the more complex ones be explained in writing in advance of the meeting would help.

In some cases, it may be discovered that lengthy council meetings are the result of complexities that simply cannot be overcome.

In these instances, the only answer may be more frequent meetings.

Handling “Consent” Agenda Items

Agendas tend to be cluttered with uncontroversial, recurring items that are of little interest to most councilmembers but must be included because they require formal council approval. Examples include council approval of the minutes of previous meetings, routine purchases, and minor fund transfers between accounts. Most of these items generate no discussion, but each uses up time by requiring a separate motion to approve, a second, and a vote.

This problem can be overcome by establishing a “consent” agenda category that encompasses routine items that are approved by a single motion and a vote, without debate. (“Councilmember Smith moves the approval of items 3a, b, c, d, e, f, and g.”)

If a councilmember objects to a consent item, it is removed from the list and added to the regular agenda at the appropriate spot. If a councilmember questions a consent item, but not so strongly as to require that it be removed from the list, his or her “no” vote or abstention can be entered in the minutes when the consent vote is taken.

The number of consent items can range from a handful to 25 or 30 or more, depending on the council’s workload and preferences. Whatever the size, the consent agenda can be a real time-saver. One city reported that using a consent agenda had slashed the length of the average council meeting by 50 percent.

Administrative Improvements

Some council meetings are unnecessarily long because of deficiencies in the city's administrative procedures. For example, residents who can't get their problems solved at city hall during normal business hours are likely to show up at council meetings to demand assistance. The fact that most of these complaints should have been handled through administrative action does not relieve the council of the duty to spend time listening to them.

Councilmembers who sense that too much formal meeting time is being devoted to hearing gripes from residents about administrative inaction usually come to the conclusion that the way to get frustrated residents off the agenda and into proper channels is to establish a system for receiving and processing complaints. The system can be simple, such as assigning one or two employees to process complaints on a part-time basis, or it can be a more sophisticated office operated by a full-time staff. In any event, it is usually advisable to have at least one staff member responsible for this function attend council meetings to be available to head off complaints.

Mechanical Aids

The time needed to explain an agenda item can be reduced by using photographs, flipcharts, and other graphic arts to supplement or replace written reports. Graphics and visual presentations needn't be expensive. In most cases, using a simple map to show the location of a project, flow charts to illustrate a particular procedure or process, photographs to point out the physical characteristics of the matter being discussed, or a PowerPoint presentation can provide the extra perspective that written words or oral discussions sometimes fail to convey.

Council Work Sessions

Informal work sessions (sometimes called "workshops") of the council may be needed from time to time to study certain matters in detail. These are most often held in conjunction with budget review since regular council meetings do not provide enough time to consider the budget in detail. Work sessions are also useful when major policy questions must be decided or when a complicated ordinance, such as a building code, comes before the council.

The Texas Open Meetings Act applies to all council meetings, including workshops. The notice of a workshop meeting therefore should be posted in the same manner as a notice of regular council meeting. Also, minutes or a recording must be made of the meeting.

Public Participation

Many members of the public form their opinions of the city government on the basis of having attended just one council meeting. For some, it will be the only one they attend in their lifetime. This is the time to impress citizens favorably, and to show them that the council is capable of doing its job.

The "public participation" period, also known as "public comment" or "public session," is a time slot set aside on the agenda for the public to address the council. Members of the public are entitled to speak on an agenda item either before or during the council's consideration of the item. The council can adopt reasonable rules regarding the right of the public to address the council. This includes limiting the amount of time that the public may address

the council on a given item. If the citizen addressing the council on an item on the agenda speaks a foreign language and needs an interpreter, then the council must allow the non-English speaker at least double the time allowed for English speakers to address the council. Though members of council are expected to be polite to members of the public appearing before them, they may not prevent the public from publicly criticizing the council or its actions during the public comment period.

The presiding officer should inform members of the public of the place on the agenda at which time they will be recognized to speak. And if an exceptionally controversial item has drawn a large crowd, it is generally wise to state the approximate time the item is likely to come up for discussion.

To guard against filibusters by members of the public, some councils limit the length of time any one member may speak to three or four minutes, and permit this to be extended only by a two-thirds vote of the council. This kind of limitation is often necessary to keep talkative speakers from infringing on the rights of others who may wish to speak.

A city council may also allow the public to speak on items that are not listed on the agenda during a public comment session. If the city council allows the public to do so, it may apply reasonable rules regarding the number, frequency, and length of presentation, but it cannot discriminate against speakers. In such instances, limited verbal interchanges between members of the public and members of council are allowed. When a member of the public makes an inquiry about a subject which is not on the agenda, a member of council may respond with a statement of factual

information or recite existing policy.

Because the city council cannot take action on an item unless it has been posted on the agenda in accordance with the Open Meetings Act, if a citizen brings an item before the council that needs to be acted upon, the city council should request that it be placed on the agenda for the next meeting. The attorney general has also stated that if a city knows or reasonably should know the subject matter of a citizen's presentation, it should place the matter on the agenda.

Public Hearings

The purpose of a public hearing is to present evidence on both sides of an issue. Some public hearings are required by state law, as in the case of the Uniform Budget Law (Sections 102.001 et seq., Local Government Code), which requires a public hearing on the city budget prior to its adoption. Others are voluntarily conducted by the council to obtain a full range of citizen opinion on important matters, such as a proposed bond issue. The difference between a public hearing and a public comment session is that a public hearing is required by law for particular topics with specific notice requirements set out by law.

The proper conduct of a public hearing is no less important than for a regular council meeting. Each should begin promptly and be conducted in an orderly manner in conformance with established rules of procedure.

At the start of the hearing, the presiding officer should clearly state the subject to be discussed. If, for instance, it is a rezoning public hearing, the proposed ordinance should

be read and its purpose explained. If the subject is controversial, the following order can be adhered to: proponents' presentation, opponents' presentation, proponents' rebuttal, opponents' rebuttal, questions from council.

One cardinal rule to remember is that numbers don't always count. There are some topics that naturally draw large, highly biased crowds. Vocal minorities often swamp public hearings to show that their side has widespread support. Such items as little league ballparks, school crosswalks, water rates, and taxes can attract crowds, but the size of the turnout does not necessarily indicate that their cause is just. The council is elected to serve all the citizens, and the council must look at the overall picture—not just the view presented by one especially active group.

The council is responsible for weighing the evidence presented at the hearing and, after due consideration, reaching a decision. Obviously, this cannot always be done at the same meeting as the public hearing. In fairness to those who have taken the time to attend,

the presiding officer should indicate whether a decision will be made immediately after the hearing and announce the final result. Otherwise, the chair should describe the reason that no decision will be made at that time, then state the probable time at which a final determination will be reached. Sometimes state law requires action at the conclusion of a public hearing, such as a public hearing for the city's budget. But that action can be to postpone the item.

When a decision is announced on an issue that involves a public hearing, the presiding officer may, with the assistance of legal counsel, give the reasons why the decision was reached. Even a brief explanation will help prevent observers from feeling that the outcome of the hearing was decided in advance, and that they wasted their time by attending.

Chapter Six: Financial Administration

Financial administration, simply stated, is matching dollars with needs. Financial administration is the small-town mayor who notices that city hall has a leaky roof and makes a mental note to have it replaced when the money is available. Financial administration is a million-dollar capital improvements program, a bond election preceded by a barrage of information disseminated through the news media, a bond sale, and a report to the taxpayers through the newspaper—all of this is part of financial administration.

Financial administration involves an understanding of the extent and limits of the economic resources of the city and the methods of tapping them to meet residents' needs for city services. It begins with a thorough knowledge of revenue sources and ends with a proper accounting of all the funds expended by the city. Much lies in between; it is all financial administration.

Revenue Sources

City revenues come from many sources, including utility systems, property taxes, sales taxes, user fees, federal grants, and street rentals. (The Texas Municipal League publishes a comprehensive Revenue Manual for Texas Cities.)

Utility Revenues

Most Texas cities own water and sewer systems, while comparatively few operate

electric or gas systems. Among those that own water or sewer systems, the revenue produced by utility billings accounts for a substantial portion of all money taken in at city hall. This percentage is considerably higher among cities that own electric or gas systems.

Property Taxes

Municipal property tax revenue is growing each year, both in total dollars and on a per-capita basis. In many cases, however, the demands on city budgets have increased at a much greater rate than have property tax collections.

Maximum Property Tax Rates

The Texas Constitution establishes the maximum permissible property tax rate for cities at the following levels: (1) for Type B and small Type C general law cities—25¢ per \$100 assessed valuation; (2) for other general law cities with a population of 5,000 or less—\$1.50 per \$100 assessed valuation; and (3) for cities with 5,001 or greater population—\$2.50 per \$100 assessed valuation.

Administrative Procedures

Over the years, the Texas system of property tax administration has undergone significant change.

Prior to 1980, the appraisal of property for tax purposes was fragmented among more than 3,000 cities and other local jurisdictions, and there were no uniform statewide standards

governing the administration of local taxes. In 1979, however, the Texas Legislature changed this situation radically when it enacted a new State Property Tax Code that established uniform appraisal policies and procedures.

Under the code, county-wide appraisal districts are now responsible for preparing a unitary tax roll that encompasses all property within the county. Although cities and other jurisdictions retain the authority to set their own tax rates and collect their own taxes, they must use the tax roll prepared by the central appraisal district for all tax-related purposes.

The basic procedures for administering property taxes include the following:

- 1) Appraisal: The taxable value of all property in the county is determined by the central appraisal district.
- 2) Protest: Any property owner dissatisfied by the value fixed by the central appraisal district can appeal to the appraisal review board. Upon a convincing demonstration that the appraisal district's determination was erroneous, the review board has the authority to correct the error, including but not limited to ordering a reduction of the taxable value of the appellant's property.
- 3) Assessment of Taxes: The tax roll prepared by the central appraisal district is furnished to cities and other taxing entities within the county; those entities use it as the basis for levying taxes for the coming fiscal year.

State law imposes limits on the process by which cities adopt their tax rates. Generally speaking, if taxes that fund maintenance and operations expenses increase more than 3.5 percent, the

city must hold an election on the November uniform election date for voters to approve the rate. (Note: There are exceptions to this general process for cities under 30,000 population, under certain circumstances.) A city may not adopt a tax rate exceeding the lower of the voter-approved tax rate or the no-new-revenue tax rate until it publishes notice and holds a public hearing. Cities must take various other actions to promote transparency in the tax-rate-setting process, including posting certain information on their websites, and incorporating tax rate information into a database maintained by their appraisal districts.

- 4) Collection: After the council has set the property tax rate for the coming fiscal year, the tax assessor-collector mails tax notices to all property owners in the city and initiates the collection of taxes.

The procedures for assessing and collecting property taxes are prescribed by the Tax Code and Local Government Code. Complete details regarding state requirements are available from the Property Tax Division of the Texas State Comptroller of Public Accounts.

Delinquent Property Taxes

For obvious reasons, it is to the city's advantage to collect as much as possible of the amount of property taxes owed. In this regard, financial analysts are inclined to criticize cities that fail to consistently collect at least 95 percent of the taxes levied. In many Texas cities, a 98-percent collection rate is the norm.

The more successful city tax offices are assisted by an attorney who is skilled in

collecting delinquent taxes. In some cases, this may be the city attorney, but the more common practice is for the city to hire a lawyer who specializes in the delinquent tax field. Most outside lawyers charge a fee that is paid by the delinquent taxpayers on the basis of a percentage of the delinquent taxes they owed.

City Sales Tax

As a result of legislation initiated by the Texas Municipal League, the general city sales tax became available to Texas cities in 1968 and has become almost universal, with virtually all cities in the state having adopted it.

Most cities in which the combined local sales tax (city, county, special district) has not reached two percent can consider the imposition of certain additional sales taxes for purposes that include economic development, crime control, property tax relief, and street maintenance. Additional information regarding the sales tax for economic development is available from the Texas Municipal League and the League's *Economic Development Handbook*.

User Fees

Charges for the use of city services are an increasingly popular method of generating revenues. In addition to charging for solid waste collection and water and sewer services, cities impose fees for the use of a variety of facilities, including swimming pools, golf courses, and airports.

Federal Grants

Despite cutbacks in recent years, federal aid is still an important part of the municipal revenue picture. For individual cities, federal aid as a proportion of all revenues fluctuates

widely, with "distressed" cities receiving large amounts of federal money, and the more prosperous cities receiving comparatively little.

Street Rentals

A portion of an average city's revenue is produced by rental charges collected from private firms—such as cable TV companies, telecommunications providers, and gas and electric utilities—in return for allowing them to use streets and other public rights-of-way. Municipal street rental charges for electric, gas, and water utilities are authorized under the state Tax Code, which allows cities to impose such charges on utility and transportation enterprises in return for the privilege of using the city's streets and alleys to string lines, bury pipes, and otherwise use public property to conduct business. The provisions for collecting compensation from telecommunications providers are contained in Chapter 283 of the Local Government Code, and those relating to cable and video providers are in Chapter 66 of the Utilities Code. Chapter 284 of the Local Government Code contains right-of-way compensation provisions for small cellular network nodes.

Fines

Under state law, a city may assess a fine of up to \$2,000 per day for violations of ordinances dealing with fire safety, zoning, or public health-related matters. A city may assess a fine of up to \$4,000 per day for violation of an ordinance governing the dumping of refuse. For ordinances dealing with other violations, the maximum fine is \$500 per day.

The amount of revenue from fines as a proportion of city revenues usually varies in direct proportion to city size. In larger cities, fines generate a comparatively small

proportion of total revenues; in most small cities, fine revenues play a much more important role in the city budget.

State law limits the amount of revenue that a city under 5,000 population may derive from fines for violations of traffic laws.

License and Permit Fees

Under their police powers, cities regulate a wide variety of activities to promote the health, safety, and welfare of local citizens. Permit and license fees provide the revenues necessary to finance the administrative costs of these regulatory programs. Examples of permit fees include those charged for examining subdivision plats and plumbing installations. Examples of license fees include those for registering dogs. The amount of a permit or license fee must bear a reasonable relationship to the cost of the particular regulatory program. Under the law, excessive fees may not be imposed to create "profits." Also, the city may not assess a fee or require a permit for which no bona fide regulatory function is performed.

Hotel-Motel Tax

Chapter 351 of the Tax Code authorizes most cities to levy an occupancy tax of up to seven percent on the price of a hotel or motel room. Other cities, depending on population, may levy an even higher tax. For purposes of imposition of a hotel occupancy tax, a short-term rental (STR) is considered a hotel under state law. Under the law, proceeds from hotel occupancy tax must be earmarked for certain specified purposes, including the advertising and promotion of the city and its vicinity to attract tourism, arts and cultural activities, historical restoration and preservation activities, registration of convention delegates, operation of visitor information centers, the

construction of civic centers and auditoriums, certain sporting events, signage, and tourist buses. Cities must maintain a written list of all projects funded by the hotel-motel tax. Cities must also annually report to the comptroller their hotel occupancy tax rates, the amount of revenue collected from hotel occupancy taxes during the year, the amount of revenue collected in any preceding fiscal year that has not yet been spent and the amount of that revenue remaining in the city's possession, and the amounts and percentages allocated to specific uses during the year.

Taxes on Alcoholic Beverages

Under the Texas Alcoholic Beverage Code, the state levies both a gross receipts tax and a separate tax on the sale of all mixed drinks served in clubs, saloons, and restaurants. Some of the state's total collections are remitted back to the cities on a pro rata basis.

Additionally, cities are authorized by state law to levy fees not to exceed one-half of the state fee for a variety of alcoholic beverage-related permits, including permits for package stores, distributors, brewers, and others issued within the city.

Occupation Taxes

Cities are authorized to levy an occupation tax on certain businesses and professions, such as operators of pinball machines and other coin-operated devices. The rate of the city tax may not exceed an amount set by law and may not exceed 50 percent of the rate of the occupation tax levied by the state on the same businesses if no statutory amount is set. A city may not levy a tax on a business or profession not subject to state occupation taxation.

Special Assessments

A “special assessment” is a charge imposed by the city on a limited group of properties to finance public improvements that specifically benefit those properties and enhance their value. Special assessments are most frequently used to finance the construction of sidewalks or reconstruction of streets. The cost of improvements is apportioned among all the owners of property abutting the improvement according to relative benefit. Costs are divided between property owners and the city according to the state law applicable to the particular type of improvement.

Miscellaneous Revenues

Miscellaneous income is derived from many different sources, such as rental charges for the use of city property, the sale of city property, the sale of water and other utility services to other jurisdictions, and interest income on idle city funds.

Budgeting

For many members of council, budgeting represents the most wretched and tiresome aspect of city government. Budgeting begins amid cries from some citizens for “tax relief” and demands from others that their “essential” programs be funded. Upon its adoption, the budget is dismissed with a sigh: “Now that that dreadful chore is behind us, we can get on with the ‘fun’ part of the city’s business.”

Financial management is indeed unglamorous, and budgets are poor leisure reading. However, it is also true that among all the functions performed by the city council, budgeting is the most important.

In its simplest definition, budgeting is a plan for utilizing the city’s available funds during a fiscal year to accomplish established goals and objectives. Within a broader context, the budget also serves to:

- 1) Provide the public with an understandable financial plan that plainly describes activities that will be undertaken during the next fiscal year and the extent and specific types of services that will be performed.
- 2) Establish priorities among city programs, particularly new or expanded programs.
- 3) Define the financial framework that will be used to periodically check the status of city operations.
- 4) Determine the level of taxation necessary to finance city programs.

Budgeting is the forum for making the most of the council’s key decisions about the future of the city. It is a process for determining the community’s standard of living—what local residents need and want, what they are willing and able to pay for, and what services they can expect to receive for their tax dollars.

The council can use the budget to restore an ailing city government to financial health, or misuse it to drive a healthy government to insolvency. It can be used to nurture community development or freeze growth. The budget is everything. It is, in the words of one mayor, “the World Series of municipal government.”

Statutory Requirements

The budgeting process in every Texas city, regardless of size, must comply with the requirements in Chapter 102 of the Local

Government Code. Under the statute:

- 1) The city council must adopt an annual budget and conduct the financial affairs of the city in strict conformance with the budget.
- 2) The budget for each fiscal year must be adopted prior to the first day of such fiscal year. In most Texas cities, the fiscal year begins on October 1; therefore, the budget must be adopted by September 30 or earlier.
- 3) The city's budget officer must prepare a proposed budget for the consideration of the city council. In most cities, the law requires that the mayor serve as budget officer; in cities that have adopted the city manager form of government, the city manager is the budget officer.
- 4) Copies of the proposed budget compiled by the budget officer must be filed with the city clerk/secretary and made available for public inspection. The initially proposed budget must be filed no later than 30 days prior to the date upon which the city council sets the property tax rate for the next fiscal year.
- 5) If the budget will raise more total property taxes than in the prior year, it must contain a cover page giving notice of that fact. A budget calling for such a property tax increase must be posted on the city's website if it operates one.
- 6) The city council must hold a public hearing on the budget after the 15th day that the budget has been filed with the city clerk or secretary. Notice of the public hearing must be given in a newspaper of general circulation in the county not less than ten nor more than 30 days prior to the hearing. The notice must identify a proposed property tax

- increase. The regular Open Meetings Act notice for this hearing must include both a copy of the proposed budget and a taxpayer impact statement, detailing hypothetical tax bills on the median value homestead in the city for the proposed tax rate and the no-new-revenue rate, both for the current year and the preceding year.
- 7) Upon adoption of the final budget by majority vote of the council, copies must be filed with the county clerk and city clerk/secretary and made available for public inspection. A budget that raises total property taxes requires a separate ratification vote. The adopted budget must contain a cover page that includes property tax information as well as the record vote of each councilmember on the budget. The adopted budget and cover page must be posted on the city's website if it operates one.
 - 8) After the new fiscal year has begun and the budget has been put into effect, no expenditure "shall thereafter be made except in strict compliance with such adopted budget," and council may not amend the budget to authorize new or additional expenditures except for reasons of "grave public necessity" requiring "emergency expenditures to meet unusual and unforeseen conditions, which could not, by reasonable diligent thought and attention, have been included in the original budget..." However, council may make changes to the budget that do not increase the total expenditure in the original budget (for example, moving amounts from one budget line item to another line item) without a finding of "grave public necessity."

- 9) The budget and any amendments to it must be filed with the county clerk.
- 10) The governing body of the city may levy taxes only in accordance with the budget.

Because the budget is required to “cover the proposed expenditures” of the city, Chapter 102 of the Local Government Code is generally interpreted to prohibit deficit financing— that is, budgeting expenditures for which no offsetting revenues are provided.

Many charters also prescribe the format of the budget, including requirements that it contain a message describing the budget officer’s proposed fiscal plan for the city and significant features of the budget for the forthcoming fiscal year; a general summary, with supporting data, which shows proposed expenditures and anticipated revenues for the next fiscal year and their relationships to corresponding data for the current budget year; and details of proposed expenditures and anticipated revenues.

Basic Budget Information

Adoption of a plan of city services for the next fiscal year begins with a budget document containing certain basic information. The budget document should identify all services currently provided and proposed to be provided (or terminated) during the coming fiscal year. For each service, the following information should be furnished:

- An itemization of expenditures for each service during the previous fiscal year, a projection of actual expenditures for the current year, and proposed expenditures for the next fiscal year.
- A statement of objectives for each service to be funded during the next

fiscal year. “Objectives” do not mean organizational objectives—such as “to add new police officers” or “to purchase a new street sweeper.” Rather, these statements should describe the benefits the community will derive from a particular service, such as “to reduce average police response time to emergency calls by three minutes,” or “to clean x number of miles of streets.”

- The proposed level of each service for the next fiscal year, together with a description of performance standards for each. In the case of the solid waste budget, for example, service levels and performance can be expressed in terms of the numbers of customers served and the volume of refuse collected. Street maintenance can be expressed in terms of lane miles resurfaced, maintenance requests, and number of complaints concerning street quality, and so on. This approach will help the council focus on community benefits that will be produced by a given expenditure, rather than on such details as whether a particular department is requesting too much money for supplies or travel.
- A brief description of the methods by which the services will be delivered.
- An itemization of the cost components of proposed services.
- Sources of funding for the proposed services.
- A description of factors that could affect the cost of proposed services.

The budget also should contain a summary of the city’s financial condition for the prior year and current year, and a projection of its anticipated condition for the coming fiscal year

and beyond. This summary should indicate:

- Outstanding obligations of the city.
- Beginning balance of all cash funds.
- Actual revenues, broken down by source, collected in the preceding year and anticipated for the ensuing year.
- Estimated revenue available to cover the proposed budget.
- Estimated tax rate required to cover the proposed budget.

Properly organized, this information will enable members of council to gain a comprehensive understanding of the city's financial condition and give them the tools they need to establish the scope and direction of municipal services for the coming year.

Implementation

After the budget has been approved, regular monitoring by the city council can help ensure that municipal services are carried out in accordance with budget objectives and within expenditure ceilings. In most cities, the budget officer is required to furnish the council with periodic reports that show the prior month's expenditures and total expenditures to date for each budgeted activity. Using these reports, the council can identify deviations from budget plans, anticipate financial trouble spots, and determine whether the various departments are functioning properly.

On a periodic basis, perhaps quarterly, the council should be furnished with a written description of significant budgetary developments during the current fiscal year. For each activity, this statement should describe progress to date in comparison with objectives, and should provide reports on expenditures by budget category and revenue collections. Revised estimates of revenue also

should be presented, together with revised surplus or deficit projections. These reports will give the council the basis for determining how well the city is meeting its service targets with the funds available. Also, it can help the council determine whether budget modifications are needed during the year.

Municipal Borrowing

It is a rare case when a city is able to carry out a capital improvements program of any consequence without using credit. More often, the city borrows money, and in doing so, offers future tax collections or utility revenues as security for the loan.

Loans fall into two categories: short-term and long-term—or, stated differently, loans to be repaid within the current fiscal year versus those to be repaid in future years. This section briefly reviews the two types of loans.

Short-Term Borrowing

Most short-term loans are made with local banks. Their purpose is to provide funds of a temporary nature, and they are made with the expectation of repayment within the current fiscal year. A bank loan made in August to avoid an overdraft in the general fund pending receipt of tax collections in September is a good example of a short-term loan.

A short-term loan differs from a long-term loan in two respects: (1) it will mature within the current fiscal year; and (2) it can be approved by the city council without the necessity for voter approval at a referendum election.

Short-term loans should be used sparingly. An excessive amount of short-term debt can adversely affect the city's bond rating and

impair its ability to accomplish long-term borrowing for major capital improvement programs. Frequent use of short-term borrowing reflects deficiencies in the quality of the city's management of its financial resources.

Long-Term Borrowing

Unlike short-term loans, which can be repaid with general fund dollars derived from a variety of revenue sources within the current fiscal year, long-term loans require that the specific source of revenue that will be used to repay the debt be identified and, in certain cases, pledged.

Long-term loans secured by a pledge of property taxes are called "general obligations" and include ad valorem tax bonds, time warrants, and certificates of obligation. Long-term loans secured by a pledge of revenue from an income-producing facility are called "revenue bonds."

General Obligation Debt

General obligation debts are payable from, and are secured by, a pledge of future property tax collections. Under standards promulgated by the Texas attorney general, a city with a maximum permissible tax rate of \$1.50 per \$100 assessed valuation may not incur general obligation debt that will require the levy of a tax at a rate higher than \$1.00, after allowing ten percent for delinquencies in collection and for the payment of maturing principal and interest.

General obligation debt is commonly expressed as a percentage of the city's total assessed valuations. For example, a city that

has a total assessed valuation of \$10 million and outstanding general obligation debt in the principal amount of \$500,000 is said to have a debt ratio of five percent. Three common forms of general obligation debt are ad valorem tax bonds, time warrants, and certificates of obligation.

Ad Valorem Tax Bonds

Ad valorem tax bonds are commonly referred to as general obligation, or G.O. bonds. They are issued pursuant to an ordinance adopted by the city council, typically following approval of the bonds at a referendum election. The bonds are examined as to legality by the Texas attorney general, and then delivered by the city to the successful purchaser or bidder for payment in cash. This cash is then used by the city to pay for libraries, police buildings, city halls, and other public facilities with a long, useful life.

G.O. bonds usually are issued in \$5,000 denominations, and the bond issue usually provides serial maturities, with a certain amount of principal maturing each year over a period not to exceed forty years.

General obligation bonds have the highest degree of investor acceptance of any type of municipal indebtedness, and they command the lowest interest rates. Therefore, unless exceptional circumstances dictate otherwise, G.O. bonds are the preferred means of borrowing against a pledge of tax revenues.

Time Warrants

Time warrants are also general obligation debts and are payable from ad valorem taxes. Unlike G.O. bonds, which are sold for cash, time warrants are issued directly to vendors to pay for construction, equipment, and services.

Also, unlike G.O. bonds, time warrants do not require voter approval, although the law does require that the city council publish notice of its intent to issue them and that the council call a referendum election upon presentation of a petition signed by ten percent of the taxpaying voters.

The procedures for issuing time warrants are cumbersome and expensive and will result in the city paying a higher rate of interest than if the borrowing were accomplished with bonds. Nevertheless, time warrants can occasionally be advantageous—for example, to complete the construction of a public works project where there has been a cost overrun and bond funds have been exhausted.

Certificates of Obligation

The third form of general obligation debt payable from property taxes is certificates of obligation (COs). Like time warrants, COs can be issued without voter approval—except that upon notice of the city’s intent to issue COs, five percent of the qualified voters can force an election on the issue by submission of a petition. With certain exceptions, a city may not issue a CO to pay a contracted obligation if a bond proposition to authorize the issuance of bonds for the same purpose was submitted to the voters during the preceding three years and failed to be approved.

COs can be issued directly to vendors to pay for construction work, equipment, machinery, materials, supplies, land, or professional services furnished to the city. Also, under certain circumstances COs can be sold, like bonds, for cash, in which case they must be approved by the Texas attorney general in the same manner as bonds.

Revenue Bonds

Revenue bonds are the only type of bond secured by a pledge of revenues from an income-producing facility such as a utility system. Revenue bonds are usually designated with the name of the system that pledges the revenues (for example, Waterworks System Revenue Bonds, Waterworks and Sewer System Revenue Bonds, and so on).

When utility revenues are pledged to support revenue bonds, the pledge is made of the system’s net revenues—that is, gross revenues minus operating and maintenance costs. Such bonds are payable solely from these revenues and include a statement on their face that the holder shall never be entitled to demand payment from property taxes.

In determining whether the amount of pledged revenues is sufficient to repay the outstanding revenue bonds of a utility system, analysts will look at the ratio between the system’s net earnings and the requirements of principal and interest maturities over a period of years. As a rule, net revenues should be at least 1.25 times larger than the average annual debt service requirements of the system. This ratio is called “coverage,” and revenue bonds are said to have 1.25X coverage, or 2.23X coverage, and so on. The higher the coverage, the better the security for the bonds and, all other things being equal, the lower the rate of interest at which the bonds can be issued.

In pledging the revenues of a utility system, it is common to make a “cross pledge,” or “combined pledge.” This is a pledge of the revenues of one system to repay bonds issued for improvements to a different system; for example, pledging the net revenues of the water system to the payment of bonds issued

to improve the sewer system. On the other hand, the revenues of a utility system may not be cross pledged to the payment of bonds issued on behalf of a non-revenue-producing facility. For instance, water system revenues cannot be pledged to the payment of bonds issued to build a city hall.

Bond Ratings

As the annual volume of long-term debt incurred by state and local governments has grown over the years, competition between cities and other borrowers for investors' dollars has increased correspondingly. A municipal bond rating is one of the methods used to help alleviate the problems arising from this competitive situation.

A bond rating gives a quick indication of the quality of a new issue being offered, so that prospective bidders may know if they want to develop a bid. But a bond rating has greater value than a mere screening device: it also influences the rate of interest payable on bonds. Therefore, it is desirable that the city maintain a good rating for its bonds, because it can mean the difference between a good bid and a poor one, and a difference in interest charges to the city running into many tens of thousands of dollars.

Most Texas cities have more than one bond rating. Each bond issue is rated separately, based on the source of revenue that has been pledged to secure payment. General obligation bonds, therefore, are rated separately from water or sewer revenue bonds.

In determining the rating of a bond issue, analysts focus on the nature of the particular security. In the case of general obligation bonds, prime importance is attached to

relationships among the city's debt, wealth, population, and tax collection experience. The economic base of the city, the stage of its development, and the quality of its government also are important factors. Finally, analysts examine the exact nature and strength of the legal obligation that the bonds represent.

The bond ratings of two particular firms are universally accepted in investor circles. These are Moody's Investors Service and S&P Global (formerly Standard & Poor's Corporation), both of which are based in New York City. The four investment grade ratings granted by these services are as follows:

Moody's Investors Service

Aaa: Best quality, carrying the smallest degree of investment risk.

Aa: High quality (together with Aaa comprise "high-grade bonds").

A: Higher medium-grade (many favorable investment attributes).

Baa: Lower medium-grade (neither high-quality nor high-risk).

S&P Global

AAA: Highest rating, with extremely strong capacity to repay loan.

AA: Only a small degree below AAA in the capacity to repay the loan.

A: Strong capacity to repay loan, although more susceptible to adverse effects in economic conditions.

BBB: Adequate capacity to repay loan.

In offering newly issued bonds for bids, the city should apply to one or both of the rating agencies to obtain a rating on the issue being offered. The nominal cost of obtaining a rating can be recovered many times over by minimizing interest costs on the basis of a

favorable bond rating, as opposed to the sale of non-rated bonds.

Bond Elections

If it has been determined by the city council that a bond election is required, the first step—and the key step—in a successful campaign is citizen participation. The tried-and-true elements of a successful bond election include the following:

- Let private citizen volunteers, rather than the city council, conduct the campaign to persuade local voters to vote for the bonds.
- Enlist the support of community and civic organizations.

Installment Obligations

An ever-increasing number of Texas cities are financing municipal purchases through installment sales or lease-purchase agreements. Generally speaking, cities must competitively procure the personal property at issue when a lease-purchase agreement or installment sale involves an expenditure of more than \$100,000 in city funds.

Anticipation Notes

Certain cities may have authority to borrow against anticipated revenue (typically federal grant money) by issuing anticipation notes. Anticipation notes may be appropriate for borrowing relatively small amounts of money when the issuance of bonds would be cost prohibitive. State agencies may be authorized to purchase anticipation notes from cities, thus speeding the grant process to fund city

projects. The law relating to anticipation notes is found in chapter 1431 of the Texas Government Code.

Capital Improvements Programming

It is a financial fact of life in every city that the demand for new streets, water lines, and other public works will always exceed the supply of current funds. Capital improvements programming is the primary method used by most cities to cope with the perpetual imbalance between capital demands and limited financial resources.

A capital improvements program (CIP) is a long-term plan, usually spanning five to six years, for financing major cost items that have a long useful life, such as buildings, land, streets, utility lines, and expensive equipment. The CIP document lists all the capital items scheduled for construction or acquisition during the next five or six years, the time when construction or acquisition is to occur, the amount expected to be spent during each year of the CIP, and the source of funding for each expenditure.

Preparation of a CIP involves five major steps. First, a list of proposed capital improvements is prepared on the basis of recommendations from the city council, staff, and community groups. The city's comprehensive plan will be the source of many CIP items, but whatever the source, each item included in the list should be supportive of the community goals expressed in the plan.

Second, cost estimates are developed for all proposed CIP items. In addition to stating the up-front cost of each item, these calculations usually include a description of savings that will result from its acquisition or construction, as well as the impact the item would have on future revenues or operating costs.

Third, a determination is made of the city's ability to pay for the items included in the draft CIP, together with a description of the method by which each will be financed. Ability to pay will be determined by a financial analysis of past, current, and future revenue, expenditure, and debt patterns. Options for financing particular items include special assessments, state or federal grants, additional fees or taxes, current revenues (pay-as-you-go), reserve or surplus funds, general obligation or revenue bonds, and certificates of obligation. The objective of this step is to determine, for each year, the minimum costs the city will incur before any new capital expenditures can be financed.

Fourth, all proposed CIP items are organized by the staff for orderly presentation to the city council. Each is ranked in recommended priority order. Items that overlap or duplicate previously approved projects or that are inconsistent with the city's comprehensive plan are identified and perhaps downgraded. Finally, the tentative CIP is discussed at public hearings, thoroughly reviewed by the council, and then finally approved by formal council action.

Based on information contained in the CIP, a capital budget is prepared to show all capital expenditures in priority order, together with summaries of the financial activities planned for each year, including the amounts of bonds to be issued, amounts of operating funds required, and so forth.

The capital budgeting process normally takes place on a cyclical basis. Under a six-year CIP, year one is the current capital budget adopted by the city council at the same time it approves the operating budget. Many times, the capital budget is included as a component of the operating budget. Years two through six, having been approved by the council when it adopted the CIP, remain in the record as expressing the council's intent to carry forward with the balance of the CIP.

At the conclusion of year one, the council approves another one-year capital budget and extends the CIP, with revisions, for another year. Thus, year two of the previous CIP becomes year one of the new six-year program, and the cycle begins anew.

Capital improvement programming offers several advantages. By scheduling ample time for construction or acquisitions, costly mistakes can be avoided, as is the case when streets have to be dug up repeatedly because they are not planned in relation to other facilities. Also, by working with a list of planned projects, sites can be purchased at lower cost, and by spacing out projects over several years, the city's tax and debt load can be stabilized, and balance can be maintained between debt service and current expenditures.

Financial Reporting

Financial reports prepared periodically throughout the fiscal year are an essential part of the control system necessary to permit the city council to determine whether funds are being expended in accordance with the budget and to identify discrepancies between anticipated and actual revenues. Financial

reports fall into four general categories—internal budgetary reports, annual financial reports, annual audits, and local debt reports—each of which is briefly discussed next.

Internal Budgetary Reports

Internal budgetary reports are prepared on a monthly basis and are distributed to the city council and department heads. These reports illustrate the financial condition of the city as it unfolds from month to month and answer such questions as: are city services being provided as planned? are expenditures exceeding budgeted levels? is the cash inflow at the expected level? By determining the answers to these and related questions on a regular basis, the council can identify problem areas and initiate corrective actions accordingly.

Annual Financial Report

The annual financial report is compiled at the conclusion of the fiscal year and shows, item by item, budgeted versus actual revenues and expenditures, together with other information that describes the city's year-end financial condition. The financial report should be prepared by an independent certified public accountant appointed by the city council and made available to the department heads, the news media, and other interested parties.

Annual Audit

Sections 103.001-103.004 of the Local Government Code require each city to have an annual audit of its financial records and accounts. The audit can be performed either by a certified public accountant or a qualified

city employee, and must be made available for public inspection no later than 180 days after the close of the city's fiscal year.

The audit involves examination of three aspects of the city's financial operations: (1) internal controls; (2) statements, records, and accounting transactions; and (3) compliance with statutory and budgetary requirements. Properly conducted, the audit provides a double check on the city's financial status, a method for communicating with the citizenry, and a bona fide statement of the city's financial condition, which will improve its ability to issue bonds. A city that fails to comply with audit requirements in a fiscal year may be limited to adopting its no-new-revenue property tax rate until the city comes into compliance.

Local Debt Report

Section 140.008 of the Local Government Code requires cities to annually compile and report various types of debt obligation information, including the amounts of principal and interest to pay outstanding debt obligations, the current credit rating given by any nationally recognized credit rating organization to debt obligations of the city, and any other information that the city considers relevant or necessary to explain the outstanding debt values. Subject to certain exceptions discussed below, the local debt report must be posted continuously on the city's website until the city posts the next year's report. The report must be made available to any person for inspection.

As an alternative to posting the report on the city's website, a city may provide all required debt information to the comptroller and have the comptroller post the information on the

comptroller's official website. Further, a city with a population of less than 15,000 may provide the comptroller with its local debt report for inclusion on the comptroller's website. A city that already includes the required debt information in other reports that are posted to the city's website may provide a link to that information rather than replicating the data in the local debt report.

Investments

In 1995, the Texas Legislature enacted the Public Funds Investment Act, which requires the city council to adopt a written investment policy. A city may contract with an independent investment advisor to provide investment and management services. Typically, the city investment officer must attend one investment training session within 12 months of taking office and must attend eight hours of training once every two years thereafter. The treasurer and the chief financial officer (if the treasurer is not the chief financial officer) must also attend ten hours of training every two years. The Texas Municipal

League offers comprehensive public funds investment training.

Financial Warning Signals

In recent years, increasing attention has been given to monitoring the financial health of cities. Although most of the chronic financial problems of cities tend to slowly snowball over an extended period of time, they usually result from a standard set of problems, including: (1) a decline in revenues or tax base; (2) an eroding capital plant; (3) a faltering local or regional economy; (4) growing debt burden; (5) accumulation of unfunded pension liabilities; (6) a sudden loss of substantial federal funds; (7) an increase in spending pressures; and/or (8) ineffective financial management practices.

Chapter Seven: Council Action

The city council takes official action by two primary means: resolutions and ordinances. Both play important roles in their own respective ways, and they share certain similarities. But there are distinctions between the two, and it is good to know the differences.

The distinction between an ordinance and a resolution is in subject matter, not terminology. An ordinance cannot be changed into a resolution merely by calling it a resolution, nor may the requirements for enacting an ordinance be bypassed by simply passing a resolution. A resolution generally states a position or policy of a city. An ordinance is more formal and authoritative than a resolution. An ordinance is a local law that usually regulates persons or property and usually relates to a matter of a general and permanent nature.

Passage of an ordinance generally involves three steps, the first of which is the introduction of the proposed ordinance at a council meeting.

Next, the city clerk or city attorney either reads the entire ordinance or reads just the caption of the ordinance and allows the person proposing it to provide an explanation. There is no state law requiring that ordinances be read aloud in their entirety. In addition, there is no generally applicable state law that requires multiple readings of an ordinance. (Some home rule charters, however, do provide for more than one reading.) If the ordinance is short, the council may wish to have it read in full for the benefit of any citizens present. If the ordinance is long and

technical, the usual practice is to settle for a brief summary and general explanation of the purpose of the ordinance.

Third, the ordinance is debated by the council and either defeated, postponed, referred to a committee for further study, or approved. If the ordinance is approved, it is then signed by the mayor and attested to (certified) by the city secretary or city attorney.

Also, depending on city type and the subject matter of an ordinance, it may have to be published in a newspaper before taking effect.

Because of the relatively cumbersome procedures involved in enacting an ordinance, it is important to know when an ordinance is required and when less formal kinds of council action will suffice. Though there are no absolute standards that apply, these three rules of law may help:

- 1) Any council enactment that regulates persons or property and imposes a fine for violations must be in the form of an ordinance. This requirement is based on the principle that there must be a printed law and citizens must have some notice that it is in effect before they can be subjected to a fine.
- 2) An enactment must always be in the form of an ordinance if the state law authorizing the particular action requires an ordinance. Examples include the creation of a planning and zoning commission or setting the tax levy for the next fiscal year.
- 3) An ordinance is required to amend or repeal an existing ordinance.

Compatibility of Ordinances with State and Federal Laws

An ordinance, or portion thereof, is void if it conflicts with the United States Constitution, the Texas Constitution, or a federal or state law. Also, even though an ordinance might be valid at the time it was passed, if a law subsequently enacted by the state or federal legislature conflicts with the ordinance, the ordinance is void. Conversely, if an ordinance supplements and is in harmony with the law, the ordinance will be sustained.

An ordinance is invalid if a court determines that the state legislature intended to preempt the subject area addressed in the ordinance. If the legislature has preempted the field, no ordinance except those specifically authorized by statute may be enacted on the subject.

Examples of conflicts that have caused ordinances to be ruled invalid include:

- an ordinance prescribing a different penalty from that imposed by state law where the ordinance and the law dealt with the same type of offense;
- An ordinance restricting the hours of operation of liquor stores to fewer than those authorized under the state Alcoholic Beverage Code;
- an ordinance legalizing an activity or business that was prohibited by state law; and
- an ordinance in conflict with the Interstate Commerce Clause of the United States Constitution.

Validity of Ordinances

An action that is arbitrary, capricious, overly oppressive, or fraudulent may be invalidated

by the courts. A court usually will not substitute its judgment for that of the city council, but if an action is not in compliance with lawful requirements, the courts may overturn it.

Additionally, a council action is considered valid if no lawsuit has been filed to invalidate it on or before the third anniversary of its effective date, unless the action was invalid on the day it was taken or it was preempted by state or federal law. This rule gives cities certainty by preventing later challenges based on minor procedural errors, so long as the council's action was otherwise lawful when adopted.

Form of the Ordinance

State law does not prescribe the form of an ordinance, other than to require that it contain an ordaining clause (Section 52.002 of the Local Government Code) and to require the publication, or sometimes posting of either the complete text or caption of every ordinance that establishes penalties for violations (Sections 52.011-52.013 of the Local Government Code). But a form for ordinances has evolved by custom and is now used by most cities.

Although the actual drafting of an ordinance is best left to the city attorney, councilmembers should be familiar with the basic form. This includes:

- 1) The reference number of the ordinance for indexing and retrieval.
- 2) The caption, which briefly describes the subject of the ordinance and the penalties provided for its violation. Although an ordinance is valid without a caption, this is a useful feature

because it provides a simple way of determining what is included in the ordinance without reading the entire document. Also, if the ordinance does not have a caption, Section 52.011 of the Local Government Code requires that the ordinance be published in its entirety if it provides a penalty for violations. Conversely, a penal ordinance may be published by caption only if the caption states the penalty for violations.

- 3) A preamble, often in the form of a number of *Whereas* clauses, which, while optional, may be included when the council wants the public to understand the reasons the ordinance was passed, factual findings made by the council, or the legislative authority for the ordinance.
- 4) The ordaining clause, which is required by law, in most instances.
- 5) The body of the ordinance, which usually is broken down into sections according to subjects. This contains the command of law as ordained by the council.
- 6) The effective date of the ordinance which may, in some circumstances, be governed by state law or city charter, if applicable.
- 7) A severability clause which clarifies that the invalidity of some portions of the ordinance should not render the entire ordinance invalid.
- 8) The penalty clause, which fixes the penalty for violating the ordinance. For most ordinance violations, the maximum fine is \$500 per day. Violations of an ordinance dealing with fire safety, zoning, or public health (except for dumping refuse) can include a fine of up to \$2,000 per day, while the maximum penalty the council may establish for violating an ordinance governing the dumping of refuse is \$4,000 per day. Note that cities do not have authority to punish violators by sending them to jail.
- 9) The final part of the ordinance is a statement that the ordinance was passed and approved, giving the date of passage, the signature of the mayor, and a space for the city clerk or secretary to sign and attest to the fact that the ordinance was adopted. Some cities also require the city attorney to approve the form of the ordinance. If required by state law or city charter, signatures must be present on the ordinance, or the ordinance may be declared void.

The following ordinance illustrates these nine components:

Ordinance No. 125

CAPTION

AN ORDINANCE OF THE CITY OF ANYWHERE, TEXAS, ESTABLISHING WATER CONSERVATION REQUIREMENTS AND PROVIDING A PENALTY FOR VIOLATIONS.

PREAMBLE

WHEREAS, because of the conditions prevailing in the City of Anywhere, the general welfare requires that the water resources available to the City be put to the maximum beneficial use and that the waste or unreasonable use be prevented; and WHEREAS, lack of rain has resulted in a severe reduction in the available water supply to the City, and it is therefore deemed essential to the public welfare that the City Council adopt the water conservation plan hereafter set forth.

ORDAINING CLAUSE

NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANYWHERE, TEXAS:

BODY

SECTION 1. AUTHORIZATION.

The City Manager or his designee is hereby authorized and directed to implement the applicable provisions of this Ordinance upon his determination that such implementation is necessary to protect the public welfare and safety.

SECTION 2. APPLICATION.

The provisions of this Ordinance shall apply to all persons, customers, and property served

with City of Anywhere water wherever situated. No customer of the City of Anywhere water system shall knowingly make, cause, use, or permit the use of water received from the City for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this ordinance, or in an amount in excess of that use permitted by the conservation stage in effect pursuant to action taken by the City Manager or his designee in accordance with the provisions of this Ordinance.

SECTION 3. CONSERVATION REQUIREMENTS.

From May 1 to September 30 of each year and upon implementation by the City Manager and publication of notice, the following restrictions shall apply to all persons:

- (a) Irrigation utilizing individual sprinklers or sprinkler systems of lawns, gardens, landscaped areas, trees, shrubs, and other plants is prohibited except on a designated day which shall be once every five days, and only then during the hours of 8:00 p.m. and 12:00 noon. Provided, however, irrigation of lawns, gardens, landscaped areas, trees, shrubs or other plants is permitted at any time if: (i) a hand-held hose is used; (ii) a hand-held, faucet filled bucket of five (5) gallons or less is used; or (iii) a drip irrigation system is used.
- (b) The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment, the refilling or adding of water to swimming and/or wading pools and the use of water for irrigation of golf greens and tees is prohibited except on designated irrigation days between the hours of 8:00 p.m. and 12:00 noon.
- (c) The washing or sprinkling of foundations is prohibited except on designated irrigation days between the hours of 8:00 p.m. and 12:00 midnight.
- (d) The following uses of water are defined as "waste of water" and are absolutely

prohibited: (i) allowing water to run off into a gutter, ditch, or drain; (ii) failure to repair a controllable leak; and (iii) washing sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas except to alleviate immediate fire hazards.

SECTION 4. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage and publication as required by law.

SECTION 5. SEVERABILITY

This Ordinance shall be considered severable, and the invalidity or unconstitutionality of any section, clause, provision or portion of the Ordinance shall not affect the validity or constitutionality of any other section, clause, provision or portion of this Ordinance.

SECTION 6. PENALTY

Any person, corporation or association violating any provision of this Ordinance shall be deemed guilty of an offense, and upon conviction shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00). The violation thereof shall be deemed a separate offense, and shall be punished accordingly. Provided, however, compliance may be further sought through injunctive relief in the District Court.

CONCLUSION

PASSED AND APPROVED this ____ day of _____, 20__

/s/ _____
Mayor

ATTEST:

/s/ _____
City Secretary/ Clerk

APPROVED AS TO FORM:

/s/ _____
City Attorney

Chapter Eight: Conflicts of Interest

Mayors and councilmembers must avoid situations where their personal interests conflict with the public interest. While sound judgment will guide most decisions, state law also establishes standards of conduct that city officials are required to follow.

Three common situations can compromise a mayor's or councilmember's ability to carry out official duties. Each involves a conflict between the obligation to serve the city and competing personal or outside interests.

The first arises when a councilmember holds two or more public offices at the same time. The second occurs when the council considers an action that would directly benefit a business or property in which a member or a close family member has a substantial interest. The third involves nepotism, where employment decisions are influenced by family relationships. Each of these situations is addressed in more detail below.

Dual Office-Holding

Two or More Public Offices

Mayors and councilmembers may not hold more than one public office at the same time if both positions are "offices of emolument." An emolument is any compensation received for services, such as a salary, meeting fees, or other forms of payment, but does not include reimbursement of actual expenses.

This restriction means that a mayor or councilmember who is compensated by the

city may not also serve as a district judge, state legislator, county clerk, or in another local or state office of emolument. Limited exceptions are provided in Article XVI of the Texas Constitution, which permits certain state officers and employees to hold municipal offices of emolument and allows a person holding an office of emolument to also serve in specific roles such as justice of the peace, county commissioner, notary public, or as an officer of a soil and water conservation district.

Incompatibility

In addition, mayors and councilmembers are prohibited from holding a second public office if the duties and loyalties of that office are incompatible with their responsibilities to the city. This rule applies to all public offices, whether compensated or not, and reflects the principle that a public official must owe undivided loyalty to a single office.

The general rule regarding incompatible offices was reviewed in *Thomas v. Abernathy County Line I.S.D.*, in which the Texas Supreme Court held that the offices of city councilmember and school board trustee were incompatible because if the same person could be a school board trustee and a member of the city council at the same time, school policies, in many important respects, would be subject to direction of the council instead of the school board.

The incompatibility doctrine also prohibits the council from appointing one of its own members to a public office (unless otherwise

allowed by state law) or employing the member as a city employee. A mayor, for example, could not simultaneously serve as a police officer for the city.

Determining whether two offices are incompatible is not always straightforward, but the consequences of a misjudgment can be significant. Texas courts have held that when an individual holding one office accepts and qualifies for a second, incompatible office, the individual is deemed to have automatically vacated the first office.

City Actions that Benefit Members of Council

City councils everywhere routinely make City councils routinely make decisions on purchases, rezoning, utility extensions, road construction projects, and other matters that may affect private interests. Given the broad scope of council authority, it is inevitable that some decisions will directly or indirectly impact the personal or business interests of individual councilmembers.

Recognizing that such conflicts cannot be entirely avoided, the Texas Legislature has established statutory requirements to ensure transparency. Three key laws—Chapter 171 and Chapter 176 of the Local Government Code and Chapter 553 of the Government Code—require the disclosure of conflicts between a councilmember’s private interests and the public interest.

The purpose of Chapter 171 of the Local Government Code, the conflicts of interest statute, is to prevent councilmembers and other local officials from using their positions for undisclosed personal gain. The law requires

a councilmember to file an affidavit when the member—or a close relative—has a financial interest that would be affected by council action.

Whenever any contract, zoning decision, or other matter is pending before the council, each member of council must take the following steps:

(a) **Determine whether a substantial interest exists:** A councilmember must review the pending matter and decide whether the member or a close relative has a substantial interest in a business or property that would be specially affected by the council’s decision. A substantial interest in a business entity exists if:

- 1) The member or a close relative of the member owns at least 10 percent of the voting stock or shares, or owns at least 10 percent of the fair market value of the business entity, or owns at least \$15,000 of the fair market value of the business entity; or
- 2) The income received by the member or a close relative from the business exceeds 10 percent of that person’s gross income for the previous year.

A substantial interest in real property exists if the member or a close relative has a legal or equitable ownership interest with a fair market value of \$2,500 or more.

(b) **File an affidavit if required:** If a substantial interest exists, the member must file an affidavit disclosing the nature and extent of the interest before any vote or decision is taken, when:

- 1) For a business entity, the action will have a special economic effect on the entity that is distinguishable from its effect on the public; or
- 2) For real property, it is reasonably foreseeable that the action will have a special economic effect on the property's value that is distinguishable from its effect on the public.

The affidavit must be filed with the city's official record keeper, typically the city secretary.

(c) **Abstain when required:** In addition to filing an affidavit, the councilmember must abstain from participating in discussion or voting on the matter. However, if a majority of the council is likewise required to file affidavits on the same action, those members may participate and vote after filing.

The council may still purchase goods or services from a business in which a member has a substantial interest, provided the member files the affidavit and abstains from discussing and voting on the matter. Additionally, when a budget item specifically dedicates funds to a contract with a business in which a councilmember has a substantial interest, the council must take a separate vote on that item, and the affected member must

abstain. Once that separate vote is complete, the member may vote on the final budget as a whole.

A councilmember who knowingly violates Chapter 171 by failing to file the required affidavit or by voting or participating in a matter in which the member has a substantial interest commits a Class A misdemeanor, punishable by a fine of up to \$4,000, confinement in jail for up to one year, or both. In addition to these criminal penalties, such violations can undermine public trust and expose the city to legal challenges.

Chapter 176 of the Local Government Code, a second conflicts disclosure statute, requires mayors, councilmembers, and certain other executive city officers or agents to file a "conflicts disclosure statement" with the city's records administrator within seven days of becoming aware of any of the following:

- The officer or a family member has an employment or business relationship that generates taxable income of more than \$2,500 with a person who has contracted with the city or is being considered for city business;
- The officer or a family member has received and accepted one or more gifts with a total value of more than \$100 in the preceding 12 months from a person who conducts or seeks to conduct business with the city; or
- The officer has a family relationship with a person who conducts or seeks to conduct business with the city.

Chapter 176 also places disclosure obligations on vendors. Any vendor who seeks to do business with a city must file a "conflict of interest questionnaire" if the vendor: (1) has a business relationship with the city and an

employment or other relationship with a city officer or the officer's family member; (2) gives a gift to a city officer or a family member; or (3) has a family relationship with a city officer.

A city officer or a vendor who knowingly fails to file the required disclosure statement or questionnaire under Chapter 176 commits a misdemeanor, with the classification—Class A, B, or C—depending on the amount of the contract at issue.

A third conflicts disclosure statute, Chapter 553 of the Government Code, addresses situations involving city purchases or condemnations of real property. It is designed to prevent councilmembers and other public servants from using their positions for hidden personal gain.

When a city considers purchasing or condemning real property or tangible personal property, each official must determine whether they have a legal or equitable interest in the property. If such an interest exists, the official must file an affidavit within 10 days before the date the city acquires the property by purchase or condemnation. The affidavit must be filed with the county clerk of the county where the official resides and with the county clerk of each county where the property is located.

The affidavit must include: (1) the name of the official; (2) the official's office, public title, or job designation; (3) a full description of the property; (4) a full description of the nature, type, and amount of interest in the property, including the percentage of ownership interest; (5) the date the official acquired an interest in the property; (6) the following verification: "I swear that the information in this affidavit is personally known by me to be correct and contains the information required

by Section 553.002, Government Code;" and (7) an acknowledgement of the same type required for recording a deed in the deed records of the county.

A public official who fails to file the affidavit after receiving notice of a purchase or condemnation commits a Class A misdemeanor, punishable by up to one year in jail, a fine of up to \$4,000, or both. In addition to these penalties, violations can undermine public trust in the council's decision-making.

Nepotism

"Nepotism" refers to awarding employment or appointment on the basis of family relationship. The practice is considered contrary to sound public policy, which is why prohibitions against nepotism exist in all states, including Texas.

Chapter 573 of the Government Code prohibits a city council from hiring a person related to a councilmember within the second degree by affinity or the third degree by consanguinity, but there are exceptions. The prohibition does not apply in cities with a population of 200 or less, or to close relatives who were already continuously employed by the city for at least 30 days before the related councilmember was appointed, or at least six months before the related councilmember was elected. If a relative is allowed to remain employed under this exception, the related councilmember may not participate in deliberation or voting on matters affecting that employee individually (as opposed to actions affecting a class or category of employees).

The nepotism statute does not apply to unpaid positions.

Since “affinity” and “consanguinity” are the controlling factors in determining nepotism, both terms must be clearly understood.

Affinity is kinship by marriage, such as between spouses or between one spouse and the blood relatives of the other. Two people are related by affinity if they are married to each other, or if the spouse of one person is related by blood (consanguinity) to the other person.

Persons related within the first degree of affinity include the public official’s spouse, father-in-law, mother-in-law, sons-in-law, daughters-in-law, stepsons, and stepdaughters. Relatives related within the second degree of affinity include sisters-in-law (brother’s spouse or spouse’s sister), brothers-in-law (sister’s spouse or spouse’s brother), spouse’s grandparents, and spouse’s grandchildren. A marriage that ends by divorce or death also ends the relationships by affinity created by that marriage, unless a child of the marriage is living. In that case, the affinity relationship is considered to continue as long as the child is alive.

Consanguinity is kinship by blood, as between a mother and child or sister and brother. Two persons are related to each other by consanguinity if one is a descendant of the other or if they share a common ancestor.

Purchasing

Section 2252.908 of the Government Code provides that, with certain exceptions: (1) a city is prohibited from entering into a contract with a business entity unless the business entity submits a disclosure of interested parties (i.e., discloses a person who has a controlling interest in the business or who actively participates in facilitating the contract for the business) if the contract: (a) requires an action or vote by the city council before the contract may be signed; (b) has a value of at least \$1 million; or (c) is for services that would require a person to register as a lobbyist; (2) the disclosure must be on a form prescribed by the Texas Ethics Commission; and (3) a city must acknowledge receipt of the disclosure with the Texas Ethics Commission not later than 30 days after receiving the disclosure.

Chapter Nine:

Personal Liability of Members of City Council

A legal concept known as “governmental immunity” protects cities from being sued or held liable for various torts (a tort is a wrongful act resulting in injury to a person or property) and causes of action. But there are some exceptions to this general rule. For example, Chapter 101 of the Texas Civil Practice and Remedies Code (also known as the Texas Tort Claims Act) provides that a city may be liable for damages arising from the use of publicly-owned vehicles, premises defects, and injuries arising from conditions or use of property. Thus, a city (as an entity) is sometimes liable for limited damages resulting from the actions of its city officials and employees.

But what about mayors and councilmembers? Mayors and councilmembers across the state daily make decisions that impact the lives and property of thousands of people. Can these city officials be held personally responsible for damages resulting from decisions they make (or refuse to make) in their official capacity as members of the city’s governing body?

In most instances, mayors and councilmembers will not face personal liability. Like the city itself, mayors and councilmembers are often protected by different types of immunity, the purpose of which is to allow them to make decisions in the public interest with confidence and without fear. However, immunity is not available in all instances. For that reason, it is important for mayors and councilmembers to have a basic understanding of the areas in which they face potential liability.

Liability Under State Law

We start by examining a civil tort suit, a common instance in which the issue of the personal liability of a mayor or councilmember may arise. Generally speaking, Texas courts have held that mayors and councilmembers are not personally liable when a suit arises from the performance of discretionary acts that are taken in good faith and are within the scope of their authority. This type of protection is commonly referred to as official immunity. A “discretionary act” involves personal judgment. The decision about where to place a traffic sign is one example of a discretionary act. An action taken in good faith is one that is taken without intent to do harm. Thus, councilmembers should ensure that discretionary actions are taken in good faith and pursuant to their authority as authorized by relevant state law, ordinances, or policies.

Generally speaking, mayors and councilmembers may be held personally liable for torts that arise from ministerial acts. A “ministerial act” is one performed as a matter of duty; an act which a mayor or councilmember must perform. Ministerial acts also include those performed in obedience to state law or federal laws which are so plain and explicit that nothing is left to discretion or judgment. For example, canvassing the results of a city election is a ministerial and non-discretionary duty. Failure to perform a ministerial act imperils a mayor or councilmember regardless of whether the failure to act is done in good faith. A ministerial act required by law, but that is not performed at all, could also lead to liability. In

sum, a mayor or councilmember could potentially be individually liable for damages to individuals injured because of the failure to properly perform a ministerial duty or negligently failing to perform the duty at all. Personal liability of most city officials is capped at \$100,000 for actions brought in state court under the Texas Tort Claims Act.

Additionally, until recently, a mayor or councilmember could not be held personally liable for sexual harassment. In 2021, the Texas Legislature adopted Senate Bill 45, which expanded the definition of “employer” to include “any person who acts directly in the interests of an employer in relation to an employee.” Under this new definition, it is possible that elected officials may be subject to individual liability for sexual harassment if they: (1) know or should have known that the conduct constituting sexual harassment was occurring; and (2) fail to take immediate and appropriate corrective action. That same year the Legislature also adopted Senate 282, which provides that a political subdivision (including a city) may not use public funds to settle or otherwise pay a sexual harassment claim made against an elected or appointed member of the governing body, or a city official or employee.

In addition, even if fulfilling his or her duties, a mayor or councilmember could also be subject to civil or criminal liability as the result of a violation of certain state laws. Some of the most common state laws under which a mayor or councilmember may face criminal liability include the Open Meetings Act, the Public Information Act, conflicts of interest and financial disclosure laws, purchasing laws, and nepotism laws. In addition, prohibitions found in the Texas Penal Code may be implicated as a result of serving as a mayor or councilmember, including laws dealing with bribery, gifts,

honorariums, falsification of government documents, the misuse of information, abuse of official capacity, official oppression, forgery, and theft.

Finally, as an elected official, mayors and councilmembers may face both civil and criminal liability for failure to comply with certain state laws, such as those governing political contributions, political advertising, and campaign contributions.

Liability Under Federal Law

A mayor or councilmember may also face personal liability for violations of a person’s rights under federal law. This usually occurs: (1) as the result of claims alleging violations of constitutional rights; or (2) in an employment context (e.g., a claim brought under the Fair Labor Standards Act or the Family Medical Leave Act).

The law customarily used to take action against city officials for violations of constitutional rights or violations of federal law is Section 1983, Title 42, of the United States Code, which provides:

Every person who, under color any statute, ordinance, regulation, custom, or usage, of any State . . . subjects, or causes to be subjected, any citizen of the United states or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured . . .

Various types of policy decisions related to both city employees and members of the public could render a mayor or councilmember liable under Section 1983. However, city officials are usually protected by qualified immunity. Similar to the official immunity defense under state law (described above), a mayor or councilmember may be protected by qualified immunity when sued under federal law. To be covered by qualified immunity, the official must show that the action taken: (1) was discretionary; (2) was within the official's authority to take; and (3) did not violate any clearly established statutory or constitutional right of which a reasonable person would have known.

It is rare that a mayor or councilmember is held personally liable under federal law for the

decisions he or she makes as a member of the governing body. Even so, city officials should make sure that they have a reasonable basis for decisions made, and that applicable state and federal law is reviewed before those decisions are made, especially when those decisions impact specific individuals.

You can find more detailed information about the personal liability of mayors and city councilmembers in [TML's Understanding Your Personal Liability as a City Official: A Primer](#).

In sum, because liability questions are notoriously fact-sensitive, councilmembers and mayors should always seek the advice of the city attorney for any specific liability question.

Chapter Ten: Sources of Information

There is no comprehensive guide to everything there is to know about Texas cities, but there are many sources of information that can be helpful. Several are listed below.

Local Sources

Depending on the amount of time available, information on the finances, services, and other aspects of the city can be obtained by:

- Reading the city's code of ordinances;
- Reviewing the minutes of council meetings held during the past several months;
- Studying the current budget, the previous year's financial report, and other key financial documents;
- Visiting the various city departments to learn how the city conducts its day-to-day operations; and
- Conferring with past and present members of the council, the local newspaper editor, civic leaders, and others who have followed the city's affairs over the years.

Texas Municipal League

The Texas Municipal League is an association of cities that exists for one reason: to serve city officials. TML offers members of the city council and other city officials a broad range of services – including training seminars and conferences, technical assistance, legal information, and many other services. TML

also publishes several guides regarding municipal law and best practices for cities.

The League office welcomes all inquiries from its member officials, no matter how ordinary or unusual. The League is also willing to assist members of the press in understanding cities.

National Resources

American Planning Association, 200 E. Randolph St., Suite 6900, Chicago, IL 60601, 312-431-9100 (phone), 312-786-6700 (fax). Major publications: *Planning*, *Journal of the APA*, and *Zoning Practice*. The APA also publishes a number of guides to zoning, subdivision development, and other aspects of municipal planning. www.planning.org

American Public Works Association, 1200 Main Street, Suite 1400, Kansas City, Missouri 64105-2100, 816-472-6100. Monthly publication: *APWA Reporter*. APWA also publishes several public works-related manuals. www.apwa.net

American Society for Public Administration, 1730 Rhode Island Ave. NW, Suite 500, Washington, D.C. 20036, 202-393-7878. Bi-monthly publication: *Public Administration Review* features articles for councilmembers interested in municipal administrative and organizational processes and theory. *Public Integrity*, published bimonthly, addresses ethical issues affecting government and society. ASPA's quarterly newspaper, *PA TIMES*, covers developments in the academic and professional field of public administration. www.aspanet.org

Government Finance Officers Association, 203 N. LaSalle St., Suite 2700, Chicago, Illinois 60601-1210, 312-977-9700. Major publications include the weekly *GFOA Newsletter* and bimonthly *Government Finance Review*. GFOA also publishes a wealth of excellent operating manuals on the topics of budgeting, debt management, financial forecasting, and related items. www.gfoa.org

International Association of Chiefs of Police, 44 Canal Center Plaza, Suite 200, Alexandria, Virginia 22314, 703-836-6767. Major Publication: monthly *Police Chiefs Magazine*. www.theiacp.org

International Association of Fire Chiefs, 8251 Greensboro Drive, Suite 650, McLean, Virginia 22012, 703-273-0911. Major publication: *On Scene* newsletter. www.iafc.org

International City/County Management Association (ICMA), 777 North Capitol St. N.E., Suite 500, Washington, D.C. 20002-4201, 202-962-3680 (phone), 202-962-3500 (fax). Major publication: *Public Management*. Other publications: *LGR: Local Government Review* (biannual); *SmartBrief* (daily newsletter); and *Leadership Matters* (weekly newsletter). ICMA also publishes a series of manuals on different aspects of city government. www.icma.org

International Institute of Municipal Clerks, 8331 Utica Ave., Suite 200, Rancho Cucamonga, California 91730, 909-944-4162 (phone), 909-944-8545 (fax). Major Publications: *IIMC News Digest*, *Consent Agendas*, *IIMC Meeting Administration Handbook*, and *Language of Local Government*. IIMC provides training and information to city clerks and city secretaries. www.iimc.com

International Municipal Lawyers Association, 51 Monroe Street, Suite 404, Rockville, MD 20850 202-466-5424 (phone), 202-785-0152 (fax). Bi-monthly publication: *Municipal Lawyer*. IMLA also publishes a variety of documents of special interest to city attorneys. www.imla.org

Public Sector HR Association, 1617 Duke St., Alexandria, Virginia 22314, 703-549-7100. Major publications: *Public Personnel Management*, *HR News*, and *HR Bulletin*. PSHRA is a source of excellent information on productivity, employee performance appraisal, and other aspects of municipal personnel administration. www.pshra.org

National Association of Towns and Townships, 1901 Pennsylvania Avenue, NW, Suite 700, Washington, D.C., 20006, 202-331-8500. Major Publication: *Weekly Updates*. NATaT offers technical assistance, educational services, and public policy support to local government officials from small communities. www.natat.org

National Civic League, 190 E. 9th Ave, Suite 200, Denver, Colorado 80203, 303-571-4343. Major Publication: *National Civic Review*. NCL serves as a resource for information on citizen participation in state and local government and provides guides, model charters, and laws on specific subjects. NCL also sponsors the All-America City Award. www.ncl.org

National League of Cities, 660 North Capitol St. NW, Washington, D.C. 20001, 1-877-827-2385. Major Publication: *Cities Speak Blog*. Additionally, the organization conducts two national conventions of city officials, the first of which focuses on city-related federal programs, while the second emphasizes methods of improving municipal operations. www.nlc.org

U.S. Conference of Mayors, 1620 I Street N.W.,
Washington, D.C. 20006, 202-293-7330. USCM
provides current information on federal policy
developments of interest to cities over the
population of 30,000. www.usmayors.org



BECOMING A CITY OFFICIAL GUIDE



A GUIDE TO BECOMING A CITY OFFICIAL

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Congratulations on Your Decision to File for City Office

Serving as an effective city elected official requires dedication, knowledge, and a substantial time commitment, and there are countless reasons why people choose to run for public office. While you may have a very specific reason for seeking a place on the city council, you will be involved in a number of other issues that can have a lasting impact on your city's future. For this reason, becoming a city elected official can be one of the most rewarding experiences of your life. An understanding of your role on the city council—as a member of a team—is critical to your success.

This booklet is designed to familiarize you with the responsibilities of city elected office. Use it as a reference guide during your campaign. Don't hesitate to ask your city manager or city secretary questions about your specific city structure. If you are elected, you may want to seek out the many other resources that help to guide newly elected officials in their new roles.

Material contained in this brochure should not be viewed as a substitute for legal advice or specific information applicable to your city. In addition, if you're serious about your candidacy, you should consider other, more detailed information sources available to you, including:

- attending city council or board of aldermen meetings
- examining your charter, if your city is home rule
- reviewing city ordinances
- the *TML Handbook for Mayors and Councilmembers*

For information on elections, you may get additional information from the city clerk or secretary or the Texas Secretary of State's office. You should also consult your own attorney or familiarize yourself with the requirements of election laws.

Leadership Attributes for Councilmembers

Do you have the necessary leadership attributes to be an effective city leader? At a minimum, successful elected officials must devote a significant amount of time and energy to fulfill a position that answers directly to citizens. Some desirable leadership attributes include:

- a general understanding of city government
- willingness to learn about a wide range of topics
- integrity
- consistency
- confidence
- dedication to the interests of citizens and the community as a whole

- strong communication and team-building skills, including being a good listener
- openness to the thoughts and ideas of others
- being approachable and accessible
- willingness to work cooperatively

An Elected Official Wears Many Hats

Local elected officials have many responsibilities—policymaker, legislator, ambassador, and employer.

The office of mayor is the highest elected office in city government. City councilmembers are the city’s legislators, and their primary role is policymaking. The way administrative responsibilities are handled depends on your city type, with which you should be familiar.

Policymaker

As policymakers, it is the council’s responsibility to identify the needs of the citizens and to formulate a plan to meet those needs. Policymaking is a complicated process but can be simplified if the city council works together as a team and sets goals for the city. It is from the city council’s vision that the administrative staff of the city takes direction and goes about its daily work. The goals of the city should be clear. There are many legal, financial, and administrative considerations to implementing the goals of the city, and without clear direction the effectiveness of the city council can be diminished.

Legislator

Citizens look to the city council to exercise authority to preserve and promote their health, safety, and welfare. A city council may enact ordinances and resolutions and use its governmental powers for the public good. Citizens expect their city council to provide leadership in addressing issues. It is important to show respect for your fellow councilmembers and be willing to discuss issues thoroughly to reach a consensus on the best course of action for all citizens, whatever the issue.

Ambassador

As a member of your city council, you will be invited to participate in a variety of civic activities. These events will provide you with opportunities to learn more about what citizens of your city expect from city government. While not everyone likes this type of public spotlight, it is an important part of your role as a councilmember.

Employer

An understanding of your role as an elected official is vital to your relationship with the city staff. Just as in any productive employer-employee relationship, trust and respect are important. You can learn a great deal about the city from city employees. In many cities, councilmembers come and go, but the city staff continues to serve.

Mayors, Councils, and Boards of Aldermen

The mayor and city council or board of aldermen collectively serve as the governing body for a city and normally possess all legislative powers granted by state law. The positions of both councilmember and alderman have been compared to those of the members of the state legislature and the United States Congress. All these positions require elected officials to represent their constituents, to make policy decisions, to budget for the execution of the policies, and to see that their policies are carried out. Unlike their counterparts in state and federal offices, however, city officials are in direct contact with the citizens they serve on an ongoing basis.

Are You Eligible?

To run for office in a general law city in Texas, you must, among other requirements:

- be a citizen of the United States
- be at least 18 years old on the date of the election
- be a registered voter and have lived in the State of Texas for at least 12 consecutive months prior to the filing date for the election, and in your city or ward for at least six months prior to the filing date for the election
- not have been finally convicted of a felony for which you have not been pardoned or otherwise released from the resulting disabilities

Certain offices and certain city types have additional requirements in state law, so you should be sure to check with both the city and the Texas Secretary of State's Elections Division to ensure that you are eligible. A home rule city may set different requirements in its charter, so check with your city clerk or secretary on whether additional or different requirements apply. The Texas Secretary of State website is at www.sos.state.tx.us.

Filing for a Place on the Ballot

To run for city office, you must file an application with the city clerk or secretary. The application includes information required by the Texas Election Code and must be filed according to deadlines set by that code. A candidate may either file for a place on the ballot or as a write-in candidate, but an application must be filed in either case. A home rule city may also have additional requirements and procedures for filing for a place on the ballot. Your city clerk or secretary can inform you of the rules and deadlines.

Texas Ethics Commission Campaign Finance Filings

State law requires the filing of various forms by a candidate for city office. All candidates for city offices must file an "Appointment of a Campaign Treasurer by a Candidate" form with the city secretary before beginning their campaigns.

Candidates who do not intend to accept more than \$1,080 in political contributions or make more than \$1,080 in political expenditures may file a modified reporting declaration and operate under modified reporting. Under modified reporting, the candidate is not required to file any further forms beyond the final report, which is filed at the end of the campaign. Semiannual reports may still be required in some cases.

Candidates who intend to accept more than \$1,080 in political contributions or make more than \$1,080 in political expenditures, or who exceed that amount even after filing for modified reporting, must file under regular reporting requirements. Reports due under these requirements must be submitted by January 15 and July 15 of each year. The reports filed on these dates are known as semiannual reports.

An opposed candidate in an upcoming city election who is using regular reporting must also file reports of contributions and expenditures 30 days and 8 days before the election. A candidate in a runoff must file a report 8 days before the runoff election. Candidates filing under regular reporting are also required to file a final report at the end of the campaign.

Detailed information on filing is available on the Texas Ethics Commission's website at www.ethics.state.tx.us.

An Introduction to City Government

Elected city officials should have a basic understanding of city government and the duties, authority, and limitations of an elected body. What follows is a brief introduction to a few basic governance issues.

Of course, there is no better way to understand what elected officials do than to attend council meetings. In addition, most cities and towns have advisory boards that are formed to make or recommend policy or quasi-judicial decisions, such as a planning commission or parks and recreation board. Serving on these and other appointed boards is another excellent way to become informed.

Types of City Government

Texas has more than 1,200 incorporated cities; each of them is either a home rule city or a general law city. Home rule cities are larger cities. A city with a population of more than 5,000 in which the citizens have adopted a home rule charter through an election is a home rule city. A home rule charter is the document that establishes the city's governmental structure and provides for the distribution of powers and duties.

General law cities are usually smaller cities. General law cities don't have charters. Rather, they operate according to specific state statutes. A general law city looks to the state constitution and state statutes to determine what it **may do**. If state law

doesn't grant a general law city the express or implied power to initiate a particular action, none may be taken. There are three categories of general law cities: type A, B, or C. If you are seeking office in a general law city, you should ask your city manager or city secretary to clarify the type in order to understand which state laws apply.

As opposed to general law cities, a home rule city operates according to its charter and looks to the state constitution and state statutes to determine what it **may not do**.

Forms of Government

There are two prevalent forms of city government in Texas:

Mayor-Council Structure

- The mayor is the ceremonial head of government and presides over council or board of aldermen meetings.
- The council or board of aldermen sets meetings.
- The council or board of aldermen sets policy.
- Depending on local charter and/or ordinances, applicable statute, or local practice, broad or limited administrative authority is vested with the mayor, members of the council or board of aldermen, an administrator, or designated department heads appointed by the mayor, council, or board of aldermen.

Council-Manager Structure

- The mayor is the ceremonial head of government and presides over council or board of aldermen meetings.
- The council sets policy and hires and fires the manager.
- The city manager normally has broad administrative authority.

Basic City Services

Services provided by cities vary. However, some typical services may include:

- **Public Safety**—police, fire, and sometimes ambulance service
- **Utilities**—water and sewer, trash collection, electric power, and natural gas
- **Land Use**—planning, zoning, code enforcement, and other regulatory activities
- **Transportation**—street construction and maintenance, traffic safety, and sometimes public transit
- **Recreation/Culture**—parks, recreation, libraries, and sometimes cultural facilities
- **Legal**—ordinances protecting the public health, safety, and welfare of the community

City Finance

In budgeting, the governing body makes important decisions about the operation and priorities of the city. Is a swimming pool more important than storm sewers? Does the city need a new library more than it needs extra police personnel? Should the potholes be filled or the street completely rebuilt? Budgeting is a process by which the governing body determines the city's standard of living—what the citizens need and want, what they are willing to pay, and what services they can expect to receive for their tax dollars.

Cities levy specific taxes to finance city services. In addition, many city services are financed in whole or in part by user fees and charges. The following are the most common taxes and fees levied by Texas cities:

- **Property tax**—levied on the valuation of taxable property located within the city
- **Sales tax**—levied on retail sales of tangible personal property and some specific services
- **Right-of-way rental fees**—levied on non-municipally owned utilities (telecommunications, electric, gas, water, cable television)

Finally, cities receive some revenues from various federal and state grant and allocation programs. TML provides a comprehensive guide to all revenue sources available to cities. The guide is called the *TML Revenue Manual for Texas Cities* and is available at www.tml.org.

Ethics and Conflicts of Interest

Various laws govern the behavior of a city official. A brief overview of the most commonly applicable statutes follows.

Local Government Code Chapter 171 – Conflicts of Interest

Definition of “conflict of interest”: A local public official has a conflict of interest in a matter if any action on the matter would involve a business entity or real property in which the official has a substantial interest, and if an action on the matter will result in a special economic effect on the business that is distinguishable from the effect on the public, or in the case of a substantial interest in real property, it is reasonably foreseeable that the action will have a special economic effect on the value of the property, distinguishable from its effect on the public. A local public official is also considered to have a substantial interest if a close relative has such an interest.

General rule: If a local public official has a conflict of interest in regard to a business entity or real property, that official must file an affidavit with the city secretary stating the interest and must abstain from any participation or vote on the

matter.

Exception: If a local public official has a conflict of interest and files an affidavit, the official is not required to abstain from further participation or a vote on the matter if a majority of the members of the governing body also have a conflict of interest and file an affidavit.

Penalties: Penalties for violating the conflict of interest provisions range from having the action voided to the imposition of fines and incarceration.

Local Government Code Chapter 176 – Conflicts Disclosure

Local Government Code Chapter 176 requires that “local government officers”—including mayors, councilmembers, and certain other executive city officers and agents—file a “conflicts disclosure statement” with a city’s records administrator within seven days of becoming aware of any of the following situations:

- A city officer or the officer’s family member has an employment or business relationship that results in taxable income of more than \$2,500 in the preceding 12 months with a person who has contracted with or is considering contracting with the city (“vendor”).
- A city officer or the officer’s family member receives and accepts one or more gifts with an aggregate value of \$100 in the preceding 12 months from a vendor.
- A city officer has a family relationship with a vendor.

The law also requires a vendor to file a “conflict of interest questionnaire” if the vendor has a business relationship with the city and has an employment or other relationship with an officer or officer’s family members, has given a gift to either, or has a family relationship with a city officer. The conflicts disclosure statement and the conflict of interest questionnaire are created by the Texas Ethics Commission and are available online at www.ethics.state.tx.us. An officer who knowingly fails to file the statement commits either a class A, B, or C misdemeanor, depending on the amount of the contract.

Government Code Chapter 553 – Conflicts Disclosure

Government Code Chapter 553 requires that city officers and candidates for city office who have a legal or equitable interest in property that is to be acquired with public funds file an affidavit within 10 days before the date on which the property is to be acquired by purchase or condemnation. The affidavit must be filed with: (1) the county clerk of the county in which the officer or candidate resides; and (2) the county clerk of each county in which the property is located.

A person who fails to file the required affidavit is presumed to have committed a Class A misdemeanor offense if the person had actual notice of the acquisition or intended acquisition of the property.

Financial Disclosure for Cities with a Population of 100,000 or More

Chapter 145 of the Texas Local Government Code requires candidates and elected city officials in cities with a population of 100,000 or more to fill out detailed financial statements to be filed with the city secretary or city clerk.

Nepotism

Definition of “nepotism”: Nepotism is the appointment or employment of a close relative of a city’s “final hiring authority (the city council or city manager, depending on the form of government)” to a paid position with the city.

General rule: A public official, acting alone or as a member of a governing body, generally may not appoint a close relative to a paid position, regardless of the relative’s merit. In addition, a person may not continue to be employed by a city if a close relative is elected to the city council, unless he or she falls under an exception.

Exception: If the employee has been continuously employed by the city for a certain period of time, an employee may remain employed by the city if a close relative is elected to city council.

Exception: The nepotism statute does not apply to cities with fewer than 200 people.

Penalties: Penalties for violating the nepotism provisions include a fine and immediate removal from office.

Dual Office-Holding/Incompatibility

Definition of “dual office-holding” and general rule: The Texas Constitution generally prohibits one person from holding more than one paid public office.

Definition of “incompatibility” and general rule: Texas law prohibits one person from holding two public offices, regardless of whether one or both offices are paid, if one position might impose its policies on the other or subject it to control in some other way. There are three types of incompatibility: (1) “self-appointment” incompatibility prohibits a member of a governing body from being appointed to a position over which the governing body has appointment authority; (2) “self-employment” incompatibility prohibits a member of a governing body from being employed in a position over which the governing body has employment authority;

and (3) “conflicting loyalties” incompatibility prohibits one person from holding two public offices in which the duties of one office might negatively affect the duties of the other office.

Penalties: A person who accepts a prohibited second office automatically resigns from the first office.

Open Government

Before assuming public office, you should become familiar with Texas Open Meetings Act (TOMA) and Public Information Act (PIA). These laws apply to political subdivisions in Texas, including cities, and outline what meetings and information must be open and available to the public.

Texas Open Meetings Act (TOMA)

The Texas Open Meetings Act (TOMA) reflects the policy that public bodies are engaged in the public’s business. Consequently, city council or board of aldermen meetings should be open to the public and held only after the public has been properly notified. The TOMA governs how city meetings are conducted. Some general principles follow.

Definition of “meeting”: A meeting occurs any time a quorum of the city council discusses public business that is within the city council’s jurisdiction, regardless of the location or means of communication (e.g., phone, in person, email).

General rule: Every regular, special, or called meeting of the city council and most boards and commissions (depending on membership and authority) must be open to the public.

Exception: TOMA does not apply to purely social gatherings, conventions and workshops, ceremonial events, press conferences, or candidate forums, so long as any discussion of city business is incidental to the purpose of the gathering, and no action is taken.

Exception: A city may use an online message board that is viewable by the public for city councilmembers to discuss city business. The message board must meet several criteria provided for in TOMA.

Exception: Statutorily authorized executive or “closed” sessions, including deliberations concerning: (1) the value or transfer of real property; (2) specific consultations with the council’s attorney; (3) specific personnel matters; (4) economic development; (5) certain security matters; (6) certain information related to emergencies and disasters; (7) a prospective gift or donation; (8) certain competitive matters relating to a city-owned electric or gas utility; or (9) potential items on tests that the council conducts for purposes of licensing individuals to

engage in an activity.

To hold an executive session, the governing body must first convene in open session, identify which issues will be discussed in executive session, and cite the applicable exception. All final actions, decisions, or votes must be made in an open meeting.

Agenda: A governmental body must post an agenda that includes the date, hour, place, and subject of each meeting. The agenda must be posted on a physical or electronic bulletin board at city hall in a place readily accessible to the public at all times at least three business days before the scheduled date of the meeting. In addition, for cities that have an Internet website, the city must post the city council's agenda at least three business days before the scheduled date of the meeting on that website.

In addition, for a meeting at which the governmental body will discuss or adopt its budget, the city's notice must include: (1) a physical copy of the proposed budget unless the proposed budget has been made clearly accessible on its website's homepage; and (2) a taxpayer impact statement containing specific information required by law.

Records of meetings: Cities must keep written minutes or recordings of all open meetings, and a certified agenda or recording of all executive/closed meetings, except for closed consultations with an attorney. The minutes must state the subject and indicate each vote, decision, or other action taken, and a city that has a website must post the approved minutes on that website.

Minutes and recording of an open meeting are public records, while certified agendas and recording of a closed meeting are confidential and cannot be released to the public except by court order.

Penalties: Penalties for violating the TOMA range from having the action voided to the imposition of fines and incarceration. Any action taken in violation is voidable and may be reversed in a civil lawsuit. There are four criminal provisions under the TOMA, including:

1. Knowingly engaging in a series of communications of less than a quorum of members discussing city business that will ultimately be deliberated by a quorum of members;
2. Calling or participating in an impermissible closed meeting;
3. Participating in an executive session without a certified agenda or recording; and
4. Disclosing a certified agenda or recording to a member of the public.

Texas Public Information Act (PIA)

The PIA governs the availability of city records to the public. Some general provisions follow.

Definition of "public information": Public information includes any information

that is collected, assembled, or maintained by or for a governmental entity, regardless of the format. Public information can include city-related emails or texts on a city official's personal devices/accounts.

General rule: Most information held by a city is presumed to be public information and must be released pursuant to a written request.

Exceptions: Specific statutory exceptions to disclosure allow certain types of information to be withheld from the public. Other statutes make certain kinds of information "confidential by law," meaning that a city must withhold that information from the public. Because there are numerous exceptions, city officials should consult with local counsel immediately on receipt of a request.

Procedure: Any member of the public may request information in writing. A city official is prohibited from inquiring into the requestor's motives and is generally limited to: (1) releasing the information as quickly as is practicable, but generally not later than ten business days following the request; or (2) requesting an opinion from the Texas attorney general's office within ten business days of the receipt of the request as to whether the information may be withheld. Recent statutory changes and rulings by the attorney general have granted cities the authority to withhold specified types of confidential information without going through the process of seeking an opinion from the attorney general's office.

Penalties: Penalties for violating the PIA range from a civil lawsuit against the city or a city official to the imposition of fines and incarceration. There are three general criminal provisions under the PIA, including: (1) refusing to provide public information; (2) providing confidential information; and (3) destroying government information improperly.

Open Government Training

Each elected or appointed member of a governmental body must take at least one hour of training in both the Open Meetings Act and the Public Information Act. For more information, please visit the attorney general's website at www.texasattorneygeneral.gov.

A Basic Glossary of City Government

Budgeting: Crafting, passing, and following a city budget are among the most important tasks you will perform as a councilmember. Cities cannot make expenditures except in strict accordance with a budget, and they can levy taxes only in accordance with the budget.

Conflicts of Interest: As a councilmember, you are prohibited from voting or deliberating on agenda items that affect your own business, financial interests, or

real property. You'll be required to file an affidavit with the city secretary disclosing the details of your conflict, and that affidavit becomes a public record. Also, you are required to disclose in writing the receipt of any gifts or income from any vendor that does business with the city.

Dual Office-Holding/Incompatibility: Councilmembers cannot hold other paid public offices; in many cases, they cannot hold other unpaid public offices, either. Further, councilmembers can't take paid jobs with their own city, nor can they appoint themselves to other posts or positions. Finally, think twice about announcing to run for another public office while you're still a councilmember—you may automatically resign your council seat when you do. Check with your city attorney or the Texas Municipal League before considering any other position or job that might be a problem.

Employment Policies: In general law cities, the final authority on employment decisions typically rests with the council as a whole. In home rule cities, the charter usually determines who makes employment decisions. As a member of the council, you should familiarize yourself with the city's employment policies and periodically consult with your city attorney to ensure the policies are kept up to date.

Government Transparency: The Texas Public Information Act and the Open Meetings Act require access to records and meetings. After a city receives a written request for information under the Public Information Act, it must promptly provide copies or access to information, with limited exceptions. The Texas attorney general generally determines whether information is excepted from disclosure to the public. City councils are required to conduct their meetings in accordance with the Open Meetings Act. City officials are required by law to attend training in both Acts.

Gifts and Donations: Cities are prohibited by the Texas Constitution from giving money or anything of value to a private individual, association, or corporation. The exception to this doctrine is when the city council determines that a donation will serve a public purpose of the city. The decision as to what constitutes a public purpose is left to the discretion of the city council but may be overturned by a court. State law also places strict requirements on what gifts an elected official or candidate may receive. Officials and candidates should review these rules before giving or accepting any gift.

Holdover: The Texas Constitution includes a provision that allows an elected official who is no longer qualified for office to continue to serve until his or her vacancy is filled by a qualified individual. This provision allows a city to continue to conduct business even when it loses one or more councilmembers. However, some disqualifications may prevent the disqualified councilmember from continuing to serve as a holdover, and this issue should be reviewed upon the vacancy being created.

Liability: Councilmembers will generally be held personally liable only for actions taken outside the scope of their duties and responsibilities as members of the

governing body. However, the city itself will be potentially liable for actions taken by its councilmembers within the scope of their official duties. (See Tort Claims Act below.)

Meeting: Almost everyone intuitively knows what a meeting is. For example, a regular meeting of a city council, where agenda items are discussed and formal action is taken, is clearly a meeting. However, according to the Texas Open Meetings Act, other gatherings of the members of a governmental body may constitute a meeting. Generally, any time a quorum is present and city business is discussed, all of the Open Meetings Act requirements, including posting of a notice and preparation of minutes, must be followed.

Quorum: A city council must have a quorum to call a meeting to order and conduct business. The number of councilmembers required to establish a quorum varies by city. A quorum in a general law city is determined by state law, and a quorum in a home rule city is spelled out in the city's charter.

Tort Claims Act: The Texas Tort Claims Act limits governmental liability and provides for damage caps for governmental entities. The Act provides that liability for engaging in 36 specifically enumerated "governmental functions" (such as provision of police and fire protection, maintaining city parks, and other activities one expects of a local government) is limited by statute to \$250,000 for personal injury claims and \$100,000 for property damage claims. The Tort Claims Act does not generally provide for private causes of action against individual councilmembers for the actions of the city government.

Votes by Council: When a council votes on an ordinance or resolution, all that is typically needed to pass the item is a majority of those present and voting. While a quorum is the number needed to conduct a meeting, it is not necessary that a quorum actually vote on each agenda item. Local practices may vary from city to city, however.

Good Luck

We wish you luck in the election. No matter the outcome, you will find the process rewarding and should be proud that you made the decision to offer your time and commitment to the citizens of your city. If you are elected, the Texas Municipal League is here to assist you. Contact us at 512-231-7400 or www.tml.org.

Who Belongs to TML?

Membership in the League is voluntary and is open to any city in Texas. From the original 14 members, TML's membership has grown to more than 1,170 cities. Over 16,000 mayors, councilmembers, city managers, city attorneys, and department heads are member officials of the League by virtue of their cities' participation. Associate memberships are available to private sector organizations and companies that strive to provide quality services to municipal government.

TML Service Statement

In serving its member cities, the League will:

- Represent municipal interests before legislative and administrative bodies.
- Conduct original research in any area of concern to member cities and provide the results of that research to member cities and other interested parties.
- Serve as a repository of literature, analyses, research, and other data related to all aspects of municipal operations and make that material available to members.
- Sponsor and conduct conferences, seminars, meetings, and workshops for the purpose of studying and exchanging information regarding municipal government.
- Make available an official magazine and other publications, reports, or newsletters of interest to members.
- Secure the assistance of educational institutions for the purpose of gathering, analyzing, and publishing municipal government information, and conducting training and professional development in the field of municipal administration.
- Strive to secure harmonious actions among Texas cities, other governments, and other groups in all matters which affect the rights and duties of the cities of Texas.
- Provide any additional services for which individual members, acting alone, may not have adequate resources.
- Promote the interests of the League's affiliates by providing organizational and technical assistance.
- Promote constructive and cooperative intergovernmental relations by maintaining mutually supportive relationships with groups representing local, state, and regional governments.



APPLICATION FOR A PLACE ON THE BALLOT

APPLICATION FOR A PLACE ON THE BALLOT FOR A GENERAL ELECTION FOR A CITY, SCHOOL DISTRICT OR OTHER POLITICAL SUBDIVISION

ALL INFORMATION IS REQUIRED TO BE PROVIDED UNLESS INDICATED AS OPTIONAL¹ Failure to provide required information may result in rejection of application.

APPLICATION FOR A PLACE ON THE _____ GENERAL ELECTION BALLOT					
TO: City Secretary/Secretary of Board _____ (name of election)					
I request that my name be placed on the above-named official ballot as a candidate for the office indicated below.					
OFFICE SOUGHT (Include any place number or other distinguishing number, if any.)				INDICATE TERM <input type="checkbox"/> FULL <input type="checkbox"/> UNEXPIRED	
FULL NAME (First, Middle, Last)			PRINT NAME AS YOU WANT IT TO APPEAR ON THE BALLOT*		
PERMANENT RESIDENCE ADDRESS (Do not include a P.O. Box or Rural Route. If you do not have a residence address, describe location of residence.)			PUBLIC MAILING ADDRESS (Optional) (Address for which you receive campaign related correspondence, if available.)		
CITY	STATE	ZIP	CITY	STATE	ZIP
PUBLIC EMAIL ADDRESS (Optional) (Address for which you receive campaign related emails, if available.)		OCCUPATION (Do not leave blank)	DATE OF BIRTH / /	VOTER REGISTRATION VOID NUMBER² (Optional)	
TELEPHONE CONTACT INFORMATION (Optional) Home: _____ Office: _____ Cell: _____					
FELONY CONVICTION STATUS (You MUST check one)		LENGTH OF CONTINUOUS RESIDENCE AS OF DATE THIS APPLICATION WAS SWORN			
<input type="checkbox"/> I have not been finally convicted of a felony. <input type="checkbox"/> I have been finally convicted of a felony, but I have been pardoned or otherwise released from the resulting disabilities of that felony conviction and I have provided proof of this fact with the submission of this application. ³		IN THE STATE OF TEXAS _____ year(s) _____ month(s)		IN TERRITORY/DISTRICT/PRECINCT FROM WHICH THE OFFICE SOUGHT IS ELECTED _____ year(s) _____ month(s)	
This Box Must ONLY be Completed by Candidates for School District Board of Trustees					
Check the Box Below: <input type="checkbox"/> I am aware that I am not eligible to serve as a trustee of an independent school district if I am required to register as a sex offender under Chapter 62, Code of Criminal Procedure.					
*If using a nickname as part of your name to appear on the ballot, you are also signing and swearing to the following statements: I further swear that my nickname does not constitute a slogan or contain a title, nor does it indicate a political, economic, social, or religious view or affiliation. I have been commonly known by this nickname for at least three years prior to this election. Please review sections 52.031, 52.032 and 52.033 of the Texas Election Code regarding the rules for how names may be listed on the official ballot.					
Before me, the undersigned authority, on this day personally appeared (name of candidate) _____, who being by me here and now duly sworn, upon oath says: "I, (name of candidate) _____, of _____ County, Texas, Being a candidate for the office of _____, swear that I will support and defend the Constitution and laws of the United States and of the State of Texas. I am a citizen of the United States eligible to hold such office under the constitution and laws of this state. I have not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote. I am aware of the nepotism law, Chapter 573, Government Code. I am aware that I must disclose any prior felony conviction, and if so convicted, must provide proof that I have been pardoned or otherwise released from the resulting disabilities of any such final felony conviction. I am aware that knowingly providing false information on the application regarding my possible felony conviction status constitutes a Class B misdemeanor. I further swear that the foregoing statements included in my application are in all things true and correct.					
X _____ SIGNATURE OF CANDIDATE					
Sworn to and subscribed before me this the _____ day of _____, _____, by _____. (day) (month) (year) (name of candidate)					
Signature of Officer Authorized to Administer Oath ⁴			Printed Name of Officer Authorized to Administer Oath		
_____			Notarial or Official Seal		
Title of Officer Authorized to Administer Oath					
TO BE COMPLETED BY FILING OFFICER: THIS APPLICATION IS ACCOMPANIED BY THE REQUIRED FILING FEE (If Applicable) PAID BY: <input type="checkbox"/> CASH <input type="checkbox"/> CHECK <input type="checkbox"/> MONEY ORDER <input type="checkbox"/> CASHIERS CHECK OR <input type="checkbox"/> PETITION IN LIEU OF A FILING FEE.					
This document and \$_____ filing fee or a nominating petition of _____ pages received. <input type="checkbox"/> Voter Registration Status Verified					
_____/_____/_____ Date Received		_____/_____/_____ Date Accepted		(See Section 1.007) _____ Signature of Filing Officer or Designee	

INSTRUCTIONS

An application for a place on the general election for a city, school district or other political subdivision, may not be filed earlier than 30 days before the deadline prescribed by this code for filing the application. An application filed before that day is void. All fields of the application **must** be completed unless specifically marked optional.

For an election to be held on a uniform election date, the day of the filing deadline is the 78th day before Election Day.

If you have questions about the application, please contact the Secretary of State's Elections Division at 800-252-8683.

NEPOTISM LAW

The candidate must sign this statement indicating his awareness of the nepotism law. When a candidate signs the application, it is an acknowledgment that the candidate is aware of the nepotism law. The nepotism prohibitions of chapter 573, Government Code, are summarized below:

No officer may appoint, or vote for or confirm the appointment or employment of any person related within the second degree by affinity (marriage) or the third degree by consanguinity (blood) to the officer, or to any other member of the governing body or court on which the officer serves when the compensation of that person is to be paid out of public funds or fees of office. However, nothing in the law prevents the appointment, voting for, or confirmation of anyone who has been continuously employed in the office or employment for the following period prior to the election or appointment of the officer or member related to the employee in the prohibited degree: six months, if the officer or member is elected at an election other than the general election for state and county officers.

No candidate may take action to influence an employee of the office to which the candidate is seeking election or an employee or officer of the governmental body to which the candidate is seeking election regarding the appointment or employment of a person related to the candidate in a prohibited degree as noted above. This prohibition does not apply to a candidate's actions with respect to a bona fide class or category of employees or prospective employees.

FOOTNOTES

¹An application for a place on the ballot, including any accompanying petition, is public information immediately on its filing. (Section 141.035, Texas Election Code)

²Inclusion of a candidate's VUID is optional. However, many candidates are required to be registered voters in the territory from which the office is elected at the time of the filing deadline. Please visit the Elections Division of the Secretary of State's website for additional information. <https://www.sos.state.tx.us/elections/laws/voter-reg-req-candidate-faq.shtml>

³Proof of release from the resulting disabilities of a felony conviction would include proof of judicial clemency under Texas Code of Criminal Procedure 42A.701, proof of executive pardon under Texas Code of Criminal Procedure 48.01, or proof of a restoration of rights under Texas Code of Criminal Procedure 48.05. (Texas Attorney General Opinion KP-0251)

One of the following documents must be submitted with this application.

Judicial Clemency under Texas Code of Criminal Procedure 42A.701

Executive Pardon under Texas Code of Criminal Procedure 48.01

Restoration of Rights under Texas Code of Criminal Procedure 48.05

⁴All oaths, affidavits, or affirmations made within this State may be administered and a certificate of the fact given by a judge, clerk, or commissioner of any court of record, a notary public, a justice of the peace, city secretary (for a city office), and the Secretary of State of Texas. See Chapter 602 of the Texas Government Code for the complete list of persons authorized to administer oaths.

**SOLICITUD DE INSCRIPCIÓN PARA UN LUGAR EN LA BOLETA DE UNA ELECCIÓN GENERAL
 PARA UNA CIUDAD, DISTRITO ESCOLAR U OTRA SUBDIVISIÓN POLÍTICA**

TODA LA INFORMACIÓN ES REQUERIDA A MENOS QUE SE INDIQUE COMO OPCIONAL¹ El hecho de no proporcionar la información requerida puede resultar en el rechazo de la solicitud.

SOLICITUD DE INSCRIPCIÓN PARA UN LUGAR EN LA BOLETA DE UNA ELECCIÓN GENERAL DE _____					
Para: Secretario(a) de la Ciudad/ Secretario(a) del Consejo			(nombre de la elección)		
Solicito que mi nombre se incluya en la boleta oficial mencionada anteriormente como candidato(a) al cargo indicado a continuación.					
CARGO SOLICITADO (Incluya cualquier número de cargo u otro número distintivo, si lo hay.)			INDIQUE TÉRMINO <input type="checkbox"/> TÉRMINO COMPLETO <input type="checkbox"/> TÉRMINO INCOMPLETO		
NOMBRE COMPLETO (Primer Nombre, Segundo Nombre, Apellido)			ESCRIBA SU NOMBRE COMO DESEA QUE APAREZCA EN LA BOLETA*		
DIRECCIÓN DE RESIDENCIA PERMANENTE (No incluya un apartado postal o una ruta rural. Si usted no tiene una dirección de residencia, describa la ubicación de la residencia.)			DIRECCIÓN DE CORREO PÚBLICO (Opcional) (Dirección en la que recibe la correspondencia relacionada con la campaña, si está disponible.)		
CIUDAD	ESTADO	CÓDIGO POSTAL	CIUDAD	ESTADO	CÓDIGO POSTAL
DIRECCIÓN DE CORREO ELECTRÓNICO PÚBLICO (Opcional) (Dirección donde recibe correo electrónico relacionado con la campaña, si está disponible.)		OCUPACIÓN (No deje este espacio en blanco)	FECHA DE NACIMIENTO / /	VOID – NÚMERO ÚNICO DE IDENTIFICACIÓN DE VOTANTE² (Opcional)	
INFORMACIÓN DE CONTACTO TELEFÓNICO (Opcional) Hogar: _____ Trabajo: _____ Celular: _____					
ESTADO DE CONDENA POR DELITO GRAVE (DEBE marcar una)			DURACIÓN DE RESIDENCIA CONTINUA A PARTIR DE LA FECHA EN QUE ESTA SOLICITUD FUE JURADA		
<input type="checkbox"/> No he sido finalmente condenado por un delito grave. <input type="checkbox"/> He sido finalmente condenado por un delito grave, pero he sido indultado o liberado de otro modo de las discapacidades resultantes de esa condena por delito grave y he proporcionado prueba de este hecho con la presentación de esta solicitud. ³			EN EL ESTADO DE TEXAS ____ año(s) ____ mes(es)		EN EL TERRITORIO/DISTRITO/PRECINTO DEL CUAL SE ELIGE EL CARGO BUSCADO ____ año(s) ____ mes(es)
Esta casilla SÓLO debe ser rellena por los candidatos para la Junta Directiva del Distrito Escolar Marque la casilla a continuación: <input type="checkbox"/> Reconozco que no soy elegible para servir como fideicomisario de un distrito escolar independiente si estoy obligado a registrarme como delincuente sexual conforme al Capítulo 62 del Código de Procedimiento Penal.					
*Si usa un apodo como parte de su nombre para aparecer en la boleta, también está firmando y jurando las siguientes declaraciones: Juro además que mi apodo no constituye un lema ni contiene un título, ni indica un punto de vista o afiliación política, económica, social o religiosa. He sido comúnmente conocido por este apodo durante al menos tres años antes de esta elección. Por favor, revise las secciones 52.031, 52.032 y 52.033 del Código Electoral de Texas con respecto a las reglas sobre cómo se pueden incluir los nombres en la boleta oficial.					
Ante mí, la autoridad abajo firmante, en este día apareció personalmente (nombre del candidato) _____, quien estando a mi lado aquí y ahora debidamente juramentado, bajo juramento dice: “Yo, (nombre del candidato) _____, del condado de _____, Texas, siendo candidato para el cargo de _____, juro que apoyaré y defenderé la Constitución y las leyes de los Estados Unidos y del Estado de Texas. Soy un ciudadano de los Estados Unidos elegible para ocupar dicho cargo según la Constitución y las leyes de este estado. No se me ha determinado por un fallo final de una corte que ejerce la jurisdicción testamentaria que esté totalmente incapacitado mentalmente o parcialmente incapacitado sin derecho a voto. Soy consciente de la ley de nepotismo según el Capítulo 573 del Código de Gobierno. Soy consciente de que debo divulgar cualquier condena previa de un delito grave y, si he sido condenado, debo proporcionar prueba de que he sido indultado o liberado de otro modo de las discapacidades resultantes de dicha condena final por delito grave. Soy consciente de que proporcionar a sabiendas información falsa en la solicitud con respecto a mi posible estado de condena por delito grave constituye un delito menor de Clase B. Juro además que las declaraciones anteriores incluidas en mi solicitud son, en todos los aspectos, verdaderas y correctas.”					
			X		
			FIRMA DEL CANDIDATO		
Jurado y suscrito ante mí este día ____ de ____ del ____ por ____. (día) (mes) (año) (nombre de candidato)					
Firma del oficial autorizado para administrar el juramento ⁴ _____ Título del oficial autorizado para administrar el juramento			Nombre del oficial autorizado para administrar juramentos en letra de molde _____ Notarial o sello oficial		
TO BE COMPLETED BY FILING OFFICER: THIS APPLICATION IS ACCOMPANIED BY THE REQUIRED FILING FEE (If Applicable) PAID BY: <input type="checkbox"/> CASH <input type="checkbox"/> CHECK <input type="checkbox"/> MONEY ORDER <input type="checkbox"/> CASHIERS CHECK OR <input type="checkbox"/> PETITION IN LIEU OF A FILING FEE.					
This document and \$_____ filing fee or a nominating petition of _____ pages received. <input type="checkbox"/> Voter Registration Status Verified					
_____/_____/_____		_____/_____/_____		(See Section 1.007) _____	
Date Received		Date Accepted		Signature of Filing Officer or Designee	

INSTRUCCIONES

Una solicitud para un lugar en la elección general para una ciudad, distrito escolar u otra subdivisión política, no puede ser presentada antes de los 30 días antes de la fecha límite prescrita por este código para presentar la solicitud. Una solicitud presentada antes de ese día es nula. Todos los **campos** de la solicitud **deben** completarse a menos que estén específicamente marcados como opcional.

Para una elección que se lleve a cabo en una fecha de elección uniforme, el día de la fecha límite de presentación es el 7^o día antes del día de la elección.

Si tiene preguntas sobre la solicitud, por favor póngase en contacto con la División de Elecciones del Secretario de Estado llamando al 800-252-8683.

LEY DE NEPOTISMO

El candidato debe firmar esta declaración indicando su conocimiento de la ley del nepotismo. Cuando un candidato firma la solicitud, es un reconocimiento de que el candidato conoce la ley del nepotismo. Las prohibiciones de nepotismo del capítulo 573, Código de Gobierno, se resumen a continuación:

Ningún funcionario puede nombrar, votar o confirmar el nombramiento o empleo de cualquier persona emparentada dentro del segundo grado por afinidad (matrimonio) o del tercer grado por consanguinidad (sangre) con sí mismo, o con cualquier otro miembro del órgano de gobierno o corte en el que se desempeña cuando la compensación de esa persona debe pagarse con fondos públicos o honorarios del cargo. Sin embargo, nada en la ley impide el nombramiento, la votación o la confirmación de cualquier persona que haya estado empleada continuamente en la oficina o el empleo durante el período siguiente antes de la elección o el nombramiento del funcionario o miembro emparentado con el empleado en el grado prohibido: seis meses, si el funcionario o miembro es elegido en una elección que no sea la elección general para funcionarios estatales y del condado.

Ningún candidato puede tomar medidas para influir en un empleado del cargo al que aspira a ser elegido o en un empleado o funcionario del organismo gubernamental al que aspira a ser elegido en relación con el nombramiento o el empleo de una persona emparentada con el candidato en un grado prohibido, tal como se ha indicado anteriormente. Esta prohibición no se aplica a las acciones de un candidato con respecto a una clase o categoría de buena fe de empleados o empleados prospectos.

NOTAS

¹Una solicitud para un lugar en la boleta electoral, incluida cualquier petición que la acompañe, es información pública inmediatamente después de su presentación. (Sección 141.035, Código Electoral de Texas)

²La inclusión del número único de identificación de votante (VUID, por sus siglas en Inglés) es opcional. Sin embargo, a muchos candidatos se les exige que estén registrados como votantes en el territorio desde el cual se elige el cargo en el momento de la fecha límite de presentación. Por favor, visite el sitio web de la División de Elecciones de la Secretaría de Estado para obtener información adicional. <https://www.sos.state.tx.us/elections/laws/voter-reg-req-candidate-faq.shtml>

³La prueba de liberación de las discapacidades resultantes de una condena por un delito grave incluiría prueba de clemencia judicial según el Código de Procedimiento Penal de Texas 42A.701, prueba de indulto ejecutivo según el Código de Procedimiento Penal de Texas 48.01, o prueba de una restauración de derechos según el Código de Procedimiento Penal de Texas 48.05. (Opinión de Fiscal General de Texas KP-0251)

Se debe enviar uno de los siguientes documentos con esta solicitud:

Clemencia judicial según el Código de Procedimiento Penal de Texas 42A.701

Prueba de indulto ejecutivo según el Código de Procedimiento Penal de Texas 48.01

Prueba de una restauración de derechos según el Código de Procedimiento Penal de Texas 48.05

⁴Todos los juramentos, declaraciones juradas o afirmaciones hechas dentro de este estado pueden ser administrados y un certificado del hecho dado por un juez, secretario(a) o comisionado de cualquier corte de registro, un notario público, un juez de paz, secretario municipal (para una oficina de la ciudad) y el Secretario de Estado de Texas. Consulte el Capítulo 602 del Código del Gobierno de Texas para obtener la lista completa de personas autorizadas a administrar juramentos.



FILING SCHEDULE



TEXAS ETHICS COMMISSION
2026 FILING SCHEDULE FOR REPORTS DUE IN CONNECTION WITH
ELECTIONS HELD ON UNIFORM ELECTION DATES

This is a filing schedule for reports to be filed in connection with elections held on uniform election dates in May and November. Examples of elections held on uniform election dates are elections for school board positions and city offices. The uniform election dates in 2026 are May 2 and November 3.

Candidates and officeholders must file semiannual reports (due on January 15, 2026, and July 15, 2026). In addition, a candidate who has an opponent on the ballot in an election held on a uniform election date must file two pre-election reports (unless the candidate has elected modified reporting).

The campaign treasurer of a political committee that is involved in an election held on a uniform election date must also file pre-election reports (unless the committee is a general-purpose political committee that files monthly or a specific-purpose political committee that files on the modified reporting schedule). This schedule sets out the due dates for pre-election reports in connection with elections on uniform election dates. Please consult the 2026 REGULAR FILING SCHEDULE FOR GENERAL-PURPOSE POLITICAL COMMITTEES (GPAC), COUNTY EXECUTIVE COMMITTEES (CEC), AND SPECIFIC-PURPOSE POLITICAL COMMITTEES (SPAC) for a complete listing of political committee deadlines.

Candidates for and officeholders in local offices regularly filled at the general election for state and county officers (the November election in even-numbered years) should use the 2026 FILING SCHEDULE FOR CANDIDATES AND OFFICEHOLDERS FILING WITH THE COUNTY CLERK OR ELECTIONS ADMINISTRATOR.

EXPLANATION OF THE FILING SCHEDULE CHART

COLUMN I: REPORT DUE DATE - This is the date by which the report must be filed. If the due date for a report falls on a Saturday, Sunday, or legal holiday, the report is due on the next regular business day. This schedule shows the extended deadline where applicable. A report transmitted to the Texas Ethics Commission over the Internet is considered timely filed if it is transmitted *by midnight, Central Time Zone, on the night of the filing deadline*. For most filing deadlines, a report filed on paper is considered timely filed if it is deposited with the U.S. Post Office or a common or contract carrier properly addressed with postage and handling charges prepaid, or hand-delivered to the filing authority by the filing deadline. **Pre-Election Reports:** A report due 30 days before an election and a report due 8 days before an election must be *received* by the appropriate filing authority no later than the report due date to be considered timely filed.

COLUMN II: TYPE OF REPORT (WHO FILES) - This column gives the report type and explains which reporting form to use and which filers are required to file the report.

COLUMN III: BEGINNING DATE OF PERIOD COVERED - This column sets out the beginning date of the time period covered by the report. Use the latest one of the applicable dates. The "date of campaign treasurer appointment" is the beginning date only for the *first* report filed after filing a campaign treasurer appointment. For officeholders recently appointed to an elective office, the beginning date for the first report will be the date the officeholder took office, provided that he or she was not already filing as an officeholder or candidate at the time of the appointment. (*NOTE: If you are ever confused about the beginning date for a required report, remember this rule: **There should never be gaps between reporting periods and, generally, there should not be overlaps.***)

COLUMN IV: ENDING DATE OF PERIOD COVERED - This column sets out the ending date of the time period covered by the report. The report must include reportable activity occurring on the ending date.

Please consult the CAMPAIGN FINANCE GUIDE FOR CANDIDATES AND OFFICEHOLDERS WHO FILE WITH LOCAL FILING AUTHORITIES or the CAMPAIGN FINANCE GUIDE FOR POLITICAL COMMITTEES for further information.

<u>COLUMN I</u> DUE DATE	<u>COLUMN II</u> TYPE OF REPORT (WHO FILES)	<u>COLUMN III</u> BEGINNING DATE OF PERIOD COVERED	<u>COLUMN IV</u> ENDING DATE OF PERIOD COVERED
Thursday, January 15, 2026	January semiannual [FORM C/OH] (all local candidates and officeholders, except for officeholders who do not have a campaign treasurer appointment on file and who do not exceed \$1,110 in contributions or expenditures for the reporting period) [FORM GPAC] (all GPACs) [FORM SPAC] (all SPACs)	July 1, 2025, <i>or</i> the date of campaign treasurer appointment, <i>or</i> the day after the date the last report ended.	December 31, 2025
Thursday, January 15, 2026	Annual report of unexpended contributions [FORM C/OH-UC] (former candidates and former officeholders who have filed a final report and who retained unexpended contributions or assets purchased with contributions)	January 1, 2025, <i>or</i> the day after the date the final report was filed.	December 31, 2025

REPORTS DUE BEFORE THE MAY 2, 2026, UNIFORM ELECTION

Thursday, April 2, 2026 NOTE: This report must be received by the appropriate filing authority no later than April 2, 2026.	30th day before the May 2, 2026, uniform election [FORM C/OH] (all local candidates who have an opponent on the ballot in the May 2 election and who do not file on the modified reporting schedule) [FORM GPAC] (all GPACs that are involved in the May 2 election) [FORM SPAC] (all SPACs that do not file on the modified reporting schedule and that supported or opposed an opposed candidate or a measure in the May 2 election)	January 1, 2026, <i>or</i> the date of campaign treasurer appointment, <i>or</i> the day after the date the last report ended.	March 23, 2026
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NOTE: A political committee must file pre-election reports if the committee is involved in the election during each pre-election reporting period. **A political committee must file an 8-day pre-election report if the committee filed a 30-day pre-election report, even if there is no activity to report during the 8-day reporting period.** The campaign treasurer of a political committee may be required to file 30-day and 8-day pre-election reports in connection with elections not listed on this schedule.

<u>COLUMN I</u> DUE DATE	<u>COLUMN II</u> TYPE OF REPORT (WHO FILES)	<u>COLUMN III</u> BEGINNING DATE OF PERIOD COVERED	<u>COLUMN IV</u> ENDING DATE OF PERIOD COVERED
<p>Friday, April 24, 2026</p> <p>NOTE: This report must be <u>received</u> by the appropriate filing authority no later than April 24, 2026.</p>	<p>8th day before May 2, 2026, uniform election</p> <p>[FORM C/OH] (all local candidates who have an opponent on the ballot in the May 2 election and who do not file on the modified reporting schedule)</p> <p>[FORM GPAC] (all GPACs that filed a “30th Day Before Election Report” or that are involved in the May 2 election)</p> <p>[FORM SPAC] (all SPACs that do not file on the modified reporting schedule and that filed a “30th Day Before Election Report” or that supported or opposed an opposed candidate or a measure in the May 2 election)</p>	<p>March 24, 2026, <i>or</i></p> <p>the date of campaign treasurer appointment, <i>or</i></p> <p>the day after the date the last report ended.</p>	<p>April 22, 2026</p> <p>NOTE: Daily pre-election reports of contributions accepted and direct campaign expenditures made after April 22, 2026, may be required. Please consult the Campaign Finance Guide for further information.</p>
<p>Wednesday, July 15, 2026</p>	<p>July semiannual</p> <p>[FORM C/OH] (all local candidates and officeholders, except for officeholders who do not have a campaign treasurer appointment on file and who do not exceed \$1,140 in contributions or expenditures for the reporting period)</p> <p>[FORM GPAC] (all GPACs)</p> <p>[FORM SPAC] (all SPACs)</p>	<p>January 1, 2026, <i>or</i></p> <p>the date of campaign treasurer appointment, <i>or</i></p> <p>the day after the date the last report ended.</p>	<p>June 30, 2026</p>
<p>NOTE: A political committee must file pre-election reports if the committee is involved in the election during each pre-election reporting period. A political committee must file an 8-day pre-election report if the committee filed a 30-day pre-election report, even if there is no activity to report during the 8-day reporting period. The campaign treasurer of a political committee may be required to file 30-day and 8-day pre-election reports in connection with elections not listed on this schedule.</p>			

<u>COLUMN I</u> DUE DATE	<u>COLUMN II</u> TYPE OF REPORT (WHO FILES)	<u>COLUMN III</u> BEGINNING DATE OF PERIOD COVERED	<u>COLUMN IV</u> ENDING DATE OF PERIOD COVERED
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REPORTS DUE BEFORE THE NOVEMBER 3, 2026, UNIFORM ELECTION

<p>Monday, October 5, 2026</p> <p><i>Deadline is extended because of weekend.</i></p> <p>NOTE: This report must be <u>received</u> by the appropriate filing authority no later than October 5, 2026.</p>	<p>30th day before the November 3, 2026, uniform election</p> <p>[FORM C/OH] (all local candidates who have an opponent on the ballot in the November 3 election and who do not file on the modified reporting schedule)</p> <p>[FORM GPAC] (all GPACs that are involved in the November 3 election)</p> <p>[FORM SPAC] (all SPACs that do not file on the modified reporting schedule and that supported or opposed an opposed candidate or a measure in the November 3 election)</p>	<p>July 1, 2026, <u>or</u></p> <p>the date of campaign treasurer appointment, <u>or</u></p> <p>the day after the date the last report ended.</p>	<p>September 24, 2026</p>
<p>Monday, October 26, 2026</p> <p>NOTE: This report must be <u>received</u> by the appropriate filing authority no later than October 26, 2026.</p>	<p>8th day before the November 3, 2026, uniform election</p> <p>[FORM C/OH] (all local candidates who have an opponent on the ballot in the November 3 election and who do not file on the modified reporting schedule)</p> <p>[FORM GPAC] (all GPACs that filed a “30th Day Before Election Report” or that are involved in the November 3 election)</p> <p>[FORM SPAC] (all SPACs that do not file on the modified reporting schedule and that filed a “30th Day Before Election Report” or that supported or opposed an opposed candidate or a measure in the November 3 election)</p>	<p>September 25, 2026, <u>or</u></p> <p>the date of campaign treasurer appointment, <u>or</u></p> <p>the day after the date the last report ended.</p>	<p>October 24, 2026</p> <p>NOTE: Daily pre-election reports of contributions accepted and direct campaign expenditures made after October 24, 2026, may be required. Please consult the Campaign Finance Guide for further information.</p>

NOTE: A political committee must file pre-election reports if the committee is involved in the election during each pre-election reporting period. **A political committee must file an 8-day pre-election report if the committee filed a 30-day pre-election report, even if there is no activity to report during the 8-day reporting period.** The campaign treasurer of a political committee may be required to file 30-day and 8-day pre-election reports in connection with elections not listed on this schedule.

<u>COLUMN I</u> DUE DATE	<u>COLUMN II</u> TYPE OF REPORT (WHO FILES)	<u>COLUMN III</u> BEGINNING DATE OF PERIOD COVERED	<u>COLUMN IV</u> ENDING DATE OF PERIOD COVERED
Friday, January 15, 2027	<p>January semiannual</p> <p>[FORM C/OH] (all local candidates and officeholders, except for officeholders who do not have a campaign treasurer appointment on file and who do not exceed \$1,140 in contributions or expenditures for the reporting period)</p> <p>[FORM GPAC] (all GPACs)</p> <p>[FORM SPAC] (all SPACs)</p>	<p>July 1, 2026, <i>or</i></p> <p>the date of campaign treasurer appointment, <i>or</i></p> <p>the day after the date the last report ended.</p>	December 31, 2026
Friday, January 15, 2027	<p>Annual report of unexpended contributions</p> <p>[FORM C/OH-UC] (former candidates and former officeholders who have filed a final report and who retained unexpended contributions or assets purchased with contributions)</p>	<p>January 1, 2026, <i>or</i></p> <p>the day after the date the final report was filed.</p>	December 31, 2026



POLITICAL ADVERTISING BROCHURE

Political Advertising Requirements

For comprehensive review of political advertising requirements, please refer to the [Political Advertising Guide](#), available on our website. For answers to frequently asked questions, see below.

For questions about the use of public funds for political advertising, please refer to the [Political Subdivision Guide](#) and [School District Guide](#), both available on our website.

What is “Political Advertising”?

“Political advertising” means a communication supporting or opposing a candidate for nomination or election to a public office or office of a political party, a political party, a public officer, or a measure that:

(A) in return for consideration, is published in a newspaper, magazine, or other periodical or is broadcast by radio or television; or

(B) appears:

(i) in a pamphlet, circular, flier, billboard or other sign, bumper sticker, or similar form of written communication; or

(ii) on an Internet website (including a communication appearing on a social media website).

When can I begin advertising

Candidates may begin advertising once they have a campaign treasurer appointment on file. The laws under the Commission’s jurisdiction do not address when and where candidates may place signs. uestions about the 90-day timeline for placing signs must be directed to the [Texas Department of Transportation](#).

What are the requirements of a disclosure statement

A political advertising disclosure statement ***must contain*** the words “political advertising” or any recognizable abbreviation, and must:

(1) appear on one line of text or on successive lines of text on the face of the political advertising; or

(2) be clearly spoken in the political advertising if the political advertising does not include written text.

The disclosure statement ***must contain*** the full name of:

- (1) the person who paid for the political advertising;
- (2) the political committee authorizing the political advertising; or
- (3) the candidate or specific-purpose committee supporting the candidate, if the political advertising is authorized by the candidate.

A disclosure statement is *not required* on:

- (1) tickets or invitations to political fund-raising events;
- (2) campaign buttons, pins, or hats, or on objects whose size makes printing the disclosure impractical, such as t-shirts, balloons, buttons, emery boards, hats, lapel stickers, small magnets, pencils, pens, pins, wooden nickels, and candy wrappers;
- (3) circulars or flyers that cost in the aggregate less than \$500 to publish and distribute.
- (4) an envelope that is used to transmit political advertising, provided that the political advertising in the envelope includes the disclosure statement; or
- (5) letterhead stationery if the letterhead contains the full name of one of the following:
 - (a) the person who paid for the political advertising;
 - (b) the political committee authorizing the political advertising; or
 - (c) the candidate authorizing the political advertising.
- (6) postings or re-postings on an Internet website if the person posting or re-posting is not an officeholder, candidate, or political committee and did not make an expenditure exceeding \$100 in a reporting period for political advertising beyond the basic cost of hardware messaging software and bandwidth;
- (7) an Internet social media profile webpage of a candidate or officeholder, if the webpage clearly and conspicuously displays the full name of the candidate or officeholder; and
- (8) postings or re-postings on an Internet website if the advertising is posted with a link to a publicly viewable Internet webpage that either contains the disclosure statement or is an Internet social media profile webpage of a candidate or officeholder that clearly and conspicuously displays the candidate's or officeholder's full name.

What are the requirements of a “Highway Right-of-Way Notice”?

Political advertising signs must contain the following statement, in verbatim:

“NOTICE: IT IS A VIOLATION OF STATE LAW (CHAPTERS 392 AND 393, TRANSPORTATION CODE), TO PLACE THIS SIGN IN THE RIGHT-OF-WAY OF A HIGHWAY.”

The highway right-of-way notice may appear on the reverse-side of a sign.

POLITICAL ADVERTISING

What You Need to Know



The Texas Election Code requires certain disclosures and notices on political advertising. The law also prohibits certain types of misrepresentation in political advertising and campaign communications. This brochure explains what you need to know to insure that your political advertising and campaign communications comply with the law.

If you are not sure what the law requires, do the cautious thing. Use the political advertising disclosure statement whenever you think it might be necessary, and do not use any possibly misleading information in political advertising or a campaign communication. If you are using political advertising or campaign communications from a prior campaign, you should check to see if the law has changed since that campaign.

Candidates for federal office should check with the Federal Election Commission at (800) 424-9530 for information on federal political advertising laws.

NOTICE: This guide is intended only as a general overview of the disclosure statements that must appear on political advertising as required under [Chapter 255 of the Election Code](#), which is distinct from political reporting requirements under [Chapter 254 of the Election Code](#).

Texas Ethics Commission
P.O. Box 12070
Austin, Texas 78711-2070

(512) 463-5800

TDD (800) 735-2989

Visit us at www.ethics.state.tx.us.

Revised July 16, 2019

REQUIRED DISCLOSURE ON POLITICAL ADVERTISING

I. What Is Political Advertising?

The disclosure statement and notice requirements discussed in this section apply to “political advertising.” In the law, “political advertising” is a specifically defined term. Do not confuse this special term with your own common-sense understanding of advertising.

To figure out if a communication is political advertising, you must look at what it says and where it appears. If a communication fits in one of the categories listed in Part A (below) and if it fits in one of the categories listed in Part B (below), it is political advertising.

Part A. What Does It Say?

1. Political advertising includes communications supporting or opposing a candidate for nomination or election to either a public office or an office of a political party (including county and precinct chairs).
2. Political advertising includes communications supporting or opposing an officeholder, a political party, or a measure (a ballot proposition).

Part B. Where Does It Appear?

1. Political advertising includes communications that appear in pamphlets, circulars, fliers, billboards or other signs, bumper stickers, or similar forms of written communication.
2. Political advertising includes communications that are published in newspapers, magazines, or other periodicals in return for consideration.
3. Political advertising includes communications that are broadcast by radio or television in return for consideration.
4. Political advertising includes communications that appear on an Internet website.

II. When Is a Disclosure Statement Required?

The law provides that political advertising that contains express advocacy is required to include a disclosure statement. The person who causes the political advertising to be published, distributed, or broadcast is responsible for including the disclosure statement.

The law does not define the term “express advocacy.” However, the law does provide that political advertising is deemed to contain express advocacy if it is authorized by a candidate, an agent of a candidate, or a political committee filing campaign finance reports. Therefore, a disclosure statement is required any time a candidate, a candidate’s agent, or a political committee authorizes political advertising.

The precise language of political advertising authorized by someone other than a candidate, the candidate's agent, or a political committee will determine if the advertising contains express advocacy and is therefore required to include a disclosure statement. Generally, the question is whether the communication expressly advocates the election or defeat of an identified candidate, or expressly advocates the passage or defeat of a measure, such as a bond election. The inclusion of words such as "vote for," "elect," "support," "defeat," "reject," or "Smith for Senate" would clearly constitute express advocacy, but express advocacy is not limited to communications that use those words. Similar phrases, such as "Cast your ballot for X," would also constitute express advocacy. Additionally, in 2007, the United States Supreme Court held that an advertisement included express advocacy or its functional equivalent "if the ad is susceptible to no reasonable interpretation other than as an appeal to vote for or against a specific candidate." *FEC v. Wis. Right to Life, Inc.*, 551 U.S. 449 (2007). It is a question of fact whether a particular communication constitutes express advocacy. If you are not sure whether political advertising contains express advocacy, do the cautious thing and include the disclosure statement. That way, there is no need to worry about whether you have violated the law.

Remember: The concept of "express advocacy" is relevant in determining whether political advertising is required to include a disclosure statement. However, the political advertising laws governing the right-of-way notice, misrepresentation, and use of public funds by political subdivisions will apply to political advertising regardless of whether the advertising contains express advocacy.

III. What Should the Disclosure Statement Say?

A disclosure statement must include the following:

1. the words "political advertising" or a recognizable abbreviation such as "pol. adv."; and
2. the full name of one of the following: (a) the person who paid for the political advertising; (b) the political committee authorizing the political advertising; or (c) the candidate or specific-purpose committee supporting the candidate, if the political advertising is authorized by the candidate.

The disclosure statement must appear on the face of the political advertising or be clearly spoken if the political advertising is audio only and does not include written text.

The advertising should not be attributed to entities such as "Committee to Elect John Doe" unless a specific-purpose committee named "Committee to Elect John Doe" has filed a campaign treasurer appointment with the Ethics Commission or a local filing authority.

IV. Are There Any Exceptions to the Disclosure Statement Requirement?

The following types of political advertising do not need the disclosure statement:

1. t-shirts, balloons, buttons, emery boards, hats, lapel stickers, small magnets, pencils, pens, pins, wooden nickels, candy wrappers, and similar materials;
2. invitations or tickets to political fundraising events or to events held to establish support for a candidate or officeholder;

3. an envelope that is used to transmit political advertising, provided that the political advertising in the envelope includes the disclosure statement;
4. circulars or fliers that cost in the aggregate less than \$500 to publish and distribute;
5. political advertising printed on letterhead stationery, if the letterhead includes the name of one of the following: (a) the person who paid for the advertising, (b) the political committee authorizing the advertising, or, (c) the candidate or specific-purpose committee supporting the candidate, if the political advertising is authorized by the candidate. (Note: There is also an exception for holiday greeting cards sent by an officeholder, provided that the officeholder's name and address appear on the card or the envelope.)
6. postings or re-postings on an Internet website if the person posting or re-posting is not an officeholder, candidate, or political committee and did not make an expenditure exceeding \$100 in a reporting period for political advertising beyond the basic cost of hardware messaging software and bandwidth;
7. an Internet social media profile webpage of a candidate or officeholder, if the webpage clearly and conspicuously displays the full name of the candidate or officeholder; and
8. postings or re-postings on an Internet website if the advertising is posted with a link to a publicly viewable Internet webpage that either contains the disclosure statement or is an Internet social media profile webpage of a candidate or officeholder that clearly and conspicuously displays the candidate's or officeholder's full name.

V. What Should I Do If I Discover That My Political Advertising Does Not Contain a Disclosure Statement?

The law prohibits a person from using, causing or permitting to be used, or continuing to use political advertising containing express advocacy if the person knows it does not include the disclosure statement. A person is presumed to know that the use is prohibited if the Texas Ethics Commission notifies the person in writing that the use is prohibited. If you receive notice from the Texas Ethics Commission that your political advertising does not comply with the law, you should stop using it immediately.

If you learn that a political advertising sign designed to be seen from the road does not contain a disclosure statement or contains an inaccurate disclosure statement, you should make a good faith attempt to remove or correct those signs that have been distributed. You are not required to attempt to recover other types of political advertising that have been distributed with a missing or inaccurate disclosure statement.

VI. The Fair Campaign Practices Act.

The [Fair Campaign Practices Act](#) sets out basic rules of decency, honesty, and fair play to be followed by candidates and political committees during a campaign. A candidate or political committee may choose to subscribe to the voluntary code by signing a copy of the code and filing it with the authority with whom the candidate or committee is required to file its campaign

treasurer appointment. A person subscribing to the code may indicate that fact on political advertising by including the following or a substantially similar statement:

(Name of the candidate or political committee, as appropriate) subscribes to the Code of Fair Campaign Practices.

VII. Special Notice to Political Subdivisions and School Districts.

You may not use public funds or resources for political advertising. Please see our “Publications and Guides” section of our website for more information.

ROAD SIGNS

I. When Is the “Right-Of-Way” Notice Required?

All written political advertising that is meant to be seen from a road must carry a “right-of-way” notice. It is a criminal offense to omit the “right-of-way” notice in the following circumstances:

1. if you enter into a contract or agreement to print or make written political advertising meant to be seen from a road; or
2. if you instruct another person to place the written political advertising meant to be seen from a road.

II. What Should the “Right-Of-Way” Notice Say?

Section 259.001 of the Texas Election Code prescribes the exact language of the notice:

NOTICE: IT IS A VIOLATION OF STATE LAW (CHAPTERS 392 AND 393, TRANSPORTATION CODE) TO PLACE THIS SIGN IN THE RIGHT-OF-WAY OF A HIGHWAY.

III. Do Yard Signs Have to Have the “Right-Of-Way” Notice?

Yes. The “right-of-way” notice requirement applies to signs meant to be seen from any road. The notice requirement assures that a person responsible for placing signs is aware of the restriction on placing the sign in the right-of-way of a highway.

IV. What About Bumper Stickers?

Bumper stickers do not need the “right-of-way” notice. They do, however, need a political advertising disclosure statement.

V. Where May I Place My Signs and How Long May Signs Be Posted?

For information about exactly where you may or may not place signs, or for information regarding the length of time your signs may be posted, check with your city or county government or your homeowner’s association. The Texas Ethics Commission does not have

jurisdiction over matters involving the location of signs, and the length of time that they may be posted.

MISREPRESENTATION

I. Are There Restrictions on the Contents of Political Advertising?

Political advertising and campaign communications may not misrepresent a person’s identity or official title, nor may they misrepresent the true source of the advertising or communication. The election law does not address other types of misrepresentation in political advertising or campaign communications.

Note that the misrepresentation rules apply to both political advertising and campaign communications. “Campaign communication” is a broader term than “political advertising.”

A “campaign communication” means “a written or oral communication relating to a campaign for nomination or election to public office or office of a political party or to a campaign on a measure.”

II. Misrepresentation of Office Title.

A candidate may not represent that he or she holds an office that he or she does not hold at the time of the representation. **If you are not the incumbent in the office you are seeking, you must make it clear that you are seeking election rather than reelection by using the word “for” to clarify that you don’t hold that office.** The word “for” must be at least one-half the type size as the name of the office and should appear immediately before the name of the office. For example, a non-incumbent may use the following formats:

**Vote John Doe
for Attorney General**

**John Doe
For
Attorney General**

A non-incumbent may not be allowed to use the following verbiage:

**Elect John Doe
Attorney General**

**John Doe
Attorney General**

III. Misrepresentation of Identity or Source.

A person violates the law if, with intent to injure a candidate or influence the result of an election, the person misrepresents the source of political advertising or a campaign communication or if the person misrepresents his or her own identity or the identity of his or her agent in political advertising or in a campaign communication. (If someone else is doing something for you, that person is your agent.) For example, you may not take out an ad in favor of your opponent that purports to be sponsored by a notoriously unpopular group.

IV. Use of State Seal.

Only current officeholders may use the state seal in political advertising.

V. Criminal Offenses.

Be aware that many violations of the Election Code are criminal offenses. For example, unlawfully using public funds for political advertising can be a Class A misdemeanor. So can misrepresenting one's identity or office title in political advertising. For more details on these offenses and political advertising in general, see [Chapter 255 of the Election Code](#).



CANDIDATE SIGN REGULATIONS

Political and Campaign Signs

Right of Way Division

Interstate and Primary Highways

During campaign season, the landscape blooms with a special kind of flower - the political sign. Unlike wildflowers which are welcome anywhere, putting campaign signs on public lands is illegal. So before you plant that sign, learn the law and keep Texas beautiful.

TxDOT only controls the location of commercial signs, and never controls the content of any signage. If you have questions about what may be on a political sign, please contact the Texas Ethics Commission at (512) 463-5800.

Frequently Asked Questions

Where can I place political signs?

You can place your signs anywhere so long as they are:

- 1) not in the highway right of way;
- 2) not in a location that poses a safety hazard (e.g. blocking sight to a driveway); and
- 3) placed with the landowner's permission.

Always make sure to check with local authorities (cities, counties, etc.) as they may have their own restrictions on sign placement.

When can I place political signs?

Cities and counties may have their own time restrictions for political signs, however TxDOT does not enforce any timing restrictions.

There is a sign on private property posing a safety hazard

If you believe a sign or signs create a safety hazard, contact local law enforcement as they can have the owner remove or relocate their sign(s).

There are signs located on the Right of Way (ROW)

Signs cannot be placed on the ROW as per Texas Transportation Code §393.002. "A sheriff, constable, or other trained volunteer authorized by the commissioners court of a county may confiscate a sign placed in violation of Section 393.002." [TEX. TRANS. CODE §393.003]. For state-maintained highways, your local TxDOT district office also has the authority to remove signs located on state owned right of way.

Where is the ROW?

If you are unsure where the ROW starts or ends, you should contact your local TxDOT district office.

Online Information

This same information is available online on TxDOT's website and can be accessed by the below method:



Contact Us

The contact information for your local TxDOT office can be found online at:

www.txdot.gov → About → TxDOT Districts

Then find your county and select the "Discover" link for specific contact information.

For any other questions concerning signs along Texas highways, contact the TxDOT Commercial Signs Regulatory Section:

ROW_OutdoorAdvertising@txdot.gov

or by phone:

(512) 416-3030



FIRST STEPS FOR CANDIDATES RUNNING FOR OFFICE

First Steps for Candidates Running for a City Office

This quick-start guide for candidates seeking a city office is not intended to provide comprehensive information. For more details, including information on political advertising requirements, fundraising rules, and filing schedules, see the Texas Ethics Commission's (TEC) website at www.ethics.state.tx.us.

1. All candidates must file a Campaign Treasurer Appointment (Form CTA).

All candidates must file [Form CTA](#) even if you do not intend to raise or spend any money. [Form CTA](#) is required to be filed before you file an application for a place on the ballot, raise or spend any money for your campaign, or announce your candidacy. File [Form CTA](#) with the city clerk or city secretary, as applicable.

2. Opposed Candidates: Will you accept or spend more than **\$1,080*** for the election?

• YES:

- You do not qualify to file on the modified reporting schedule.
- You are **required** to file pre-election campaign finance reports using [Form C/OH](#) if you have an opponent on the ballot. Find [Form C/OH](#) and its instructions on our "[Local Filers Non-Judicial Candidate/Officeholder](#)" webpage.
- Pre-election reports are due 30 days and 8 days prior to each election. To be timely filed, pre-election reports must be received by the city clerk or city secretary no later than the due date.

• NO:

- You can elect to file on the modified reporting schedule by completing the *Modified Reporting Declaration* on page two of [Form CTA](#). File [Form CTA](#) with the city clerk or city secretary.
- If you elect to file on the modified reporting schedule, you do not have to file pre-election campaign finance reports due 30 days and 8 days prior to the election.
- Exceed \$1,080*: If you elect to file on the modified reporting schedule but later exceed \$1,080 in either contributions or expenditures, what reports you will be required to file depends upon when you exceed \$1,080*.
 - If you exceed \$1,080* on or before the 30th day before the election, you are **required** to file pre-election campaign finance reports due 30 days and 8 days prior to an election using [Form C/OH](#). To be timely filed, pre-election reports must be received by the city clerk or city secretary no later than the due date. Find [Form C/OH](#) and its instructions on our "[Local Filers Non-Judicial Candidate/Officeholder](#)" webpage.
 - If you exceed \$1,080* after the 30th day before the election, you are **required** to file an Exceeded Modified Reporting Limit report using [Form C/OH](#). To be timely filed, this report must be filed with the city clerk or city secretary within 48 hours of exceeding \$1,080.* You must also file the pre-election report due 8 days prior to an election. Find [Form C/OH](#) and its instructions on our "[Local Filers Non-Judicial Candidate/Officeholder](#)" webpage. If you exceed \$1,080* on or before the 8th day before the election, you are **required** to file a pre-election campaign finance report due 8 days prior to an election using [Form C/OH](#). To be timely filed, the pre-election

report must be received by the city clerk or city secretary no later than the due date. Find [Form C/OH](#) and its instructions on our “[Local Filers Non-Judicial Candidate/Officeholder](#)” webpage.

3. **Unopposed Candidates.**

If you do not have an opponent whose name will appear on the ballot in the election, you are an unopposed candidate and are not required to file pre-election campaign finance reports prior to that election.

4. **All candidates must file semiannual campaign finance reports ([Form C/OH](#)).**

All candidates are **required** to file semiannual reports using [Form C/OH](#) even if you have no campaign activity or were unsuccessful in the election. Semiannual reports are due on January 15th and July 15th and must be filed with the city clerk or city secretary. To end your filing obligations, you must cease campaign activity and file a Final report using [Form C/OH](#) and attaching Form C/OH-FR (Designation of Final Report). Form C/OH-FR is found on the last page of [Form C/OH](#). Find [Form C/OH](#) and its instructions on our “[Local Filers Non-Judicial Candidate/Officeholder](#)” webpage. For more information, see “[Ending Your Campaign](#)” for local filers.

5. **All candidates can use the TEC’s Filing Application to prepare campaign finance reports ([Form C/OH](#)).**

You can use the TEC’s [Filing Application](#) to prepare a PDF version of your campaign finance report ([Form C/OH](#)). Select “Local Authority” and follow the steps to set up an account and login to the application. Once you have completed your report, print out a copy, add your treasurer information, get it notarized, and file it with the city clerk or city secretary by the appropriate deadline.

6. **Need More Information?**

See the [Campaign Finance Guide for Candidates and Officeholders Who File With Local Filing Authorities](#), forms, instructions, examples on how to disclose contributions and expenditures, political advertising and fundraising guides, and other information you may find useful on our website at www.ethics.state.tx.us under the “Resources” and “Forms/Instructions” main menu items.

***NOTE:** *The \$1,080 threshold is specific to transactions made in 2024.*



FAIR CAMPAIGN PRACTICES GUIDE AND FORMS

CODE OF FAIR CAMPAIGN PRACTICES

**FORM CFCP
COVER SHEET**

Pursuant to chapter 258 of the Election Code, every candidate and political committee is encouraged to subscribe to the Code of Fair Campaign Practices. The Code may be filed with the proper filing authority upon submission of a campaign treasurer appointment form. Candidates or political committees that already have a current campaign treasurer appointment on file as of September 1, 1997, may subscribe to the code at any time.

Subscription to the Code of Fair Campaign Practices is voluntary.

OFFICE USE ONLY

Date Received

Date Hand-delivered or Postmarked

Date Processed

Date Imaged

1 ACCOUNT NUMBER
(Ethics Commission Filers)

2 TYPE OF FILER

CANDIDATE

POLITICAL COMMITTEE

If filing as a candidate, complete boxes 3 - 6, then read and sign page 2.

If filing for a political committee, complete boxes 7 and 8, then read and sign page 2.

3 NAME OF CANDIDATE
(PLEASE TYPE OR PRINT)

TITLE (Dr., Mr., Ms., etc.)

FIRST

MI

NICKNAME

LAST

SUFFIX (SR., JR., III, etc.)

4 TELEPHONE NUMBER OF CANDIDATE
(PLEASE TYPE OR PRINT)

AREA CODE

PHONE NUMBER

EXTENSION

()

5 ADDRESS OF CANDIDATE
(PLEASE TYPE OR PRINT)

STREET / PO BOX;

APT / SUITE #;

CITY;

STATE;

ZIP CODE

6 OFFICE SOUGHT BY CANDIDATE
(PLEASE TYPE OR PRINT)

7 NAME OF COMMITTEE
(PLEASE TYPE OR PRINT)

8 NAME OF CAMPAIGN TREASURER
(PLEASE TYPE OR PRINT)

TITLE (Dr., Mr., Ms., etc.)

FIRST

MI

NICKNAME

LAST

SUFFIX (SR., JR., III, etc.)

GO TO PAGE 2

CODE OF FAIR CAMPAIGN PRACTICES

There are basic principles of decency, honesty, and fair play that every candidate and political committee in this state has a moral obligation to observe and uphold, in order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their constitutional rights to a free and untrammelled choice and the will of the people may be fully and clearly expressed on the issues.

THEREFORE:

- (1) I will conduct the campaign openly and publicly and limit attacks on my opponent to legitimate challenges to my opponent's record and stated positions on issues.
- (2) I will not use or permit the use of character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or the candidate's personal or family life.
- (3) I will not use or permit any appeal to negative prejudice based on race, sex, religion, or national origin.
- (4) I will not use campaign material of any sort that misrepresents, distorts, or otherwise falsifies the facts, nor will I use malicious or unfounded accusations that aim at creating or exploiting doubts, without justification, as to the personal integrity or patriotism of my opponent.
- (5) I will not undertake or condone any dishonest or unethical practice that tends to corrupt or undermine our system of free elections or that hampers or prevents the full and free expression of the will of the voters, including any activity aimed at intimidating voters or discouraging them from voting.
- (6) I will defend and uphold the right of every qualified voter to full and equal participation in the electoral process, and will not engage in any activity aimed at intimidating voters or discouraging them from voting.
- (7) I will immediately and publicly repudiate methods and tactics that may come from others that I have pledged not to use or condone. I shall take firm action against any subordinate who violates any provision of this code or the laws governing elections.

I, the undersigned, candidate for election to public office in the State of Texas or campaign treasurer of a political committee, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct the campaign in accordance with the above principles and practices.

Signature

Date

TEXAS ETHICS COMMISSION
CHAPTER 258, ELECTION CODE
FAIR CAMPAIGN PRACTICES



**Effective September 1,
1997 □ Revised 9/1/2023 □**

Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711

www.ethics.state.tx.us

512 □ 463-5800 • TDD (800) 735-2989

Promoting Public Confidence in Government

CHAPTER 258, ELECTION CODE
FAIR CAMPAIGN PRACTICES
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ELECTION CODE

TITLE 15. REGULATING POLITICAL FUNDS AND CAMPAIGNS

CHAPTER 258. FAIR CAMPAIGN PRACTICES

Sec. 258.001. SHORT TITLE. This chapter may be cited as the Fair Campaign Practices Act.

Sec. 258.002. PURPOSE.

(a) The purpose of this chapter is to encourage every candidate and political committee to subscribe to the Code of Fair Campaign Practices.

(b) It is the intent of the legislature that every candidate and political committee that subscribes to the Code of Fair Campaign Practices will follow the basic principles of decency, honesty, and fair play to encourage healthy competition and open discussion of issues and candidate qualifications and to discourage practices that cloud the issues or unfairly attack opponents.

Sec. 258.003. DELIVERY OF COPY OF CODE.

(a) When a candidate or political committee files its campaign treasurer appointment, the authority with whom the appointment is filed shall give the candidate or political committee a blank form of the Code of Fair Campaign Practices and a copy of this chapter.

(b) The authority shall inform each candidate or political committee that the candidate or committee may subscribe to and file the code with the authority and that subscription to the code is voluntary.

Sec. 258.004. TEXT OF CODE. The Code of Fair Campaign Practices reads as follows:

CODE OF FAIR CAMPAIGN PRACTICES

There are basic principles of decency, honesty, and fair play that every candidate and political committee in this state has a moral obligation to observe and uphold, in order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their constitutional rights to a free and untrammelled choice and the will of the people may be fully and clearly expressed on the issues.

THEREFORE:

(1) I will conduct the campaign openly and publicly and limit attacks on my opponent to legitimate challenges to my opponent's record and stated positions on issues.

(2) I will not use or permit the use of character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or the candidate's personal or family life.

(3) I will not use or permit any appeal to negative prejudice based on race, sex, religion, or national origin.

(4) I will not use campaign material of any sort that misrepresents, distorts, or otherwise falsifies the facts, nor will I use malicious or unfounded accusations that aim at creating or exploiting doubts, without justification, as to the personal integrity or patriotism of my opponent.

(5) I will not undertake or condone any dishonest or unethical practice that tends to corrupt or undermine our system of free elections or that hampers or prevents the full and free expression of the will of the voters, including any activity aimed at intimidating voters or discouraging them from voting.

(6) I will defend and uphold the right of every qualified voter to full and equal participation in the electoral process, and will not engage in any activity aimed at intimidating voters or discouraging them from voting.

(7) I will immediately and publicly repudiate methods and tactics that may come from others that I have pledged not to use or condone. I shall take firm action against any subordinate who violates any provision of this code or the laws governing elections.

I, the undersigned, candidate for election to public office in the State of Texas or campaign treasurer of a political committee, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct the campaign in accordance with the above principles and practices.

VOID – COPY ONLY - VOID¹

Date

Signature

Sec. 258.005. FORMS. The commission shall print copies of the Code of Fair Campaign Practices and shall supply the forms to the authorities with whom copies of the code may be filed in quantities and at times requested by the authorities.

Sec. 258.006. ACCEPTANCE AND PRESERVATION OF COPIES.

(a) An authority with whom a campaign treasurer appointment is filed shall accept each completed copy of the code submitted to the authority that is properly subscribed to by a candidate or the campaign treasurer of a political committee.

(b) Each copy of the code accepted under this section shall be preserved by the authority with whom it is filed for the period prescribed for the filer's campaign treasurer appointment.

Sec. 258.007. SUBSCRIPTION TO CODE VOLUNTARY. The subscription to the Code of Fair Campaign Practices by a candidate or a political committee is voluntary.

¹ This document is a copy of chapter 258, Election Code. To subscribe to the Code of Fair Campaign Practices, a candidate or campaign treasurer of a political committee must submit Texas Ethics Commission FORM CFCP, not a signed copy of this document.

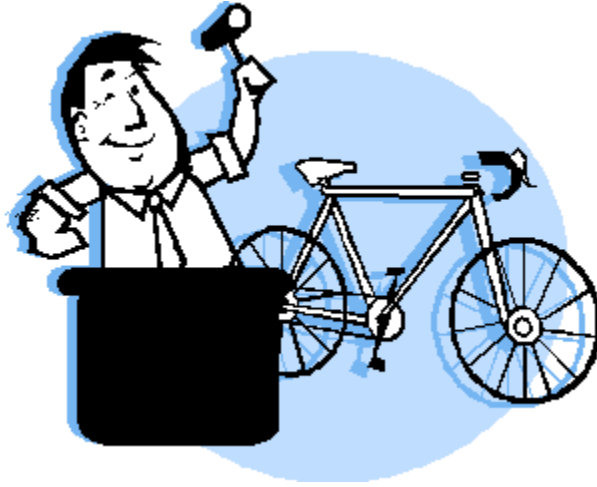
Sec. 258.008. INDICATION ON POLITICAL ADVERTISING. A candidate or a political committee that has filed a copy of the Code of Fair Campaign Practices may so indicate on political advertising in a form to be determined by the commission.

Sec. 258.009. CIVIL CAUSE OF ACTION. This chapter does not create a civil cause of action for recovery of damages or for enforcement of this chapter.



POLITICAL FUNDRAISERS

POLITICAL FUNDRAISERS: What You Need to Know



A GUIDE FOR CANDIDATES, OFFICEHOLDERS, AND POLITICAL COMMITTEES

January 1, 2025

Texas Ethics Commission, Governor Greg Abbott

www.ethics.state.tx.us

(800) 435-8800 • TDD (800) 735-8800

Promoting Public Confidence in Government

Fundraising Events

Rule No. 1

File a Campaign Treasurer Appointment

All candidates must file a campaign treasurer appointment with the proper filing authority before accepting a campaign contribution or making or authorizing a campaign expenditure, including an expenditure from personal funds.

All political committees must file a campaign treasurer appointment before accepting or spending over \$1,110, and additional requirements may also apply.

Rule No. 2

No Raffles

Texas law allows only certain charitable and nonprofit organizations to conduct raffles to support their charitable causes. An unlawful raffle may constitute illegal gambling, which may carry criminal penalties.

For more information see: [texasattorneygeneral.gov/divisions/financial-litigation/charitable-trusts/charitable-raffles-and-casinopoker-nights](https://www.texasattorneygeneral.gov/divisions/financial-litigation/charitable-trusts/charitable-raffles-and-casinopoker-nights) on the Office of the Attorney General's website.

Rule No. 3

No Cash Contributions Over \$100

Texas law prohibits a candidate, officeholder, or specific-purpose committee from accepting political contributions in cash (excluding checks) that in the aggregate exceed \$100 from a single contributor in a reporting period.

Rule No. 4

Auction Activity is Reportable

Donations to a candidate or political committee at a fundraiser are campaign contributions.

An item donated to be auctioned at a fundraiser is an “in-kind” campaign contribution. The purchase of the item at the auction is also a contribution. Both the item and the purchase price must be reported as political contributions.

Rule No. 5

No Anonymous Contributions

Texas law requires filers to show the name of each contributor and the amount of each contribution, even for small contributions. Do not “pass the hat” or use a contribution jar. Depending on the filer and the amount of the contribution, additional information may be required.

Rule No. 6

No Contributions from Corporations or Labor Organizations

Texas law prohibits corporations and labor organizations from making political contributions to candidates, officeholders, and related specific-purpose committees. Contributions to GACs are also restricted. Limited exceptions also exist.

The prohibition also applies to other organizations, such as partnerships and limited liability companies (LLC), if they are owned by a corporation or include an incorporated member or partner.

Rule No. 7

No Contributions from Foreign Nationals

The Federal Election Campaign Act (FECA) prohibits certain foreign nationals from contributing, donating, or spending funds in connection with any federal, state, or local election in the U.S., either directly or indirectly. It is also unlawful to help foreign nationals violate that ban or to solicit, receive, or accept contributions or donations from them.

Rule No. 8

No Misuse of Government Property to Campaign

Chapter 39 of the Penal Code prohibits a public servant from using government property, services, personnel, or any other thing of value belonging to the government to obtain a benefit or to harm or defraud another. The commission has held that the use of state computers to prepare campaign finance reports, or to use state resources to gather information for a campaign fundraiser, constitutes a misuse of government property.

Texas Ethics Commission

P.O. Box 12070

Austin, Texas 78711-2070

(512) 463-5800

Note: This brochure is not intended to encompass all the rules, but is intended to give a broad overview of the most common questions involving fundraisers. Be sure to check with the Texas Ethics Commission and your local municipality for any additional limits that might apply.

In compliance with the Americans with Disabilities Act, the publications of the Texas Ethics Commission are available by request in alternative formats. To request an accessible format, please contact our ADA Compliance Officer by telephone at 512-463-5800 or through ELA Texas at 800-735-2989; or by mail in care of the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711.

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CAMPAIGN FINANCE REPORT GUIDE

CANDIDATE / OFFICEHOLDER CAMPAIGN FINANCE REPORT

**FORM C/OH
COVER SHEET PG 1**

The C/OH Instruction Guide explains how to complete this form.		1 Filer ID (Ethics Commission Filers)	2 Total pages filed:
3 CANDIDATE / OFFICEHOLDER NAME	MS / MRS / MR FIRST MI NICKNAME LAST SUFFIX	OFFICE USE ONLY	
4 CANDIDATE / OFFICEHOLDER MAILING ADDRESS <input type="checkbox"/> Change of Address	ADDRESS / PO BOX; APT / SUITE #; CITY; STATE; ZIP CODE	Date Received	
	AREA CODE PHONE NUMBER EXTENSION ()	Date Hand-delivered or Date Postmarked	
6 CAMPAIGN TREASURER NAME	MS / MRS / MR FIRST MI NICKNAME LAST SUFFIX	Receipt #	Amount \$
7 CAMPAIGN TREASURER ADDRESS (Residence or Business)	STREET ADDRESS (NO PO BOX PLEASE); APT / SUITE #; CITY; STATE; ZIP CODE	Date Processed	
	AREA CODE PHONE NUMBER EXTENSION ()	Date Imaged	
9 REPORT TYPE	<input type="checkbox"/> January 15 <input type="checkbox"/> 30th day before election <input type="checkbox"/> Runoff <input type="checkbox"/> 15th day after campaign treasurer appointment (Officeholder Only) <input type="checkbox"/> July 15 <input type="checkbox"/> 8th day before election <input type="checkbox"/> Exceeded Modified Reporting Limit <input type="checkbox"/> Final Report (Attach C/OH - FR)		
10 PERIOD COVERED	Month Day Year THROUGH Month Day Year / / / / /		
11 ELECTION	ELECTION DATE Month Day Year / /	ELECTION TYPE <input type="checkbox"/> Primary <input type="checkbox"/> Runoff <input type="checkbox"/> Other Description <input type="checkbox"/> General <input type="checkbox"/> Special _____	
12 OFFICE	OFFICE HELD (if any)	13 OFFICE SOUGHT (if known)	
14 NOTICE FROM POLITICAL COMMITTEE(S) <input type="checkbox"/> Additional Pages	THIS BOX IS FOR NOTICE OF POLITICAL CONTRIBUTIONS ACCEPTED OR POLITICAL EXPENDITURES MADE BY POLITICAL COMMITTEES TO SUPPORT THE CANDIDATE / OFFICEHOLDER. <i>THESE EXPENDITURES MAY HAVE BEEN MADE WITHOUT THE CANDIDATE'S OR OFFICEHOLDER'S KNOWLEDGE OR CONSENT.</i> CANDIDATES AND OFFICEHOLDERS ARE REQUIRED TO REPORT THIS INFORMATION ONLY IF THEY RECEIVE NOTICE OF SUCH EXPENDITURES.		
	COMMITTEE TYPE <input type="checkbox"/> GENERAL <input type="checkbox"/> SPECIFIC	COMMITTEE NAME _____ COMMITTEE ADDRESS _____ COMMITTEE CAMPAIGN TREASURER NAME _____ COMMITTEE CAMPAIGN TREASURER ADDRESS _____	

GO TO PAGE 2

CANDIDATE / OFFICEHOLDER CAMPAIGN FINANCE REPORT

**FORM C/OH
COVER SHEET PG 2**

15 C/OH NAME		16 Filer ID (Ethics Commission Filers)
17 CONTRIBUTION TOTALS	1. TOTAL UNITEMIZED POLITICAL CONTRIBUTIONS (OTHER THAN PLEDGES, LOANS, OR GUARANTEES OF LOANS, OR CONTRIBUTIONS MADE ELECTRONICALLY)	\$
	2. TOTAL POLITICAL CONTRIBUTIONS (OTHER THAN PLEDGES, LOANS, OR GUARANTEES OF LOANS)	\$
EXPENDITURE TOTALS	3. TOTAL UNITEMIZED POLITICAL EXPENDITURE.	\$
	4. TOTAL POLITICAL EXPENDITURES	\$
CONTRIBUTION BALANCE	5. TOTAL POLITICAL CONTRIBUTIONS MAINTAINED AS OF THE LAST DAY OF REPORTING PERIOD	\$
OUTSTANDING LOAN TOTALS	6. TOTAL PRINCIPAL AMOUNT OF ALL OUTSTANDING LOANS AS OF THE LAST DAY OF THE REPORTING PERIOD	\$

18 SIGNATURE I swear, or affirm, under penalty of perjury, that the accompanying report is true and correct and includes all information required to be reported by me under Title 15, Election Code.

Signature of Candidate or Officeholder

Please complete either option below:

(1) Affidavit

NOTARY STAMP / SEAL

Sworn to and subscribed before me by _____ this the _____ day of _____, 20 _____, to certify which, witness my hand and seal of office.

Signature of officer administering oath

Printed name of officer administering oath

Title of officer administering oath

OR

(2) Unsworn Declaration

My name is _____, and my date of birth is _____.

My address is _____, _____, _____, _____, _____.
(street) (city) (state) (zip code) (country)

Executed in _____ County, State of _____, on the _____ day of _____, 20_____.
(month) (year)

Signature of Candidate/Officeholder (Declarant)

SUBTOTALS - C/OH

FORM C/OH COVER SHEET PG 3

19 FILER NAME

20 Filer ID (Ethics Commission Filers)

21 SCHEDULE SUBTOTALS NAME OF SCHEDULE	SUBTOTAL AMOUNT
1. <input type="checkbox"/> SCHEDULE A1: MONETARY POLITICAL CONTRIBUTIONS	\$
2. <input type="checkbox"/> SCHEDULE A2: NON-MONETARY (IN-KIND) POLITICAL CONTRIBUTIONS	\$
3. <input type="checkbox"/> SCHEDULE B: PLEDGED CONTRIBUTIONS	\$
4. <input type="checkbox"/> SCHEDULE E: LOANS	\$
5. <input type="checkbox"/> SCHEDULE F1: POLITICAL EXPENDITURES MADE FROM POLITICAL CONTRIBUTIONS	\$
6. <input type="checkbox"/> SCHEDULE F2: UNPAID INCURRED OBLIGATIONS	\$
7. <input type="checkbox"/> SCHEDULE F3: PURCHASE OF INVESTMENTS MADE FROM POLITICAL CONTRIBUTIONS	\$
8. <input type="checkbox"/> SCHEDULE F4: EXPENDITURES MADE BY CREDIT CARD	\$
9. <input type="checkbox"/> SCHEDULE G: POLITICAL EXPENDITURES MADE FROM PERSONAL FUNDS	\$
10. <input type="checkbox"/> SCHEDULE H: PAYMENT MADE FROM POLITICAL CONTRIBUTIONS TO A BUSINESS OF C/OH	\$
11. <input type="checkbox"/> SCHEDULE I: NON-POLITICAL EXPENDITURES MADE FROM POLITICAL CONTRIBUTIONS	\$
12. <input type="checkbox"/> SCHEDULE K: INTEREST, CREDITS, GAINS, REFUNDS, AND CONTRIBUTIONS RETURNED TO FILER	\$

MONETARY POLITICAL CONTRIBUTIONS

SCHEDULE A1

If the requested information is not applicable, **DO NOT** include this page in the report.

The Instruction Guide explains how to complete this form.		1 Total pages Schedule A1:
2 FILER NAME		3 Filer ID (Ethics Commission Filers)
4 Date	5 Full name of contributor <input type="checkbox"/> out-of-state PAC (ID#: _____)	7 Amount of contribution (\$)
	6 Contributor address; City; State; Zip Code	
8 Principal occupation / Job title (See Instructions)		9 Employer (See Instructions)
Date	Full name of contributor <input type="checkbox"/> out-of-state PAC (ID#: _____)	Amount of contribution (\$)
	Contributor address; City; State; Zip Code	
Principal occupation / Job title (See Instructions)		Employer (See Instructions)
Date	Full name of contributor <input type="checkbox"/> out-of-state PAC (ID#: _____)	Amount of contribution (\$)
	Contributor address; City; State; Zip Code	
Principal occupation / Job title (See Instructions)		Employer (See Instructions)
Date	Full name of contributor <input type="checkbox"/> out-of-state PAC (ID#: _____)	Amount of contribution (\$)
	Contributor address; City; State; Zip Code	
Principal occupation / Job title (See Instructions)		Employer (See Instructions)

ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED
 If contributor is out-of-state PAC, please see Instruction guide for additional reporting requirements.

NON-MONETARY (IN-KIND) POLITICAL CONTRIBUTIONS

SCHEDULE A2

If the requested information is not applicable, **DO NOT** include this page in the report.

The Instruction Guide explains how to complete this form.		1 Total pages Schedule A2:	
2 FILER NAME		3 Filer ID (Ethics Commission Filers)	
4 TOTAL OF UNITEMIZED IN-KIND POLITICAL CONTRIBUTIONS		\$	
5 Date	6 Full name of contributor <input type="checkbox"/> out-of-state PAC (ID#: _____)	8 Amount of Contribution \$	9 In-kind contribution description
	7 Contributor address; City; State; Zip Code		
		<input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.	
10 Principal occupation / Job title (FOR NON-JUDICIAL)(See Instructions)		11 Employer (FOR NON-JUDICIAL)(See Instructions)	
12 Contributor's principal occupation (FOR JUDICIAL)		13 Contributor's job title (FOR JUDICIAL)(See Instructions)	
14 Contributor's employer/law firm (FOR JUDICIAL)		15 Law firm of contributor's spouse (if any) (FOR JUDICIAL)	
16 If contributor is a child, law firm of parent(s) (if any) (FOR JUDICIAL)			

Date	Full name of contributor <input type="checkbox"/> out-of-state PAC (ID#: _____)	Amount of Contribution \$	In-kind contribution description
	Contributor address; City; State; Zip Code		
		<input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.	
Principal occupation / Job title (FOR NON-JUDICIAL) (See Instructions)		Employer (FOR NON-JUDICIAL)(See Instructions)	
Contributor's principal occupation (FOR JUDICIAL)		Contributor's job title (FOR JUDICIAL)(See Instructions)	
Contributor's employer/law firm (FOR JUDICIAL)		Law firm of contributor's spouse (if any) (FOR JUDICIAL)	
If contributor is a child, law firm of parent(s) (if any) (FOR JUDICIAL)			

ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED

If contributor is out-of-state PAC, please see instruction guide for additional reporting requirements.

PLEGGED CONTRIBUTIONS

SCHEDULE B

If the requested information is not applicable, **DO NOT** include this page in the report.

The Instruction Guide explains how to complete this form.		1 Total pages Schedule B:	
2 FILER NAME		3 Filer ID (Ethics Commission Filers)	
4 TOTAL OF UNITEMIZED PLEDGES		\$	
5 Date	6 Full name of pledgor <input type="checkbox"/> out-of-state PAC (ID#: _____) <hr/> 7 Pledgor address; City; State; Zip Code	8 Amount of Pledge \$	9 In-kind contribution description
		<input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.	
10 Principal occupation / Job title (See Instructions)		11 Employer (See Instructions)	
Date	Full name of pledgor <input type="checkbox"/> out-of-state PAC (ID#: _____) <hr/> Pledgor address; City; State; Zip Code	Amount of Pledge \$	In-kind contribution description
		<input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.	
Principal occupation / Job title (See Instructions)		Employer (See Instructions)	
Date	Full name of pledgor <input type="checkbox"/> out-of-state PAC (ID#: _____) <hr/> Pledgor address; City; State; Zip Code	Amount of Pledge \$	In-kind contribution description
		<input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.	
Principal occupation / Job title (See Instructions)		Employer (See Instructions)	
Date	Full name of pledgor <input type="checkbox"/> out-of-state PAC (ID#: _____) <hr/> Pledgor address; City; State; Zip Code	Amount of Pledge \$	In-kind contribution description
		<input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.	
Principal occupation / Job title (See Instructions)		Employer (See Instructions)	

ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED
 If contributor is out-of-state PAC, please see Instruction guide for additional reporting requirements.

LOANS

SCHEDULE E

If the requested information is not applicable, **DO NOT include this page in the report.**

The Instruction Guide explains how to complete this form.		1 Total pages Schedule E:
2 FILER NAME		3 Filer ID (Ethics Commission Filers)
4 TOTAL OF UNITEMIZED LOANS		\$
5 Date of loan	7 Name of lender <input type="checkbox"/> out-of-state PAC (ID#: _____)	9 Loan Amount (\$)
6 Is lender a financial Institution? Y N	8 Lender address; City; State; Zip Code	10 Interest rate
		11 Maturity date
12 Principal occupation / Job title (See Instructions)		13 Employer (See Instructions)
14 Description of Collateral <input type="checkbox"/> none		15 <input type="checkbox"/> Check if personal funds were deposited into political account (See Instructions)
16 GUARANTOR INFORMATION <input type="checkbox"/> not applicable	17 Name of guarantor	19 Amount Guaranteed (\$)
	18 Guarantor address; City; State; Zip Code	
20 Principal Occupation (See Instructions)		21 Employer (See Instructions)
Date of loan	Name of lender <input type="checkbox"/> out-of-state PAC (ID#: _____)	Loan Amount (\$)
Is lender a financial Institution? Y N	Lender address; City; State; Zip Code	Interest rate
		Maturity date
Principal occupation / Job title (See Instructions)		Employer (See Instructions)
Description of Collateral <input type="checkbox"/> none		<input type="checkbox"/> Check if personal funds were deposited into political account (See Instructions)
GUARANTOR INFORMATION <input type="checkbox"/> not applicable	Name of guarantor	Amount Guaranteed (\$)
	Guarantor address; City; State; Zip Code	
Principal Occupation (See Instructions)		Employer (See Instructions)

ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED

If lender is out-of-state PAC, please see Instruction guide for additional reporting requirements.

POLITICAL EXPENDITURES MADE FROM POLITICAL CONTRIBUTIONS

SCHEDULE F1

If the requested information is not applicable, **DO NOT** include this page in the report.

EXPENDITURE CATEGORIES FOR BOX 8(a)

Advertising Expense	Event Expense	Loan Repayment/Reimbursement	Solicitation/Fundraising Expense
Accounting/Banking	Fees	Office Overhead/Rental Expense	Transportation Equipment & Related Expense
Consulting Expense	Food/Beverage Expense	Polling Expense	Travel In District
Contributions/Donations Made By	Gift/Awards/Memorials Expense	Printing Expense	Travel Out Of District
Candidate/Officeholder/Political Committee	Legal Services	Salaries/Wages/Contract Labor	Other (enter a category not listed above)
Credit Card Payment			

The Instruction Guide explains how to complete this form.

1 Total pages Schedule F1:	2 FILER NAME	3 Filer ID (Ethics Commission Filers)
4 Date	5 Payee name	
6 Amount (\$)	7 Payee address;	City; State; Zip Code
PURPOSE OF EXPENDITURE	(a) Category (See Categories listed at the top of this schedule)	(b) Description
	(c) <input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T. <input type="checkbox"/> Check if Austin, TX, officeholder living expense	
9 Complete <u>ONLY</u> if direct expenditure to benefit C/OH	Candidate / Officeholder name	Office sought Office held
Date	Payee name	
Amount (\$)	Payee address;	City; State; Zip Code
PURPOSE OF EXPENDITURE	Category (See Categories listed at the top of this schedule)	Description
	<input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T. <input type="checkbox"/> Check if Austin, TX, officeholder living expense	
Complete <u>ONLY</u> if direct expenditure to benefit C/OH	Candidate / Officeholder name	Office sought Office held
Date	Payee name	
Amount (\$)	Payee address;	City; State; Zip Code
PURPOSE OF EXPENDITURE	Category (See Categories listed at the top of this schedule)	Description
	<input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T. <input type="checkbox"/> Check if Austin, TX, officeholder living expense	
Complete <u>ONLY</u> if direct expenditure to benefit C/OH	Candidate / Officeholder name	Office sought Office held

ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED

UNPAID INCURRED OBLIGATIONS

SCHEDULE F2

If the requested information is not applicable, **DO NOT** include this page in the report.

EXPENDITURE CATEGORIES FOR BOX 10(a)

Advertising Expense	Event Expense	Loan Repayment/Reimbursement	Solicitation/Fundraising Expense
Accounting/Banking	Fees	Office Overhead/Rental Expense	Transportation Equipment & Related Expense
Consulting Expense	Food/Beverage Expense	Polling Expense	Travel In District
Contributions/Donations Made By	Gift/Awards/Memorials Expense	Printing Expense	Travel Out Of District
Candidate/Officeholder/Political Committee	Legal Services	Salaries/Wages/Contract Labor	Other (enter a category not listed above)

The Instruction Guide explains how to complete this form.

1 Total pages Schedule F2:	2 FILER NAME	3 Filer ID (Ethics Commission Filers)
-----------------------------------	---------------------	--

4 TOTAL OF UNITEMIZED UNPAID INCURRED OBLIGATIONS	\$
--	----

5 Date	6 Payee name
---------------	---------------------

7 Amount (\$)	8 Payee address;	City;	State;	Zip Code
----------------------	-------------------------	-------	--------	----------

9 TYPE OF EXPENDITURE	<input type="checkbox"/> Political	<input type="checkbox"/> Non-Political
------------------------------	------------------------------------	--

10 PURPOSE OF EXPENDITURE	(a) Category (See Categories listed at the top of this schedule)	(b) Description
	(c) <input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.	<input type="checkbox"/> Check if Austin, TX, officeholder living expense

11 Complete <u>ONLY</u> if direct expenditure to benefit C/OH	Candidate / Officeholder name	Office sought	Office held
--	-------------------------------	---------------	-------------

Date	Payee name
------	------------

Amount (\$)	Payee address;	City;	State;	Zip Code
-------------	----------------	-------	--------	----------

TYPE OF EXPENDITURE	<input type="checkbox"/> Political	<input type="checkbox"/> Non-Political
----------------------------	------------------------------------	--

PURPOSE OF EXPENDITURE	Category (See Categories listed at the top of this schedule)	Description
	<input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.	<input type="checkbox"/> Check if Austin, TX, officeholder living expense

Complete <u>ONLY</u> if direct expenditure to benefit C/OH	Candidate / Officeholder name	Office sought	Office held
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ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED

PURCHASE OF INVESTMENTS MADE FROM POLITICAL CONTRIBUTIONS

SCHEDULE F3

If the requested information is not applicable, **DO NOT** include this page in the report.

The Instruction Guide explains how to complete this form.		1 Total pages Schedule F3:
2 FILER NAME		3 Filer ID (Ethics Commission Filers)
4 Date	5 Name of person from whom investment is purchased	
 6 Address of person from whom investment is purchased; City; State; Zip Code	
	7 Description of investment	
	8 Amount of investment (\$)	
Date	Name of person from whom investment is purchased	
 Address of person from whom investment is purchased; City; State; Zip Code	
	Description of investment	
	Amount of investment (\$)	

ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED

EXPENDITURES MADE BY CREDIT CARD

SCHEDULE F4

If the requested information is not applicable, **DO NOT** include this page in the report.

EXPENDITURE CATEGORIES FOR BOX 10(a)

- | | | | |
|--|-------------------------------|--------------------------------|--|
| Advertising Expense | Event Expense | Loan Repayment/Reimbursement | Solicitation/Fundraising Expense |
| Accounting/Banking | Fees | Office Overhead/Rental Expense | Transportation Equipment & Related Expense |
| Consulting Expense | Food/Beverage Expense | Polling Expense | Travel In District |
| Contributions/Donations Made By | Gift/Awards/Memorials Expense | Printing Expense | Travel Out Of District |
| Candidate/Officeholder/Political Committee | Legal Services | Salaries/Wages/Contract Labor | Other (enter a category not listed above) |

The Instruction Guide explains how to complete this form.

USE A NEW PAGE FOR EACH CREDIT CARD ISSUER

1 TOTAL PAGES SCHEDULE F4:	2 FILER NAME	3 FILER ID (Ethics Commission Filers)
-----------------------------------	---------------------	--

4 TOTAL OF UNITEMIZED EXPENDITURES CHARGED TO A CREDIT CARD	\$
--	----

5 CREDIT CARD ISSUER	Name of financial institution
-----------------------------	-------------------------------

6 PAYMENT	(a) Amount Charged \$	(b) Date Expenditure Charged	(c) Date(s) Credit Card Issuer Paid
------------------	--------------------------	------------------------------	-------------------------------------

7 PAYEE	(a) Payee name	(b) Payee address; City, State, Zip Code
----------------	----------------	--

8 PURPOSE OF EXPENDITURE <input type="checkbox"/> Political <input type="checkbox"/> Non-Political	(a) Category (See Categories listed at the top of this schedule)	(b) Description
	(c) <input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T. <input type="checkbox"/> Check if Austin, TX, officeholder living expense	

9 Complete ONLY if direct expenditure to benefit C/OH	Candidate / Officeholder name	Office Sought	Office Held
--	-------------------------------	---------------	-------------

PAYMENT	(a) Amount Charged \$	(b) Date Expenditure Charged	(c) Date(s) Credit Card Issuer Paid
----------------	--------------------------	------------------------------	-------------------------------------

PAYEE	(a) Payee name	(b) Payee address; City, State, Zip Code
--------------	----------------	--

PURPOSE OF EXPENDITURE <input type="checkbox"/> Political <input type="checkbox"/> Non-Political	(a) Category (See Categories listed at the top of this schedule)	(b) Description
	(c) <input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T. <input type="checkbox"/> Check if Austin, TX, officeholder living expense	

Complete ONLY if direct expenditure to benefit C/OH	Candidate / Officeholder name	Office Sought	Office Held
--	-------------------------------	---------------	-------------

PAYMENT	(a) Amount Charged \$	(b) Date Expenditure Charged	(c) Date(s) Credit Card Issuer Paid
----------------	--------------------------	------------------------------	-------------------------------------

PAYEE	(a) Payee name	(b) Payee address; City, State, Zip Code
--------------	----------------	--

PURPOSE OF EXPENDITURE <input type="checkbox"/> Political <input type="checkbox"/> Non-Political	(a) Category (See Categories listed at the top of this schedule)	(b) Description
	(c) <input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T. <input type="checkbox"/> Check if Austin, TX, officeholder living expense	

Complete ONLY if direct expenditure to benefit C/OH	Candidate / Officeholder name	Office Sought	Office Held
--	-------------------------------	---------------	-------------

ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED

POLITICAL EXPENDITURES MADE FROM PERSONAL FUNDS

SCHEDULE G

If the requested information is not applicable, **DO NOT** include this page in the report.

EXPENDITURE CATEGORIES FOR BOX 8(a)

Advertising Expense	Event Expense	Loan Repayment/Reimbursement	Solicitation/Fundraising Expense
Accounting/Banking	Fees	Office Overhead/Rental Expense	Transportation Equipment & Related Expense
Consulting Expense	Food/Beverage Expense	Polling Expense	Travel In District
Contributions/Donations Made By	Gift/Awards/Memorials Expense	Printing Expense	Travel Out Of District
Candidate/Officeholder/Political Committee	Legal Services	Salaries/Wages/Contract Labor	Other (enter a category not listed above)
Credit Card Payment			

The Instruction Guide explains how to complete this form.

1 Total pages Schedule G:	2 FILER NAME	3 Filer ID (Ethics Commission Filers)
4 Date	5 Payee name	
6 Amount (\$) <input type="checkbox"/> Reimbursement from political contributions intended	7 Payee address; City; State; Zip Code	
8 PURPOSE OF EXPENDITURE	(a) Category (See Categories listed at the top of this schedule)	(b) Description
	(c) <input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.	<input type="checkbox"/> Check if Austin, TX, officeholder living expense
9 Complete <u>ONLY</u> if direct expenditure to benefit C/OH	Candidate / Officeholder name	Office sought Office held
Date	Payee name	
Amount (\$) <input type="checkbox"/> Reimbursement from political contributions intended	Payee address; City; State; Zip Code	
PURPOSE OF EXPENDITURE	Category (See Categories listed at the top of this schedule)	Description
	<input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.	<input type="checkbox"/> Check if Austin, TX, officeholder living expense
Complete <u>ONLY</u> if direct expenditure to benefit C/OH	Candidate / Officeholder name	Office sought Office held
Date	Payee name	
Amount (\$) <input type="checkbox"/> Reimbursement from political contributions intended	Payee address; City; State; Zip Code	
PURPOSE OF EXPENDITURE	Category (See Categories listed at the top of this schedule)	Description
	<input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.	<input type="checkbox"/> Check if Austin, TX, officeholder living expense
Complete <u>ONLY</u> if direct expenditure to benefit C/OH	Candidate / Officeholder name	Office sought Office held
Date	Payee name	
Amount (\$) <input type="checkbox"/> Reimbursement from political contributions intended	Payee address; City; State; Zip Code	
PURPOSE OF EXPENDITURE	Category (See Categories listed at the top of this schedule)	Description
	<input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.	<input type="checkbox"/> Check if Austin, TX, officeholder living expense
Complete <u>ONLY</u> if direct expenditure to benefit C/OH	Candidate / Officeholder name	Office sought Office held

ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED

PAYMENT MADE FROM POLITICAL CONTRIBUTIONS TO A BUSINESS OF C/OH

SCHEDULE H

If the requested information is not applicable, **DO NOT** include this page in the report.

EXPENDITURE CATEGORIES FOR BOX 8(a)

Advertising Expense	Event Expense	Loan Repayment/Reimbursement	Solicitation/Fundraising Expense
Accounting/Banking	Fees	Office Overhead/Rental Expense	Transportation Equipment & Related Expense
Consulting Expense	Food/Beverage Expense	Polling Expense	Travel In District
Contributions/Donations Made By	Gift/Awards/Memorials Expense	Printing Expense	Travel Out Of District
Candidate/Officeholder/Political Committee	Legal Services	Salaries/Wages/Contract Labor	Other (enter a category not listed above)
Credit Card Payment			

The Instruction Guide explains how to complete this form.

1 Total pages Schedule H:	2 FILER NAME	3 Filer ID (Ethics Commission Filers)
4 Date	5 Business name	
6 Amount (\$)	7 Business address;	City; State; Zip Code
8 PURPOSE OF EXPENDITURE	(a) Category (See Categories listed at the top of this schedule)	(b) Description
	(c) <input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.	<input type="checkbox"/> Check if Austin, TX, officeholder living expense
9 Complete <u>ONLY</u> if direct expenditure to benefit C/OH	Candidate / Officeholder name	Office sought Office held
Date	Business name	
Amount (\$)	Business address;	City; State; Zip Code
PURPOSE OF EXPENDITURE	Category (See Categories listed at the top of this schedule)	Description
	<input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.	<input type="checkbox"/> Check if Austin, TX, officeholder living expense
Complete <u>ONLY</u> if direct expenditure to benefit C/OH	Candidate / Officeholder name	Office sought Office held
Date	Business name	
Amount (\$)	Business address;	City; State; Zip Code
PURPOSE OF EXPENDITURE	Category (See Categories listed at the top of this schedule)	Description
	<input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.	<input type="checkbox"/> Check if Austin, TX, officeholder living expense
Complete <u>ONLY</u> if direct expenditure to benefit C/OH	Candidate / Officeholder name	Office sought Office held

ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED

NON-POLITICAL EXPENDITURES MADE FROM POLITICAL CONTRIBUTIONS

SCHEDULE I

If the requested information is not applicable, **DO NOT** include this page in the report.

The Instruction Guide explains how to complete this form.

1 Total pages Schedule I:	2 FILER NAME	3 Filer ID (Ethics Commission Filers)
----------------------------------	---------------------	--

4 Date	5 Payee name
---------------	---------------------

6 Amount (\$)	7 Payee address;	City	State	Zip Code
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8 PURPOSE OF EXPENDITURE	(a) Category (See instructions for examples of acceptable categories.)	(b) Description (See instructions regarding type of information required.)
---	---	---

Date	Payee name
------	------------

Amount (\$)	Payee address;	City	State	Zip Code
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PURPOSE OF EXPENDITURE	Category (See instructions for examples of acceptable categories.)	Description (See instructions regarding type of information required.)
-------------------------------	--	--

Date	Payee name
------	------------

Amount (\$)	Payee address;	City	State	Zip Code
-------------	----------------	------	-------	----------

PURPOSE OF EXPENDITURE	Category (See instructions for examples of acceptable categories.)	Description (See instructions regarding type of information required.)
-------------------------------	--	--

Date	Payee name
------	------------

Amount (\$)	Payee address;	City	State	Zip Code
-------------	----------------	------	-------	----------

PURPOSE OF EXPENDITURE	Category (See instructions for examples of acceptable categories.)	Description (See instructions regarding type of information required.)
-------------------------------	--	--

ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED

INTEREST, CREDITS, GAINS, REFUNDS, AND CONTRIBUTIONS RETURNED TO FILER

SCHEDULE K

If the requested information is not applicable, **DO NOT** include this page in the report.

The Instruction Guide explains how to complete this form.		1 Total pages Schedule K:
2 FILER NAME		3 Filer ID (Ethics Commission Filers)
4 Date	5 Name of person from whom amount is received	8 Amount (\$)
..... 6 Address of person from whom amount is received; City; State; Zip Code		
7 Purpose for which amount is received <input type="checkbox"/> Check if political contribution returned to filer		
Date	Name of person from whom amount is received	Amount (\$)
..... Address of person from whom amount is received; City; State; Zip Code		
Purpose for which amount is received <input type="checkbox"/> Check if political contribution returned to filer		
Date	Name of person from whom amount is received	Amount (\$)
..... Address of person from whom amount is received; City; State; Zip Code		
Purpose for which amount is received <input type="checkbox"/> Check if political contribution returned to filer		
Date	Name of person from whom amount is received	Amount (\$)
..... Address of person from whom amount is received; City; State; Zip Code		
Purpose for which amount is received <input type="checkbox"/> Check if political contribution returned to filer		

ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED

IN-KIND CONTRIBUTIONS OR POLITICAL EXPENDITURES FOR TRAVEL OUTSIDE OF TEXAS

SCHEDULE T

If the requested information is not applicable, **DO NOT** include this page in the report.

The Instruction Guide explains how to complete this form.		1 Total pages Schedule T:
2 FILER NAME		3 Filer ID (Ethics Commission Filers)
4 Name of Contributor / Corporation or Labor Organization / Pledgor / Payee		
5 Contribution / Expenditure reported on: <input type="checkbox"/> Schedule A2 <input type="checkbox"/> Schedule B <input type="checkbox"/> Schedule B(J) <input type="checkbox"/> Schedule C2 <input type="checkbox"/> Schedule D <input type="checkbox"/> Schedule F1 <input type="checkbox"/> Schedule F2 <input type="checkbox"/> Schedule F4 <input type="checkbox"/> Schedule G <input type="checkbox"/> Schedule H <input type="checkbox"/> Schedule COH-UC <input type="checkbox"/> Schedule B-SS		
6 Dates of travel	7 Name of person(s) traveling	
	8 Departure city or name of departure location	
	9 Destination city or name of destination location	
10 Means of transportation	11 Purpose of travel (including name of conference, seminar, or other event)	
Name of Contributor / Corporation or Labor Organization / Pledgor / Payee		
Contribution / Expenditure reported on: <input type="checkbox"/> Schedule A2 <input type="checkbox"/> Schedule B <input type="checkbox"/> Schedule B(J) <input type="checkbox"/> Schedule C2 <input type="checkbox"/> Schedule D <input type="checkbox"/> Schedule F1 <input type="checkbox"/> Schedule F2 <input type="checkbox"/> Schedule F4 <input type="checkbox"/> Schedule G <input type="checkbox"/> Schedule H <input type="checkbox"/> Schedule COH-UC <input type="checkbox"/> Schedule B-SS		
Dates of travel	Name of person(s) traveling	
	Departure city or name of departure location	
	Destination city or name of destination location	
Means of transportation	Purpose of travel (including name of conference, seminar, or other event)	
Name of Contributor / Corporation or Labor Organization / Pledgor / Payee		
Contribution / Expenditure reported on: <input type="checkbox"/> Schedule A2 <input type="checkbox"/> Schedule B <input type="checkbox"/> Schedule B(J) <input type="checkbox"/> Schedule C2 <input type="checkbox"/> Schedule D <input type="checkbox"/> Schedule F1 <input type="checkbox"/> Schedule F2 <input type="checkbox"/> Schedule F4 <input type="checkbox"/> Schedule G <input type="checkbox"/> Schedule H <input type="checkbox"/> Schedule COH-UC <input type="checkbox"/> Schedule B-SS		
Dates of travel	Name of person(s) traveling	
	Departure city or name of departure location	
	Destination city or name of destination location	
Means of transportation	Purpose of travel (including name of conference, seminar, or other event)	

ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED

CANDIDATE / OFFICEHOLDER REPORT: DESIGNATION OF FINAL REPORT

FORM C/OH - FR

The Instruction Guide explains how to complete this form.

•• Complete only if "Report Type" on page 1 is marked "Final Report" ••

1 C/OH NAME

2 Filer ID (Ethics Commission Filers)

3 SIGNATURE

I do not expect any further political contributions or political expenditures in connection with my candidacy. I understand that designating a report as a final report terminates my campaign treasurer appointment. I also understand that I may not accept any campaign contributions or make any campaign expenditures without a campaign treasurer appointment on file.

Signature of Candidate / Officeholder

4 FILER WHO IS NOT AN OFFICEHOLDER

•• Complete A & B below *only* if you are not an officeholder. ••

A. CAMPAIGN FUNDS

Check only one:

- I do not have unexpended contributions or unexpended interest or income earned from political contributions.
- I have unexpended contributions or unexpended interest or income earned from political contributions. I understand that I may not convert unexpended political contributions or unexpended interest or income earned on political contributions to personal use. I also understand that I must file an annual report of unexpended contributions and that I may not retain unexpended contributions or unexpended interest or income earned on political contributions longer than six years after filing this final report. Further, I understand that I must dispose of unexpended political contributions and unexpended interest or income earned on political contributions in accordance with the requirements of Election Code, § 254.204.

B. ASSETS

Check only one:

- I do not retain assets purchased with political contributions or interest or other income from political contributions.
- I do retain assets purchased with political contributions or interest or other income from political contributions. I understand that I may not convert assets purchased with political contributions or interest or other income from political contributions to personal use. I also understand that I must dispose of assets purchased with political contributions in accordance with the requirements of Election Code, § 254.204.

Signature of Candidate

5 OFFICEHOLDER

•• Complete this section *only* if you are an officeholder ••

- I am aware that I remain subject to filing requirements applicable to an officeholder who does not have a campaign treasurer on file. I am also aware that I will be required to file reports of unexpended contributions if, after filing the last required report as an officeholder, I retain political contributions, interest or other income from political contributions, or assets purchased with political contributions or interest or other income from political contributions.

Signature of Officeholder



AFFIDAVIT FOR CANDIDATE OR OFFICEHOLDER: ELECTRONIC FILING EXEMPTION

An exemption affidavit must be submitted with each paper report.

Beginning on January 1, 2025, a candidate or officeholder who has accepted more than \$33,910 in political contributions or made more than \$33,910 in political expenditures in any calendar year must file all subsequent reports electronically.

Filer name	Filer ID #
------------	------------

OFFICE USE ONLY	
Date Received	
Date Hand-delivered or Date Postmarked	
Receipt #	Amount \$
Date Processed	
Date Imaged	

- I swear or affirm that I have not accepted more than \$33,910 in political contributions or made more than \$33,910 in political expenditures in a calendar year.
- I further swear or affirm that I do not use computer equipment to keep current records of political contributions, political expenditures, or persons making political contributions to me.
- I further swear or affirm that no person acting as my agent or consultant, and no person with whom I contract, uses computer equipment to keep current records of political contributions, political expenditures, or persons making political contributions to me.
- I further swear or affirm that I understand that I am required to file my campaign finance reports electronically if I, my agent or consultant, or a person with whom I contract exceeds \$33,910 in political contributions or political expenditures in a calendar year, or uses computer equipment to keep current records of political contributions, political expenditures, or persons making political contributions to me.
- I am filing this affidavit with the _____ report due on _____. I understand that this affidavit is required to be filed with each campaign finance report for which I am claiming an exemption from electronic filing.

Please complete either option below:

(1) Affidavit

Signature of Filer

NOTARY STAMP / SEAL

Sworn to and subscribed before me by _____ this the _____ day of _____, 20 _____, to certify which, witness my hand and seal of office.

Signature of officer administering oath	Printed name of officer administering oath	Title of officer administering oath
---	--	-------------------------------------

OR

(2) Unsworn Declaration

My name is _____, and my date of birth is _____.

My address is _____ (street), _____ (city), _____ (state), _____ (zip code), _____ (country).

Executed in _____ County, State of _____, on the _____ day of _____, 20 _____ (month) (year).

Signature of Filer (Declarant)

FILERS WHO ARE EXEMPT FROM THE ELECTRONIC FILING REQUIREMENT ARE STILL REQUIRED TO FILE CAMPAIGN FINANCE REPORTS ON PAPER

TEXAS ETHICS COMMISSION

CAMPAIGN FINANCE GUIDE FOR CANDIDATES AND OFFICEHOLDERS WHO FILE WITH LOCAL FILING AUTHORITIES



This guide is for candidates for and officeholders in the following positions:

- **county offices;**
- **precinct offices;**
- **single-county district offices;**
- **city offices; and**
- **offices of other political subdivisions such as school districts**

This guide applies to candidates for and officeholders of justice of the peace. This guide does not apply to candidates for and judges of statutory county courts, statutory probate courts, or district courts. For those candidates and officeholders, the Ethics Commission makes available a CAMPAIGN FINANCE GUIDE FOR JUDICIAL CANDIDATES AND OFFICEHOLDERS.

The Ethics Commission also makes available a CAMPAIGN FINANCE GUIDE FOR CANDIDATES AND OFFICEHOLDERS WHO FILE WITH THE ETHICS COMMISSION, a CAMPAIGN FINANCE GUIDE FOR POLITICAL COMMITTEES, and a CAMPAIGN FINANCE GUIDE FOR POLITICAL PARTIES.

Revised June 20, 2025

Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711

www.ethics.state.tx.us

(512) 463-5800 • TDD (800) 735-2989

Promoting Public Confidence in Government

**CAMPAIGN FINANCE GUIDE FOR CANDIDATES
AND OFFICEHOLDERS WHO FILE WITH
LOCAL FILING AUTHORITIES**

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INTRODUCTION

This guide is a summary of reporting requirements and other regulations set out in Title 15 of the Texas Election Code (Chs. 251-259) and in the rules adopted by the Texas Ethics Commission. This guide applies to candidates for and officeholders in most local offices in Texas.

This guide does not apply to candidates for or officeholders of statewide elective offices, the State Legislature, seats on the State Board of Education, or multi-county district offices. Nor does it apply to candidates for or judges of statutory county courts, statutory probate courts, or district courts.

IMPORTANT UPDATES

As directed by section 571.064 of the Texas Government Code, the Commission is required to annually adjust certain reporting thresholds upward to the nearest multiple of \$10 in accordance with the percentage increase for the previous year in the Consumer Price Index for Urban Consumers published by the Bureau of Labor Statistics of the United States Department of Labor.

These changes will be made effective January 1st of each calendar year; the affected numbers and corresponding new thresholds are located in 1 T.A.C. §18.31, which can be found here: <https://www.ethics.state.tx.us/rules/>. The higher itemization thresholds will be reflected on the paper forms and in these instructions, as applicable.

Verify that you are using the correct thresholds and forms that apply to your filing. For example, if you are filing a campaign finance report or lobby activities report that is due in January of 2021, you must use the forms and instructions that are applicable to the period ending December 31, 2020.

OFFICEHOLDERS

Officeholders as well as candidates are subject to regulation under Title 15. An officeholder who has a campaign treasurer appointment on file with a filing authority is a “candidate” for purposes of Title 15 and is subject to all the regulations applicable to candidates. An officeholder who does not have a campaign treasurer appointment on file is subject only to the regulations applicable to officeholders.

Most of the requirements discussed in this guide apply to both candidates (individuals who have a campaign treasurer appointment on file) and to officeholders who do not have a campaign treasurer appointment on file. The guide will indicate whether a particular requirement applies to individuals who have campaign treasurer appointments on file, to officeholders who do not have campaign treasurer appointments on file, or to both.

JUDICIAL CANDIDATES AND OFFICEHOLDERS

Candidates for and officeholders in most judicial offices are subject to various restrictions that do not apply to other candidates and officeholders. Those candidates and officeholders should review the CAMPAIGN FINANCE GUIDE FOR JUDICIAL CANDIDATES AND OFFICEHOLDERS and the POLITICAL ADVERTISING GUIDE which are available on the commission’s website.

Nonjudicial Officeholder Seeking Judicial Office. Pursuant to Op. Tex. Ethics Comm'n No. 465 (2005), a nonjudicial officeholder who becomes a judicial candidate is required to file two campaign finance reports, one reporting nonjudicial activity and the other reporting judicial activity. Alternatively, a nonjudicial officeholder who becomes a judicial candidate may select to file a single report that includes both candidate and officeholder activity if the activity is clearly and properly reported. *See* the CAMPAIGN FINANCE GUIDE FOR JUDICIAL CANDIDATES AND OFFICEHOLDERS for more information.

FEDERAL OFFICES

This guide does not apply to candidates for federal offices. Candidates for federal offices should contact the Federal Election Commission. The FEC's toll-free number is (800) 424-9530.

FILING AUTHORITIES

Title 15 requires candidates and officeholders to file various documents and reports with the appropriate filing authority.

The filing authority for a local candidate or officeholder depends on the nature of the office sought or held.

County Clerk. The county clerk (or the county elections administrator if the county has an elections administrator, or tax assessor-collector if the county's commissioners court has transferred the filing authority function to the tax assessor-collector and the county clerk and tax assessor-collector have agreed to the transfer) is the appropriate filing authority for a candidate for:

- a county office;
- a precinct office;
- a district office (except for multi-county district offices);
- an office of a political subdivision other than a county if the political subdivision is within the boundaries of a single county and if the governing body of the political subdivision has not been formed; and
- An elected position on the board of directors of an appraisal district.

Other local filing authority. If a candidate is seeking an office of a political subdivision other than a county, the appropriate filing authority is the *clerk or secretary of the governing body* of the political subdivision. If the political subdivision has no clerk or secretary, the appropriate filing authority is the governing body's presiding officer.

Texas Ethics Commission. The Texas Ethics Commission is the appropriate filing authority for candidates for:

- Multi-county district offices. (Reminder: This guide does not apply to multi-county district offices.)

- An office of a political subdivision other than a county if the political subdivision includes areas in more than one county and if the governing body of the political subdivision has not been formed.

POLITICAL COMMITTEES (PACS)

Often a candidate or officeholder chooses to establish a specific-purpose political committee. A political committee is subject to *separate* filing requirements. Establishing a specific-purpose political committee does not relieve a candidate or officeholder of the obligation to file as an individual. For more information about political committees, see the Ethics Commission’s CAMPAIGN FINANCE GUIDE FOR POLITICAL COMMITTEES.

FINANCIAL DISCLOSURE STATEMENTS

Some local candidates and officeholders are required to file an annual personal financial statement in accordance with Government Code Chapter 572 or Local Government Code Chapter 159. This statement is not a campaign finance document, and is not addressed in this guide.

FEDERAL INCOME TAX

This pamphlet does not address the federal tax implications of campaign finance. Questions regarding federal tax law should be directed to the Internal Revenue Service.

TEXAS ETHICS COMMISSION

If you have a question about how Title 15 applies to you, you may call the Ethics Commission for assistance or you may request a written advisory opinion.

The Ethics Commission has authority to impose fines for violations of Title 15. If you have evidence that a person has violated Title 15, you may file a sworn complaint with the Ethics Commission.

The Ethics Commission’s mailing address is P.O. Box 12070, Austin, Texas 78711. The phone number is (512) 463-5800. The Ethics Commission maintains a website at www.ethics.state.tx.us.

APPOINTING A CAMPAIGN TREASURER

If you plan to run for a public office in Texas (except for a federal office), you must file an APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE (FORM CTA) with the proper filing authority before you become a candidate, even if you do not intend to accept campaign contributions or make campaign expenditures. A “candidate” is a person who knowingly and willingly takes affirmative action for the purpose of gaining nomination or election to public office or for the purpose of satisfying financial obligations incurred by the person in connection with the campaign for nomination or election. Examples of affirmative action include:

- (A) the filing of a campaign treasurer appointment, except that the filing does not constitute candidacy or an announcement of candidacy for purposes of the

automatic resignation provisions of Article XVI, Section 65, or Article XI, Section 11, of the Texas Constitution;

- (B) the filing of an application for a place on the ballot;
- (C) the filing of an application for nomination by convention;
- (D) the filing of a declaration of intent to become an independent candidate or a declaration of write-in candidacy;
- (E) the making of a public announcement of a definite intent to run for public office in a particular election, regardless of whether the specific office is mentioned in the announcement;
- (F) before a public announcement of intent, the making of a statement of definite intent to run for public office and the soliciting of support by letter or other mode of communication;
- (G) the soliciting or accepting of a campaign contribution or the making of a campaign expenditure; and
- (H) the seeking of the nomination of an executive committee of a political party to fill a vacancy.

NO CAMPAIGN CONTRIBUTIONS OR EXPENDITURES WITHOUT TREASURER APPOINTMENT ON FILE

Additionally, the law provides that you must file a campaign treasurer appointment form with the proper filing authority before you may accept a campaign contribution or make or authorize a campaign expenditure, including an expenditure from your personal funds. A filing fee paid to a filing authority to qualify for a place on a ballot is a campaign expenditure that may not be made before filing a campaign treasurer appointment form with the proper filing authority.

APPOINTING TREASURER TRIGGERS REPORTING DUTIES

After a candidate has filed a form appointing a campaign treasurer, the candidate is responsible for filing periodic reports of contributions and expenditures. Filing reports is the responsibility of the candidate, not the campaign treasurer. Even if a candidate loses an election, he or she must continue filing reports until he or she files a final report. See “Ending Filing Obligations” in this guide. (An officeholder who files a final report, and thereby terminates his or her campaign treasurer appointment, may still be required to file semiannual reports of contributions and expenditures as an officeholder.)

QUALIFICATIONS OF CAMPAIGN TREASURER

A person is ineligible for appointment as a campaign treasurer if the person is the campaign treasurer of a political committee that has outstanding filing obligations (including outstanding penalties). This prohibition does not apply if the committee in connection with which the ineligibility arose has not accepted more than \$5,000 in political contributions or made more than \$5,000 in political expenditures in any semiannual reporting period. A person who violates

this prohibition is liable for a civil penalty not to exceed three times the amount of political contributions accepted or political expenditures made in violation of this provision.

DUTIES OF CAMPAIGN TREASURER

A candidate's campaign treasurer has no legal duties. (**Note:** The campaign treasurer of a *political committee* is legally responsible for filing reports.)

EFFECTIVE DATE OF APPOINTMENT

A campaign treasurer appointment is effective when filed. A hand-delivered appointment takes effect on the date of delivery. A mailed appointment takes effect on the date of the postmark.

CODE OF FAIR CAMPAIGN PRACTICES

A filing authority should provide to each individual who files a campaign treasurer appointment a form containing a Code of Fair Campaign Practices. A candidate may pledge to conduct his or her campaign in accordance with the principles and practices set out in the Code by signing the form and filing it with the appropriate filing authority.

APPOINTMENT BY OFFICEHOLDER

If an officeholder files an appointment of campaign treasurer after a period in which he or she did not have a campaign treasurer appointment on file, the officeholder may have to file a report of contributions and expenditures no later than 15 days after filing the appointment of campaign treasurer. See "15th Day After Appointment of Campaign Treasurer by Officeholder" in this guide. An officeholder who *changes* a campaign treasurer is not required to file this report.

Note: An officeholder who has a campaign treasurer appointment on file is a candidate for purposes of Title 15.

FILING FOR A PLACE ON THE BALLOT

Filing a campaign treasurer appointment and filing for a place on the ballot are two completely separate actions. The Secretary of State can provide information about filing for a place on the ballot. Call the Secretary of State at (512) 463-5650 or toll-free at (800) 252-8683.

CHANGING TREASURERS

A candidate may change campaign treasurers at any time by filing an amended appointment of campaign treasurer (FORM ACTA). Filing an appointment of a new treasurer automatically terminates the appointment of the old treasurer.

TRANSFERRING TO A DIFFERENT FILING AUTHORITY

If a candidate has a campaign treasurer appointment on file with one filing authority and wishes to accept campaign contributions or make campaign expenditures in connection with a candidacy for an office that would require reporting to a different filing authority, the candidate must file a new campaign treasurer appointment and a copy of the old campaign treasurer appointment (certified by original authority) with the second filing authority. The candidate should also

provide written notice to the original filing authority that future reports will be filed with another authority. In general, funds accepted in connection with one office may be used in connection with a campaign for a different office, as long as neither of the offices is a judicial office.

TERMINATING A CAMPAIGN TREASURER APPOINTMENT

A candidate may terminate a campaign treasurer appointment by filing an amended appointment of campaign treasurer or by filing a final report.

A campaign treasurer may terminate his or her own appointment by notifying both the candidate and the filing authority in writing. The termination is effective on the date the candidate receives the notice or on the date the filing authority receives the notice, whichever is later.

DECIDING NOT TO RUN

A campaign treasurer appointment does not simply expire. An individual who has a campaign treasurer appointment on file must file reports of contributions and expenditures until he or she files a final report with the filing authority. *See* “Ending Filing Obligations” in this guide.

THINGS TO REMEMBER

- If you plan to run for a public office in Texas (except for a federal office), you must file an APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE (FORM CTA) with the proper filing authority before you become a candidate, even if you do not intend to accept campaign contributions or make campaign expenditures.
- A person may not accept a campaign contribution or make a campaign expenditure unless the person has a campaign treasurer appointment on file with the proper filing authority.
- Once a person files a form appointing a campaign treasurer, the person is a candidate for disclosure filing purposes and is responsible for filing periodic reports of contributions and expenditures with the proper filing authority until the person files a “final report.”
- The candidate, not the campaign treasurer, is responsible for filing periodic reports of contributions and expenditures.
- Filing a campaign treasurer appointment does not automatically “sign you up” for a place on the ballot. The Secretary of State can provide information about getting on the ballot. Call (512) 463-5650 or (800) 252-8683.

POLITICAL CONTRIBUTIONS AND EXPENDITURES

Title 15 regulates political contributions and political expenditures. There are two types of political contributions: campaign contributions and officeholder contributions. Similarly, there are two kinds of political expenditures: campaign expenditures and officeholder expenditures.

CAMPAIGN CONTRIBUTIONS

A person makes a campaign contribution to a candidate if the person provides or promises something of value with the intent that it be used in connection with a campaign. A contribution of goods or services is an “in-kind” campaign contribution. A loan is considered to be a contribution unless it is from an incorporated financial institution that has been in business for more than a year. Candidates must report all loans made for campaign purposes, including loans that are not “contributions.”

- Donations to a candidate at a fund-raiser are campaign contributions.
- The provision of office space to a candidate is an “in-kind” campaign contribution.
- A promise to give a candidate money is a campaign contribution.
- An item donated to be auctioned at a fund-raiser is an “in-kind” campaign contribution. The purchase of the item at the auction is also a contribution.
- A campaign volunteer is making a contribution in the form of personal services. (Contributions of personal services are sometimes not required to be reported. See “Contributions of Personal Services” in this guide.)

Note: An individual may not accept a campaign contribution without an appointment of campaign treasurer on file with the proper filing authority.

CAMPAIGN EXPENDITURES

A campaign expenditure is a payment or an agreement to make a payment in connection with a campaign for an elective office.

- Paying a filing fee in connection with an application for a place on a ballot is a campaign expenditure.
- Purchasing stationery for fund-raising letters is a campaign expenditure.
- Renting a field to hold a campaign rally is a campaign expenditure.
- Paying people to put up yard signs in connection with an election is a campaign expenditure.

Note: An individual may not make a campaign expenditure unless he or she has a campaign treasurer appointment on file with the proper filing authority.

OFFICEHOLDER CONTRIBUTIONS

The provision of or a promise to provide goods or services to an officeholder that is intended to defray expenses in connection with an officeholder's duties or activities is an officeholder contribution if the expenses are not reimbursable with public money. A contribution of goods or services is an "in-kind" officeholder contribution.

A loan from an incorporated financial institution that has been in business for more than a year is not considered a contribution, but an officeholder must report any such loans made for officeholder purposes.

An officeholder is not required to have a campaign treasurer appointment on file to accept officeholder contributions. An officeholder who does not have a campaign treasurer on file may not accept *campaign* contributions.

OFFICEHOLDER EXPENDITURES

A payment or agreement to pay certain expenses in connection with an officeholder's duties or activities is an officeholder expenditure if the expenses are not reimbursable with public money.

An officeholder is not required to have a campaign treasurer appointment on file to make officeholder expenditures. An officeholder who does not have a campaign treasurer on file may not make *campaign* expenditures.

CAMPAIGN EXPENDITURES BY OFFICEHOLDER

An officeholder who has a campaign treasurer appointment on file may accept both campaign contributions and officeholder contributions and make both campaign expenditures and officeholder expenditures. On a report, there is no need for an officeholder who is a candidate to distinguish between campaign contributions and officeholder contributions or between campaign expenditures and officeholder expenditures. Both campaign contributions and officeholder contributions are reported as "political contributions" and both campaign expenditures and officeholder expenditures are reported as "political expenditures."

An officeholder who does not have a campaign treasurer on file may accept officeholder contributions and make officeholder expenditures but may not accept campaign contributions or make campaign expenditures.

PERMISSIBLE USE OF POLITICAL CONTRIBUTIONS

An officeholder may use officeholder contributions for campaign purposes if the officeholder has an appointment of campaign treasurer on file. Candidates and officeholders may not convert political contributions to personal use. See "Campaign Finance Restrictions" in this guide.

USE OF POLITICAL FUNDS TO RENT OR PURCHASE REAL PROPERTY

A candidate or officeholder is prohibited from using political funds to purchase real property or

to pay the interest on or principal of a note for the purchase of real property.

A candidate or officeholder may not knowingly make or authorize a payment from political funds for the rental or purchase of real property from: (1) a person related to the candidate or officeholder within the second degree of consanguinity or affinity as determined under Chapter 573, Government Code; or (2) a business in which the candidate or officeholder (or a person related to the candidate or officeholder within the second degree of consanguinity or affinity) has a participating interest of more than 10 percent, holds a position on the governing body, or serves as an officer. Tex. Elec. Code § 253.038 (a-1). This restriction applies to a payment made from political funds on or after September 1, 2007, without regard to whether the payment was made under a lease or other agreement entered into before that date.

ACCEPTING CONTRIBUTIONS

A candidate or officeholder must report contributions that he or she has *accepted*. Receipt is different from acceptance. A decision to *accept* a contribution must be made by the end of the reporting period during which the contribution is received.

Failure to make a determination about acceptance or refusal. If a candidate or officeholder fails to make a timely determination to accept or refuse a contribution by the deadline, the contribution is considered to have been accepted.

Returning refused contributions. If a candidate or officeholder receives a political contribution but does not accept it, he or she must return the contribution not later than the 30th day after the end of the reporting period in which the contribution was received. Otherwise, the contribution is considered to have been accepted.

REIMBURSEMENT FOR POLITICAL EXPENDITURES FROM PERSONAL FUNDS

If a candidate or officeholder makes political expenditures from personal funds, he or she may use political contributions to reimburse himself or herself if the expenditures are properly reported either on the reporting schedule for loans or on the reporting schedule for political expenditures from personal funds. In order for a candidate or officeholder to use political contributions to reimburse his or her personal funds, the political expenditure from personal funds must be properly reported on the report covering the period in which the expenditures are made. *A filed report may not be later corrected to indicate an intention to reimburse personal funds from political contributions.*

If a candidate or officeholder deposits personal funds in an account in which political contributions are held as permitted by section 253.0351(c) of the Election Code, the deposited amount must be reported as a loan and reimbursements to the candidate or officeholder may not exceed the amount reported as a loan. See “Campaign Expenditures from Personal Funds” in this guide for additional information.

SEPARATE ACCOUNT REQUIRED

A candidate or officeholder must keep political contributions in one or more accounts that are separate from any other account maintained by the candidate or officeholder. (There is no

requirement to keep campaign contributions in a separate account from officeholder contributions.)

RESTRICTIONS INVOLVING LOBBYING

The 2019 legislature passed House Bill 2677 to amend Chapter 305 of the Government Code and Chapter 253 of the Election Code to enact the following restrictions. Each prohibition begins on September 27, 2019. For the language of the bill, go to <https://capitol.texas.gov/tlodocs/86R/billtext/html/HB02677F.htm>.

Making Political Contributions and Direct Campaign Expenditures. Unless expressly prohibited, a lobbyist may make political contributions and direct campaign expenditures. The campaign finance law, however, generally prohibits corporations and labor organizations from making political contributions. Tex. Elec. Code § 253.094.

Section 253.006 of the Election Code prohibits a person required to register as a lobbyist under Chapter 305 of the Government Code from making political contributions or direct campaign expenditures from certain sources of funds. A person required to register as a lobbyist is prohibited from making or authorizing a political contribution to another candidate, officeholder, or political committee, or making or authorizing a direct campaign expenditure, from political contributions accepted by:

- (1) the lobbyist as a candidate or officeholder;
- (2) a specific-purpose committee that supports the lobbyist as a candidate or assists the lobbyist as an officeholder; or
- (3) a political committee that accepted a political contribution from (1) or (2), described above, during the two years immediately before the contribution or expenditure was made.

Two-Year Lobbying Prohibition After Making a Political Contribution or Direct Campaign Expenditure. Section 253.007 of the Election Code prohibits lobbying by persons who make political contributions or direct campaign expenditures from certain sources of funds. A person who makes a political contribution to another candidate, officeholder, or political committee, or makes a direct campaign expenditure, from political contributions accepted by the person as a candidate or officeholder is prohibited from engaging in activities that require registration as a lobbyist under Chapter 305 of the Government Code for two years thereafter.

However, an exception to this prohibition allows a person who does not receive compensation other than reimbursement for actual expenses to lobby on behalf of a nonprofit organization, a group of low-income individuals, or a group of individuals with disabilities.

Lobby Expenditures from Political Contributions. Section 305.029 of the Government Code prohibits certain lobby expenditures made from political contributions. A lobbyist registered under Chapter 305 of the Government Code, or a person on behalf of the lobbyist and with the lobbyist's consent or ratification, is prohibited from making a reportable lobby expenditure from a political contribution accepted by:

- (1) the lobbyist as a candidate or officeholder;

- (2) a specific-purpose committee that supports the lobbyist as a candidate or assists the lobbyist as an officeholder; or
- (3) a political committee that accepted a political contribution from (1) or (2), described above, during the two years immediately before the lobbyist made or authorized the expenditure.

INFORMATION REQUIRED ON REPORTS

CONTRIBUTIONS

A report must disclose the amount of each contribution or the value and nature of any in-kind contribution, as well as the name and address of the individual or political committee making the contribution, and the date of the contribution. (Detailed information about a contributor is not required to be reported if the contributor contributed \$110 or less during the reporting period. However, all contributions made electronically must be itemized with this information.)

PLEDGES

Promises to transfer money, goods, services, or other things of value are contributions. If a filer accepts such a promise, he or she must report it (along with the information required for other contributions) on the reporting schedule for “pledges.” Once a pledge has been received, it is reported on the appropriate receipts schedule for the reporting period in which the pledge is received. A pledge that is actually received in the same reporting period in which the pledge was accepted shall be reported only on the appropriate receipts schedule.

Note: A pledge is not a contribution unless it has been accepted.

Example 1: In June a supporter promises that he will give Juan Garcia \$1,000 in the last week before the November election. Juan accepts his promise. Juan must report the pledge on his July 15 report. Juan must also report a political contribution when the pledge is actually received. (**Note:** If Juan receives the pledge during the July semiannual reporting period then he does not report the pledge and only reports a political contribution. Also, if he never receives the \$1,000, he does not amend his report to delete the entry for the pledge.)

Example 2: At a party, an acquaintance says to Juan, “I’d like to give you some money; call me at my office.” Juan agrees to call. At this point, Juan has accepted nothing and has nothing to report. Juan has not agreed to accept money; he has merely agreed to call.

LOANS

Loans made for campaign or officeholder purposes are reportable. A filer must report the amount of a loan, the date the loan is made, the interest rate, the maturity date, the type of collateral, and the name and address of the lender. The filer must also report the name, address, principal occupation, and employer of any guarantor and the amount guaranteed by the guarantor. (Detailed information is not required if a particular lender lent \$110 or less during a reporting period.) If a candidate or officeholder deposits personal funds in an account in which political contributions are held as permitted by section 253.0351(c) of the Election Code, the deposited amount must be reported as a loan. *See* “Campaign Expenditures from Personal

Funds” in this guide for additional information.

Note: A loan from an incorporated financial institution that has been in business for more than one year is not a contribution. Other loans are considered to be contributions. This distinction is important because of the prohibition on contributions from banks and certain other financial institutions. See “Campaign Finance Restrictions” in this guide. All loans are reported on the same schedule, regardless of whether they are contributions. Additionally, the forgiveness of a loan is a reportable in-kind contribution. See 1 Tex. Admin. Code § 20.64.

CONTRIBUTIONS OF PERSONAL SERVICES

A political contribution consisting of an individual's personal services is not required to be reported if the individual receives no compensation *from any source* for the services.

CONTRIBUTIONS OF PERSONAL TRAVEL

A political contribution consisting of personal travel expense incurred by an individual is not required to be reported if the individual receives no reimbursement for the expense.

CONTRIBUTIONS FROM OUT-OF-STATE POLITICAL COMMITTEES

There are restrictions on contributions from out-of-state political committees. The fact that a political committee has a mailing address outside of Texas does not mean that the committee is an out-of-state political committee for purposes of these restrictions. A political committee that has a campaign treasurer appointment on file in Texas is not an out-of-state political committee for purposes of these restrictions.

Contributions over \$1,110 in a reporting period. Before *accepting* more than \$1,110 in a reporting period from an out-of-state committee, a candidate or officeholder must obtain either (1) a written statement, certified by an officer of the out-of-state political committee, listing the full name and address of each person who contributed more than \$220 to the out-of-state political committee during the 12 months immediately preceding the contribution, *or* (2) a copy of the out-of-state political committee’s statement of organization filed as required by law with the Federal Election Commission and certified by an officer of the out-of-state committee.

This documentation must be included with the report of contributions and expenditures for the period in which the contribution was received.

Contributions of \$1,110 or less in a reporting period. For a contribution of \$1,110 or less from an out-of-state committee in a reporting period, there is no requirement to obtain documentation *before accepting* the contribution. But there is a requirement to include certain documentation with the report of the contribution. The report must include *either* (1) a copy of the out-of-state political committee’s statement of organization filed as required by law with the Federal Election Commission and certified by an officer of the out-of-state committee, *or* (2) the committee’s name, address, and phone number; the name of the person appointing the committee’s campaign treasurer; and the name, address, and phone number of the committee’s campaign treasurer.

EXPENDITURES

A filer must report any campaign expenditure (regardless of whether it is made from political contributions or from personal funds) and any political expenditure (campaign or officeholder) from political contributions (regardless of whether the expenditure is a political expenditure). A filer must also report unpaid incurred obligations. *See* “Unpaid Incurred Obligations” in this guide. If the total expenditures to a particular payee do not exceed \$220 during the reporting period, a filer may report those expenditures as part of a lump sum. Otherwise, a filer must report the date of an expenditure, the name and address of the person to whom the expenditure is made, and the purpose of the expenditure.

UNPAID INCURRED OBLIGATIONS

An expenditure that is not paid during the reporting period in which the obligation to pay the expenditure is incurred shall be reported on the Unpaid Incurred Obligations Schedule for the reporting period in which the obligation to pay is incurred.

The use of political contributions to pay an expenditure previously disclosed on an Unpaid Incurred Obligations Schedule shall be reported on the appropriate disbursements schedule for the reporting period in which the payment is made.

The use of personal funds to pay an expenditure previously disclosed on an Unpaid Incurred Obligations Schedule shall be reported on the Political Expenditure Made from Personal Funds Schedule for the reporting period in which the payment is made.

EXPENDITURES MADE BY CREDIT CARD

An expenditure made by a credit card must be reported on the Expenditures Made to Credit Card Schedule for the reporting period in which the expenditure is made. The report must identify the vendor who receives the payment from the credit card company.

The use of political contributions to make a payment to a credit card company must be reported on the appropriate disbursements schedule for the reporting period in which the payment is made and identify the credit card company receiving the payment.

The use of personal funds to make a payment to a credit card company must be reported on the Political Expenditure Made from Personal Funds Schedule for the reporting period in which the payment is made and identify the credit card company receiving the payment.

CAMPAIGN EXPENDITURES FROM PERSONAL FUNDS

A candidate must report all campaign expenditures, whether made from political contributions or from personal funds. In order to use political contributions to reimburse himself or herself for campaign expenditures from personal funds, the candidate must properly report the expenditures either on the reporting schedule for loans or on the reporting schedule for political expenditures from personal funds. If the candidate does not indicate the intention to seek reimbursement on that report, he or she may not later correct the report to permit reimbursement.

If a candidate or officeholder deposits personal funds in an account in which political contributions are held as permitted by section 253.0351(c) of the Election Code, the deposited

amount must be reported as a loan on Schedule E. Political expenditures made from that loan, and any subsequent expenditures to reimburse the candidate or officeholder, must be reported on Schedule F1. The reimbursement may not exceed the amount reported as a loan. Any unexpended funds from such a loan are required to be included in the total amount of political contributions maintained as of the last day of the reporting period. Note: Personal funds deposited in an account in which political contributions are held are subject to the personal use restrictions.

OFFICEHOLDER EXPENDITURES FROM PERSONAL FUNDS

An officeholder is not required to report *officeholder expenditures* made from personal funds unless he or she intends to be reimbursed from political contributions. This rule applies regardless of whether an officeholder has an appointment of campaign treasurer on file.

In order for an officeholder to use political contributions to reimburse an officeholder expenditure from personal funds, the officeholder must properly report the expenditures either on the reporting schedule for loans or on the reporting schedule for political expenditures from personal funds. If the officeholder does not indicate the intention to seek reimbursement, he or she may not later correct the report to permit reimbursement.

If a candidate or officeholder deposits personal funds in an account in which political contributions are held as permitted by section 253.0351(c) of the Election Code, the deposited amount must be reported as a loan on Schedule E. Political expenditures made from that loan, and any subsequent expenditures to reimburse the candidate or officeholder, must be reported on Schedule F1. The reimbursement may not exceed the amount reported as a loan. Any unexpended funds from such a loan are required to be included in the total amount of political contributions maintained as of the last day of the reporting period. Note: Personal funds deposited in an account in which political contributions are held are subject to the personal use restrictions.

DIRECT EXPENDITURES

A direct campaign expenditure is “a campaign expenditure that does not constitute a campaign contribution by the person making the expenditure.” As a practical matter, a direct campaign expenditure is an expenditure to support a candidate incurred without the candidate’s prior consent or approval.

If a candidate or officeholder makes a direct campaign expenditure to support *another* candidate or officeholder, the expenditure must be included on the reporting schedule for political expenditures, and the report must indicate that the expenditure was a direct campaign expenditure.

SUPPORTING POLITICAL COMMITTEES

A political committee that accepts political contributions or makes political contributions on behalf of a candidate or officeholder is required to give the candidate or officeholder notice of that fact. The candidate or officeholder must report the receipt of such a notice on the report covering the period in which he or she receives the notice.

PAYMENTS TO A BUSINESS OF THE CANDIDATE OR OFFICEHOLDER

A candidate or officeholder is required to report payments from political funds to a business in which the candidate or officeholder has a participating interest of more than 10 percent; a position on the governing body of the business; *or* a position as an officer of a business.

A candidate or officeholder may not make a payment to such a business if the payment is for personal services rendered by the candidate or officeholder or by the spouse or dependent child of the candidate or officeholder. (Nor may a candidate or officeholder use political contributions to pay directly for such personal services.) Other payments to such a business are permissible only if the payment does not exceed the amount necessary to reimburse the business for actual expenditures made by the business. *See generally* Op. Tex. Ethics Comm'n No. 35 (1992).

A candidate or officeholder may not make or authorize a payment from political funds for the rental or purchase of real property from such a business. *See* "Use of Political Funds to Rent or Purchase Real Property" in this guide.

INTEREST EARNED AND OTHER CREDITS/GAINS/REFUNDS

A candidate or officeholder is required to disclose information regarding the following types of activity from political contributions:

- any credit, interest, rebate, refund, reimbursement, or return of a deposit fee resulting from the use of a political contribution or an asset purchased with a political contribution, the amount of which exceeds \$140;
- any proceeds of the sale of an asset purchased with a political contribution, the amount of which exceeds \$140; and
- any other gain from a political contribution, the amount of which exceeds \$140.

A candidate or officeholder must use Schedule K to report such information. Although you are not required to do so, you may also report any credit/gain/refund or interest that does not exceed \$140 in the period on this schedule. (Previously, this was an optional schedule because a candidate or officeholder was not required to report this information.) A candidate or officeholder may not use interest and other income from political contributions for personal purposes. Political expenditures made from such income must be reported on the expenditures schedule.

PURCHASE OF INVESTMENTS

A candidate or officeholder must report any investment purchased with a political contribution, the amount of which exceeds \$140. This information must be disclosed on Schedule F3 of the campaign finance report.

TOTAL POLITICAL CONTRIBUTIONS MAINTAINED

The law requires you to disclose the total amount of political contributions accepted, including interest or other income on those contributions, maintained in one or more accounts in which

political contributions are deposited as of the last day of the reporting period. The “total amount of political contributions maintained” includes: the total amount of political contributions maintained in one or more accounts, including the balance on deposit in banks, savings and loan institutions and other depository institutions; the present value of any investments that can be readily converted to cash, such as certificates of deposit, money market accounts, stocks, bonds, treasury bills, etc.; and the balance of political contributions accepted and held in any online fundraising account over which the filer can exercise control by making a withdrawal, expenditure, or transfer. 1 Tex. Admin. Code § 20.50.

The total amount of political contributions maintained does NOT include personal funds that the filer intends to use for political expenditures, *unless* the personal funds have been disclosed as a loan to your campaign and deposited into an account in which political contributions are held as permitted by section 253.0351(c) of the Election Code. Any unexpended funds from such a loan are required to be included in the total amount of political contributions maintained as of the last day of the reporting period. Note: Personal funds deposited in an account in which political contributions are held are subject to the personal use restrictions.

TIME OF ACCEPTING CONTRIBUTION

A filer must report the date he or she *accepts* a political contribution. The date of receipt may be different from the date of acceptance. *See* “Accepting Contributions” in this guide.

TIME OF MAKING EXPENDITURE

For reporting purposes, an expenditure is made when the amount of the expenditure is readily determinable. An expenditure that is not paid during the reporting period in which the obligation to pay is incurred must be reported on the reporting schedule for “Unpaid Incurred Obligations,” and then reported again on the appropriate expenditure schedule when payment is actually made. If a filer cannot determine the amount of an expenditure until a periodic bill, the date of the expenditure is the date the bill is received.

Credit Card Expenditures. For purposes of 30 day and 8 day pre-election reports, the date of an expenditure made by a credit card is the date of the purchase, not the date of the credit card bill. For purposes of other reports, the date of an expenditure made by a credit card is the date of receipt of the credit card statement that includes the expenditure. For additional information regarding how to report expenditures made by credit card, *see* “Expenditures Made by Credit Card” in this guide.

PREPARING REPORTS

FORMS

Reporting forms are available at <http://www.ethics.state.tx.us>. An individual who is both a candidate and an officeholder files one report for each reporting period and is not required to distinguish between campaign activity and officeholder activity.

SIGNATURE REQUIRED

The candidate or officeholder, not the campaign treasurer, must sign reports.

FILING DEADLINES

The next section of this guide explains the types of reports candidates and officeholders are required to file. Annual filing schedules are available at <http://www.ethics.state.tx.us>.

Note: Deadlines for filing reports for special elections or runoff elections will not be listed on the filing schedule. Call the Ethics Commission for specific information in these cases.

PERIODS COVERED BY REPORTS

Each report covers activity during a specific time period. Generally, a report begins where the last report ended. For a candidate's first report, the beginning date will be the date the campaign treasurer appointment was filed. For an officeholder who is appointed to an elective office and who did not have a campaign treasurer appointment on file at the time of the appointment, the beginning date for the first report will be the date the officeholder took office. Generally, there should not be gaps between the periods covered or overlapping time periods. See "Reports" below for information about filing deadlines and periods covered by reports.

DEADLINE ON WEEKEND OR HOLIDAY

If the due date for a report falls on a Saturday, Sunday, or legal holiday, the report is due on the next regular business day.

5 P.M. DEADLINE

The deadline for filing a report is 5 p.m. on the due date.

DELIVERY BY MAIL OR OTHER CARRIER

For most reporting deadlines, a document is considered timely filed if it is properly addressed with postage or handling charges prepaid and bears a postmark or receipt mark of a common or contract carrier indicating a time on or before the deadline.

Pre-Election Reports. A report due 30 days before an election and a report due 8 days before an election must be *received* by the appropriate filing authority no later than the report due date to be considered filed on time.

RETENTION OF RECORDS USED FOR REPORTS

A filer must keep records of all information used to prepare a report of contributions and expenditures, including, for example, receipts or ledgers of contributions and expenditures. A filer must maintain the records for two years after the deadline for the report.

REPORTS

SEMIANNUAL REPORTS

Generally, candidates and officeholders are required to file reports of contributions and expenditures by January 15 and July 15 of each year. The reports filed on these dates are known as semiannual reports. These reports must be filed even if there is no activity to report for the period covered.

However, there is an exception to this requirement for officeholders who file with a local filing authority, do not have a campaign treasurer appointment on file, and do not accept more than \$1,110 in officeholder contributions or make more than \$1,110 in officeholder expenditures during the period covered by the report.

REPORTS DUE 30 DAYS AND 8 DAYS BEFORE AN ELECTION

An *opposed* candidate in an upcoming election must file reports of contributions and expenditures 30 days and 8 days before the election. Each of these pre-election reports must be *received* by the appropriate filing authority no later than the report due date. (A person who has elected modified reporting and who remains eligible for modified reporting is not required to file these reports. See “Modified Reporting” in this guide.)

An opposed candidate is a candidate who has an opponent whose name is printed on the ballot. If a candidate’s only opposition is a write-in candidate, that candidate is considered unopposed for filing purposes. (**Note:** A write-in candidate who accepts political contributions or makes political expenditures is subject to the reporting requirements discussed in this guide.)

The report that is due 30 days before the election covers the period that begins on the first day after the period covered by the last required report and ends the 40th day before the election. If this is a filer’s first required report, the period covered by the report begins on the day the filer filed a campaign treasurer appointment.

The report that is due 8 days before the election covers the period that begins on the first day after the period covered by the last required report and ends on the 10th day before the election.

REPORT DUE 8 DAYS BEFORE A RUNOFF ELECTION

A candidate in a runoff must file a report 8 days before the runoff election. A runoff report must be *received* by the appropriate filing authority no later than the report due date. (A candidate who has elected modified reporting and who remains eligible for modified reporting is not required to file this report. See “Modified Reporting” below.)

This report covers a period that begins either the first day after the period covered by the last required report or the day the filer filed a campaign treasurer appointment (if this is the filer’s first report of contributions and expenditures). The period covered by the runoff report ends the 10th day before the runoff election.

MODIFIED REPORTING

On the campaign treasurer appointment form, there is an option to choose modified reporting for the next election cycle. Modified reporting excuses an opposed candidate from filing reports 30 days and 8 days before an election and 8 days before a runoff. An opposed candidate is eligible for modified reporting only if the candidate does not intend to exceed either \$1,110 in contributions or \$1,110 in expenditures (excluding filing fees) in connection with an election.

If an opposed candidate selects modified reporting but exceeds a threshold before the 30th day before the election, the candidate must file reports 30 days and 8 days before the election.

If an opposed candidate selects modified reporting but exceeds the \$1,110 threshold for contributions or expenditures after the 30th day before the election, the filer must file a report within 48 hours of exceeding the threshold. (The filer must meet this deadline even if it falls on a weekend or a holiday.) At that point, the filer is no longer eligible for modified reporting and must file according to the regular filing schedule.

A selection to file on the modified reporting schedule lasts for an entire election cycle. In other words, the selection is valid for a primary, a primary runoff, and a general election (as long as the candidate does not exceed one of the \$1,110 thresholds). A candidate must submit an amended campaign treasurer appointment (FORM ACTA) to select modified reporting for a different election cycle.

“15TH DAY AFTER APPOINTMENT OF CAMPAIGN TREASURER BY AN OFFICEHOLDER” REPORT

An officeholder must file a report after filing a campaign treasurer appointment. (A report is not required after a *change* in campaign treasurers.) This report of contributions and expenditures is due no later than 15 days after the campaign treasurer appointment was filed. The report must cover the period that begins the day after the period covered by the last required report. The period ends on the day before the campaign treasurer appointment was filed. (**Note:** A person who is *appointed* to elective office may not have filed any previous reports. In that case, the beginning date for the report due 15 days after the campaign treasurer appointment is the date the officeholder took office.) The report is not required if the officeholder did not accept more than \$1,110 in contributions or make more than \$1,110 in expenditures by the end of the reporting period.

FINAL REPORT

See “Ending Filing Obligations” below.

ANNUAL REPORT OF UNEXPENDED CONTRIBUTIONS

See “Ending Filing Obligations” below.

FINAL DISPOSITION OF UNEXPENDED CONTRIBUTIONS REPORT

See “Ending Filing Obligations” below.

THINGS TO REMEMBER

- An officeholder must file semiannual reports for any period during which he or she is an officeholder. (There is an exception to this rule for officeholders who do not have a campaign treasurer appointment on file and who do not accept more than \$1,110 in political contributions or make more than \$1,110 in political expenditures during the period covered by the report.)
- An opposed candidate in an election must file reports of contributions and expenditures 30 days and 8 days before the election, unless the candidate has selected (and remains eligible for) modified reporting. An opposed candidate who has not selected modified reporting must also file a report 8 days before a runoff election. A report due 30 days before an election and a report due 8 days before an election must be received by the appropriate filing authority no later than the report due date.
- An unopposed candidate is not required to file reports 30 days before an election or 8 days before an election but is required to file semiannual reports.
- A candidate who selects modified reporting must file semiannual reports.

A filer who selects modified reporting for one election cycle will be required to file on the regular reporting schedule for the next election cycle unless the filer submits an amended campaign treasurer appointment selecting modified reporting for the next election cycle.

ENDING FILING OBLIGATIONS

FINAL REPORT

If a filer expects to accept no further political contributions and to make no further political expenditures and if the filer expects to take no further action to get elected to a public office, the filer may file a final report. Filing a final report terminates a filer's campaign treasurer appointment and relieves the filer from any additional filing obligations *as a candidate*. (Note: A candidate who does not have a campaign treasurer appointment on file may still be required to file a personal financial statement in accordance with Chapter 572 of the Government Code or Chapter 159 of the Local Government Code.) If the filer is an officeholder, the filer will still be subject to the filing requirements applicable to officeholders. A filer who is not an officeholder at the time of filing a final report *and* who has surplus political funds or assets will be required to file annual reports of unexpended contributions and a report of final disposition of unexpended contributions. See "Annual Report of Unexpended Contributions" and "Report of Final Disposition of Unexpended Contributions" below.

A filer who intends to continue accepting contributions to pay campaign debts should *not* terminate his or her campaign treasurer appointment. An individual must have a campaign treasurer appointment on file to accept contributions to offset campaign debts or to pay campaign debts.

Terminating a campaign treasurer appointment does not relieve a filer of responsibility for any delinquent reports or outstanding civil penalties.

ANNUAL REPORT OF UNEXPENDED CONTRIBUTIONS

The following individuals must file annual reports of unexpended contributions:

- a former officeholder who did not have a campaign treasurer appointment on file at the time of leaving office and who retained any of the following after filing his or her last report: political contributions, interest or other income from political contributions, or assets purchased with political contributions or interest or other income from political contributions.
- a former candidate (a person who previously had a campaign treasurer appointment on file) who was not an officeholder at the time of filing a final report and who retained any of the following at the time of filing a final report: political contributions, interest or other income from political contributions, or assets purchased with political contributions.

Annual reports are due not earlier than January 1 and not later than January 15 of each year. An annual report (FORM C/OH-UC) must contain the following information: (1) information about expenditures from or disposition of surplus funds or assets; (2) the amount of interest or other income earned on surplus funds during the previous year; and (3) the total amount of surplus funds and assets at the end of the previous year.

The obligation to file annual reports ends when the former candidate or officeholder files a report of final disposition of unexpended contributions.

REPORT OF FINAL DISPOSITION OF UNEXPENDED CONTRIBUTIONS

A former candidate or former officeholder who has disposed of all surplus funds and assets must file a report of final disposition of unexpended contributions. This report may be filed as soon as all funds have been disposed of.

A former candidate or former officeholder has six years from the date of filing a final report or leaving office (whichever is later) to dispose of surplus funds and assets. The latest possible date for filing a report of unexpended contributions is 30 days after the end of that six-year period.

At the end of the six-year period, a former candidate or officeholder *must* dispose of surplus assets or funds in one of the following ways:

- The former candidate or officeholder may give them to the political party with which he or she was affiliated when last on the ballot;
- The former candidate or officeholder may contribute them to a candidate or a political committee. (This triggers a requirement to file a report of the contribution.);
- The former candidate or officeholder may give them to the comptroller for deposit in the state treasury to be used to finance primary elections;

- The former candidate or officeholder may give them to one or more contributors, but the total returned to any person may not exceed the aggregate amount accepted from that person during the last two years during which the former candidate or officeholder accepted political contributions;
 - The former candidate or officeholder may give them to certain charitable organizations; or
 - The former candidate or officeholder may give them to a public or private post-secondary educational institution or an institution of higher education as defined by section 61.003(8), Education Code, for the purpose of assisting or creating a scholarship program.
-

THINGS TO REMEMBER

- Anyone who has an appointment of campaign treasurer on file must file periodic reports of campaign contributions and expenditures.
 - An individual who expects no further reportable activity in connection with his or her candidacy, files a final report and thereby terminates his or her campaign treasurer appointment. (Note: A candidate who does not have a campaign treasurer appointment on file may still be required to file a personal financial statement in accordance with Chapter 572 of the Government Code or Chapter 159 of the Local Government Code.)
 - An officeholder may be required to file semiannual reports even if he or she does not have a campaign treasurer appointment on file. A local officeholder who has not accepted more than \$1,110 in contributions or made more than \$1,110 in expenditures in a semiannual period since terminating his or her campaign treasurer appointment is not required to file a semiannual report for that period.
-

PENALTIES FOR REPORTING VIOLATIONS

Any citizen may file a criminal complaint with the district attorney, a civil complaint with the Ethics Commission, or a civil action against a candidate or officeholder for violations of Title 15. Any penalty stemming from such complaints would be assessed against *the candidate or officeholder*, not the campaign treasurer.

CAMPAIGN FINANCE RESTRICTIONS

Chapter 253 of the Election Code contains a number of restrictions regarding the acceptance and use of political contributions, including the following:

1. An individual may not accept a campaign contribution or make a campaign expenditure (including a campaign expenditure from personal funds) without a campaign treasurer appointment on file. Tex. Elec. Code § 253.031. An officeholder may accept officeholder contributions and make officeholder

expenditures regardless of whether he or she has a campaign treasurer appointment on file.

2. Political contributions from labor organizations and from most corporations are prohibited. Tex. Elec. Code § 253.091, *et seq.* Partnerships that include one or more corporate partners are subject to the prohibition.
3. Certain documentation must be obtained in order to accept contributions from an out-of-state political committee. Tex. Elec. Code § 253.032. See “Contributions from Out-of-State Political Committees” in this guide.
4. Cash contributions of more than \$100 in the aggregate from one contributor in a reporting period are prohibited. (Here “cash” means coins and currency, not checks.) Tex. Elec. Code § 253.033.
5. The use of political contributions to purchase real property is prohibited. There is also a restriction on the use of political funds to rent or purchase real property from a person related to the candidate or officeholder within the second degree of consanguinity or affinity or from a business in which the candidate or officeholder or such a relative has a participating interest of more than 10 percent, holds a position on the governing body, or serves as an officer. Tex. Elec. Code § 253.038.
6. Texas law does not allow anonymous contributions. Also, reports must disclose the actual source of a contribution, not an intermediary. Tex. Elec. Code § 253.001.
7. Personal use of political contributions is prohibited. Tex. Elec. Code § 253.035.
8. A candidate or officeholder may not use political contributions to pay for personal services rendered by the candidate or officeholder or by the spouse, or dependent children of the candidate or officeholder. There are also restrictions of a candidate’s or officeholder’s use of political contributions to make payments to a business in which the candidate or officeholder holds a participating interest of more than 10 percent, a position on the governing body of the business, or a position as an officer of the business. See Op. Tex. Ethics Comm’n No. 35 (1992) (regarding the combined effect of this prohibition and the prohibition on corporate contributions). Tex. Elec. Code § 253.041.

There are restrictions on the use of political contributions to reimburse political expenditures from personal funds. See “Reimbursement for Political Expenditures from Personal Funds,” in this guide.

9. A candidate, officeholder, or political committee may not accept political contributions in the Capitol, the Capitol Extension, or a courthouse. “Courthouse” means any building owned by the state, a county, or a municipality, or an office or part of a building leased to the state, a county, or a municipality, in which a justice or judge sits to conduct court proceedings. Tex. Elec. Code § 253.039.
10. A person required to register as a lobbyist is prohibited from making or authorizing a political contribution to another candidate, officeholder, or political committee, or

making or authorizing a direct campaign expenditure, from political contributions accepted by: (1) the lobbyist as a candidate or officeholder; (2) a specific-purpose committee that supports or assists the lobbyist as a candidate or officeholder; or (3) a political committee that accepted a political contribution from (1) or (2), described above, during the two years immediately before the contribution or expenditure was made. Tex. Elec. Code § 253.006.

11. A person who makes a political contribution to another candidate, officeholder, or political committee, or makes a direct campaign expenditure, from political contributions accepted by the person as a candidate or officeholder is prohibited from engaging in activities that require registration as a lobbyist for two years thereafter. This does not apply to a person who does not receive compensation other than reimbursement for actual expenses to lobby on behalf of a nonprofit organization, a group of low-income individuals, or a group of individuals with disabilities. Tex. Elec. Code § 253.007.
12. A registered lobbyist, or a person on behalf of the lobbyist and with the lobbyist's consent or ratification, is prohibited from making a reportable lobby expenditure from a political contribution accepted by: (1) the lobbyist as a candidate or officeholder; (2) a specific-purpose committee that supports or assists the lobbyist as a candidate or officeholder; or (3) a political committee that accepted a political contribution from (1) or (2), described above, during the two years immediately before the lobbyist made or authorized the expenditure. Tex. Gov't Code § 305.029.
13. Federal law generally prohibits the acceptance of contributions from foreign sources. Contact the Federal Election Commission for more detailed information.



TREASURER APPOINTMENT

CANDIDATE MODIFIED REPORTING DECLARATION

FORM CTA
PG 2

11 CANDIDATE
NAME

12 MODIFIED
REPORTING
DECLARATION

COMPLETE THIS SECTION ONLY IF YOU ARE CHOOSING MODIFIED REPORTING

•• This declaration must be filed no later than the 30th day before the first election to which the declaration applies. ••

•• The modified reporting option is valid for one election cycle only. ••
(An election cycle includes a primary election, a general election, and any related runoffs.)

• Candidates for the office of state or county chair of a political party may NOT choose modified reporting. ••

I do not intend to accept more than \$1,110 in political contributions or make more than \$1,110 in political expenditures (excluding filing fees) in connection with any future election within the election cycle. I understand that if either one of those limits is exceeded, I will be required to file pre-election reports and, if necessary, a runoff report.

Year of election(s) or election cycle to
which declaration applies

Signature of Candidate

This appointment is effective on the date it is filed with the appropriate filing authority.

TEC Filers may send this form to the TEC electronically at treasappoint@ethics.state.tx.us

or mail to
Texas Ethics Commission
P.O. Box 12070
Austin, TX 78711-2070

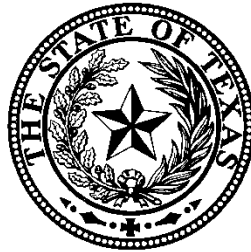
**Non-TEC Filers must file this form with the local filing authority
DO NOT SEND TO TEC**

For more information about where to file go to:
<https://www.ethics.state.tx.us/filinginfo/QuickFileAReport.php>

TEXAS ETHICS COMMISSION

APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE

FORM CTA--INSTRUCTION GUIDE



Revised June 20, 2025

Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711

www.ethics.state.tx.us

(512) 463-5800 • TDD (800) 735-2989

Promoting Public Confidence in Government

FORM CTA—INSTRUCTION GUIDE

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APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE

GENERAL INSTRUCTIONS

These instructions are for the APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE (Form CTA). Use Form CTA only for appointing your campaign treasurer. Use the AMENDMENT (Form ACTA) for changing information previously reported on Form CTA and for renewing your choice to report under the modified schedule. Note: Candidates for most judicial offices use Form JCTA to file a campaign treasurer appointment.

DUTIES OF A CANDIDATE OR OFFICEHOLDER

As a candidate or officeholder, you alone, not the campaign treasurer, are responsible for filing this form and all candidate/officeholder reports of contributions, expenditures, and loans. Failing to file a report on time or filing an incomplete report may subject you to criminal or civil penalties.

QUALIFICATIONS OF CAMPAIGN TREASURER

A person is ineligible for appointment as a campaign treasurer if the person is the campaign treasurer of a political committee that has outstanding filing obligations (including outstanding penalties). This prohibition does not apply if the committee in connection with which the ineligibility arose has not accepted more than \$5,000 in political contributions or made more than \$5,000 in political expenditures in any semiannual reporting period. A person who violates this prohibition is liable for a civil penalty not to exceed three times the amount of political contributions accepted or political expenditures made in violation of this provision. Note: A candidate may appoint himself or herself as his or her own campaign treasurer.

DUTIES OF A CAMPAIGN TREASURER

State law does not impose any obligations on a candidate's campaign treasurer.

REQUIREMENT TO FILE BEFORE BEGINNING A CAMPAIGN

If you plan to run for a public office in Texas (except for a federal office), you must file this form when you become a candidate even if you do not intend to accept campaign contributions or make campaign expenditures. A "candidate" is a person who knowingly and willingly takes affirmative action for the purpose of gaining nomination or election to public office or for the purpose of satisfying financial obligations incurred by the person in connection with the campaign for nomination or election. Examples of affirmative action include:

- (A) the filing of a campaign treasurer appointment, except that the filing does not constitute candidacy or an announcement of candidacy for purposes of the automatic resignation provisions of Article XVI, Section 65, or Article XI, Section 11, of the Texas Constitution;
- (B) the filing of an application for a place on the ballot;

- (C) the filing of an application for nomination by convention;
- (D) the filing of a declaration of intent to become an independent candidate or a declaration of write-in candidacy;
- (E) the making of a public announcement of a definite intent to run for public office in a particular election, regardless of whether the specific office is mentioned in the announcement;
- (F) before a public announcement of intent, the making of a statement of definite intent to run for public office and the soliciting of support by letter or other mode of communication;
- (G) the soliciting or accepting of a campaign contribution or the making of a campaign expenditure; and
- (H) the seeking of the nomination of an executive committee of a political party to fill a vacancy.

Additionally, the law provides that you must file this form before you may accept a campaign contribution or make or authorize a campaign expenditure, including an expenditure from your personal funds. A filing fee paid to a filing authority to qualify for a place on a ballot is a campaign expenditure that may not be made before filing a campaign treasurer appointment form with the proper filing authority.

If you are an officeholder, you may make officeholder expenditures and accept officeholder contributions without having a campaign treasurer appointment on file. If you do not have a campaign treasurer appointment on file and you wish to accept *campaign* contributions or make *campaign* expenditures in connection with your office or for a different office, you must file this form before doing so. In such a case, a sworn report of contributions, expenditures, and loans will be due no later than the 15th day after filing this form.

WHERE TO FILE A CAMPAIGN TREASURER APPOINTMENT

The appropriate filing authority depends on the office sought or held.

a. Texas Ethics Commission. The Texas Ethics Commission (Commission) is the appropriate filing authority for the Secretary of State and for candidates for or holders of the following offices:

- Governor, Lieutenant Governor, Attorney General, Comptroller, Treasurer, Land Commissioner, Agriculture Commissioner, Railroad Commissioner.
- State Senator or State Representative.
- Supreme Court Justice, Court of Criminal Appeals Judge, and Court of Appeals Judge.*
- State Board of Education.

- A multi-county district judge* or multi-county district attorney.
- A single-county district judge.*
- An office of a political subdivision other than a county if the political subdivision includes areas in more than one county and if the governing body of the political subdivision has not been formed.
- A chair of the state executive committee of a political party with a nominee on the ballot in the most recent gubernatorial election.
- A county chair of a political party with a nominee on the ballot in the most recent gubernatorial election if the county has a population of 350,000 or more.

* Judicial candidates use FORM JCTA to appoint a campaign treasurer.

b. County Clerk. The county clerk (or the county elections administrator or tax assessor, as applicable) is the appropriate local filing authority for a candidate for:

- A county office.
- A precinct office.
- A district office (except for multi-county district offices).
- An office of a political subdivision other than a county if the political subdivision is within the boundaries of a single county and if the governing body of the political subdivision has not been formed.
- An elected position on the board of directors of an appraisal district.

c. Local Filing Authority. If a candidate is seeking an office of a political subdivision other than a county, the appropriate filing authority is the *clerk or secretary of the governing body* of the political subdivision. If the political subdivision has no clerk or secretary, the appropriate filing authority is the governing body's presiding officer. Basically, any political subdivision that is authorized by the laws of this state to hold an election is considered a local filing authority. Examples are cities, school districts, and municipal utility districts.

FILING WITH A DIFFERENT AUTHORITY

If you have a campaign treasurer appointment on file with one authority, and you wish to accept campaign contributions or make or authorize campaign expenditures in connection with another office that would require filing with a different authority, you must file a new campaign treasurer appointment *and* a copy of your old campaign treasurer appointment (certified by the old authority) with the new filing authority before beginning your campaign. You should also provide written notice to the original filing authority that your future reports will be filed with another authority; use Form CTA-T for this purpose.

FORMING A POLITICAL COMMITTEE

As a candidate, you must file an APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE (FORM CTA). You may also form a specific-purpose committee to support your candidacy. Remember that filing a campaign treasurer appointment for a political committee does not eliminate the requirement that a candidate file his or her own campaign treasurer appointment (FORM CTA) and the related reports.

NOTE: *See the Campaign Finance Guide for Political Committees for further information about specific-purpose committees.*

CHANGING A CAMPAIGN TREASURER

If you wish to change your campaign treasurer, simply file an amended campaign treasurer appointment (FORM ACTA). This will automatically terminate the outgoing campaign treasurer appointment.

AMENDING A CAMPAIGN TREASURER APPOINTMENT

If *any* of the information reported on the campaign treasurer appointment (FORM CTA) changes, file an AMENDMENT: APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE (FORM ACTA) to report the change.

REPORTING REQUIREMENT FOR CERTAIN OFFICEHOLDERS

If you are an officeholder who appoints a campaign treasurer after a period of not having one, you must file a report of contributions, expenditures, and loans no later than the 15th day after your appointment is effective. This requirement is not applicable if you are a candidate or an officeholder who is merely changing campaign treasurers.

TERMINATING A CAMPAIGN TREASURER APPOINTMENT

You may terminate your campaign treasurer appointment at any time by:

- 1) filing a campaign treasurer appointment for a successor campaign treasurer, or
- 2) filing a final report.

Remember that you may not accept any campaign contributions or make or authorize any campaign expenditures without a campaign treasurer appointment on file. You may, however, accept officeholder contributions and make or authorize officeholder expenditures.

If your campaign treasurer quits, he or she must give written notice to both you and your filing authority. The termination will be effective on the date you receive the notice or on the date your filing authority receives the notice, whichever is later.

FILING A FINAL REPORT

For filing purposes, you are a “candidate” as long as you have an appointment of campaign treasurer on file. If you do not expect to accept any further campaign contributions or to make any further campaign expenditures, you may file a final report of contributions and expenditures. A final report terminates your appointment of campaign treasurer and relieves you of the obligation of filing further reports as a candidate. If you have surplus funds, or if you retain assets purchased with political funds, you will be required to file annual reports. (*See instructions for FORM C/OH - UC.*) If you are an officeholder at the time of filing a final report, you may be required to file semiannual reports of contributions, expenditures, and loans as an officeholder.

If you do not have an appointment of campaign treasurer on file, you may not accept *campaign* contributions or make *campaign* expenditures. A payment on a campaign debt is a campaign expenditure. An officeholder who does not have an appointment of campaign treasurer on file may accept *officeholder* contributions and make *officeholder* expenditures.

To file a final report, you must complete the CANDIDATE/OFFICEHOLDER CAMPAIGN FINANCE REPORT (FORM C/OH), check the “final” box on Page 1, Section 9, and complete and attach the DESIGNATION OF FINAL REPORT (FORM C/OH-FR).

ELECTRONIC FILING

All persons filing campaign finance reports with the Commission are required to file those reports electronically unless the person is entitled to claim an exemption. Please check the Commission’s website at <http://www.ethics.state.tx.us> for information about exemptions from the electronic filing requirements.

GUIDES

All candidates should review the applicable Commission’s campaign finance guide. Guides are available on the Commission’s website at <http://www.ethics.state.tx.us>.

SPECIFIC INSTRUCTIONS

Each numbered item in these instructions corresponds to the same numbered item on the form.

PAGE 1

- 1. TOTAL PAGES FILED:** After you have completed the form, enter the total number of pages of this form and any additional pages. A “page” is one side of a two-sided form. If you are not using a two-sided form, a “page” is a single sheet.
- 2. CANDIDATE NAME:** Enter your full name, including nicknames and suffixes (e.g., Sr., Jr., III), if applicable. Enter your name in the same way on Page 2, Section 11, of this form.
- 3. CANDIDATE MAILING ADDRESS:** Enter your complete mailing address, including zip code. This information will allow your filing authority to correspond with you. **We recommend using a PO Box or other address where you receive mail, rather than your home**

address. This will be public information. If this information changes, please notify your filing authority immediately.

4. **CANDIDATE PHONE:** Enter your phone number, including the area code and extension, if applicable.
5. **OFFICE HELD:** If you are an officeholder, please enter the office you currently hold. Include the district, precinct, or other designation for the office, if applicable.
6. **OFFICE SOUGHT:** If you are a candidate, please enter the office you seek, if known. Include the district, precinct, or other designation for the office, if applicable.
7. **CAMPAIGN TREASURER NAME:** Enter the full name of your campaign treasurer, including nicknames and suffixes (e.g., Sr., Jr., III), if applicable.
8. **CAMPAIGN TREASURER STREET ADDRESS:** Enter the complete street address of your campaign treasurer, including the zip code. You may enter either the treasurer's business or residential street address. If you are your own treasurer, you may enter either your business or residential street address.
9. **CAMPAIGN TREASURER PHONE:** Enter the phone number of your campaign treasurer, including the area code and extension, if applicable.
10. **CANDIDATE SIGNATURE:** Enter your signature after reading the summary. Your signature here indicates that you have read the following summary of the nepotism law; that you are aware of your responsibility to file timely reports; and that you are aware of the restrictions on contributions from corporations and labor organizations.
 - The Texas nepotism law (Government Code, chapter 573) imposes certain restrictions on both officeholders and candidates. You should consult the statute in regard to the restrictions applicable to officeholders.
 - A candidate may not take an affirmative action to influence an employee of the office to which the candidate seeks election in regard to the appointment, confirmation, employment or employment conditions of an individual who is related to the candidate within a prohibited degree.
 - A candidate for a multi-member governmental body may not take an affirmative action to influence an officer or employee of the governmental body to which the candidate seeks election in regard to the appointment, confirmation, or employment of an individual related to the candidate in a prohibited degree.
 - Two people are related within a prohibited degree if they are related within the third degree by consanguinity (blood) or the second degree by affinity (marriage). The degree of consanguinity is determined by the number of generations that separate them. If neither is descended from the other, the degree of consanguinity is determined by adding the number of generations that each is separated from a common ancestor. Examples: (1) first degree - parent to child; (2) second degree - grandparent to grandchild; or brother to sister; (3) third degree - great-grandparent

to great-grandchild; or aunt to niece who is child of individual's brother or sister. A husband and wife are related in the first degree by affinity. A wife has the same degree of relationship by affinity to her husband's relatives as her husband has by consanguinity. For example, a wife is related to her husband's grandmother in the second degree by affinity.

PAGE 2

11. CANDIDATE NAME: Enter your name as you did on Page 1.

12. MODIFIED REPORTING DECLARATION: Sign this option if you wish to report under the modified reporting schedule.

The modified reporting option is not available for candidates for the office of state chair of a political party and candidates for county chair of a political party.

To the left of your signature, enter the year of the election or election cycle to which your selection of modified reporting applies.

Your selection of modified reporting is valid for an entire election cycle. For example, if you choose modified reporting before a primary election, your selection remains in effect for any runoff and for the general election and any related runoff. You must make this selection at least 30 days before the first election to which your selection applies.

An opposed candidate in an election is eligible to report under the modified reporting schedule if he or she does not intend to accept more than \$1,110 in political contributions or make more than \$1,110 in political expenditures in connection with an election. The amount of a filing fee paid to qualify for a place on the ballot does not count against the \$1,110 expenditure limit. An opposed candidate who reports under the modified schedule is not required to file pre-election reports (due 30 days and 8 days before an election) or runoff reports (due 8 days before a runoff). (Note: An *unopposed* candidate is not required to file pre-election reports in the first place.) The obligations to file semiannual reports, special pre-election reports (formerly known as telegram reports), or special session reports, if applicable, are not affected by selecting the modified schedule.

The \$1,110 maximums apply to each election within the cycle. In other words, you are limited to \$1,110 in contributions and expenditures in connection with the primary, an additional \$1,110 in contributions and expenditures in connection with the general election, and an additional \$1,110 in contributions and expenditures in connection with a runoff.

EXCEEDING \$1,110 IN CONTRIBUTIONS OR EXPENDITURES. If you exceed \$1,110 in contributions or expenditures in connection with an election, you must file according to the regular filing schedule. In other words, you must file pre-election reports and a runoff report, if you are in a runoff.

If you exceed either of the \$1,110 limits *after the 30th day before the election*, you must file a sworn report of contributions and expenditures within 48 hours after exceeding the limit. After that, you must file any pre-election reports or runoff reports that are due under the regular filing schedule.

Your selection is not valid for other elections or election cycles. Use the AMENDMENT (FORM ACTA) to renew your option to file under the modified schedule for a different election year or election cycle.

For more information, see the Commission's campaign finance guide that applies to you.



AMENDMENT FOR TREASURER APPOINTMENT

AMENDMENT:
CANDIDATE MODIFIED REPORTING DECLARATION

13 CANDIDATE
NAME

14 MODIFIED
REPORTING
DECLARATION

NEW

**COMPLETE THIS SECTION ONLY IF YOU ARE
CHOOSING MODIFIED REPORTING**

**•• This declaration must be filed no later than the 30th day before
the first election to which the declaration applies. ••**

•• The modified reporting option is valid for one election cycle only. ••
(An election cycle includes a primary election, a general election, and any related runoffs.)

**•• Candidates for the office of state chair of a political party
may NOT choose modified reporting. ••**

I do not intend to accept more than \$1,110 in political contributions
or make more than \$1,110 in political expenditures (excluding
filing fees) in connection with any future election within the election
cycle. I understand that if either one of those limits is exceeded, I
will be required to file pre-election reports and, if necessary, a
runoff report.

Year of election(s) or election cycle to
which declaration applies

Signature of Candidate

This appointment is effective on the date it is filed with the appropriate filing authority.

TEC Filers may send this form to the TEC electronically at treasappoint@ethics.state.tx.us
or mail to
Texas Ethics Commission
P.O. Box 12070
Austin, TX 78711-2070

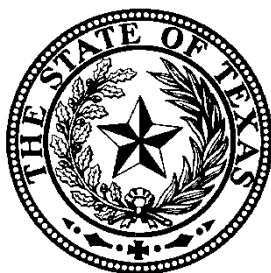
**Non-TEC Filers must file this form with the local filing authority
DO NOT SEND TO TEC**

For more information about where to file go to:
<https://www.ethics.state.tx.us/filinginfo/QuickFileAReport.php>

TEXAS ETHICS COMMISSION

AMENDMENT: APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE

FORM ACTA—INSTRUCTION GUIDE



Revised June 20, 2025

Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711

www.ethics.state.tx.us

(512) 463-5800 • TDD (800) 735-2989

Promoting Public Confidence in Government

FORM ACTA–AMENDMENT: APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE

GENERAL INSTRUCTIONS

These instructions are for the AMENDMENT: APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE (Form ACTA). Use this form for changing information previously reported on Form CTA and for renewing your choice to report under the modified schedule. The information you enter on this form will replace the information from your previous APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE (Form CTA).

If any of the information required to be reported on your CAMPAIGN TREASURER APPOINTMENT changes, you should file an amendment. Use the AMENDMENT form (Form ACTA) to report the changes. Do not use the APPOINTMENT form (Form CTA).

You must also use the AMENDMENT form to renew your option to file under the modified schedule.

Except for your name at the top of the form (and your filer account number, if you file with the Texas Ethics Commission (Commission)), enter only the information that is *different* from what is on your current campaign treasurer appointment. Do not repeat information that has not changed. The “NEW” boxes emphasize that the information entered on this form should only be information that is different from what was previously reported. Any information entered in a space with a “NEW” box will replace the existing information.

SPECIFIC INSTRUCTIONS

Each numbered item in these instructions corresponds to the same numbered item on the form.

PAGE 1

- 1. CANDIDATE NAME:** Enter your name as it is on your current campaign treasurer appointment. Enter your name in the same way on Page 2, Section 13, of this form. If you are reporting a name change, enter your new name under Section 4.
- 2. FILER ID #:** If you are filing with the Commission, you were assigned a filer account number when you filed your initial campaign treasurer appointment. You should have received a letter acknowledging receipt of the form and informing you of your account number. Enter this number wherever you see “FILER ID #.” If you do not file with the Ethics Commission, you are not required to enter an account number.
- 3. TOTAL PAGES FILED:** After you have completed the form, enter the total number of pages of this form and any additional pages. A “page” is one side of a two-sided form. If you are not using a two-sided form, a “page” is a single sheet.

4. **CANDIDATE NAME:** Complete this section only if your name has *changed*. If your name has changed, enter your complete new name, including nicknames and suffixes (e.g., Sr., Jr., III) if applicable.
5. **CANDIDATE MAILING ADDRESS:** Complete this section only if your mailing address has *changed*. If your mailing address has changed, enter your complete new address, including zip code. This information will allow your filing authority to correspond with you. We recommend using a PO Box or other address where you receive mail, rather than your home address. This will be public information.
6. **CANDIDATE PHONE:** Complete this section only if your phone number has *changed*. If your phone number has changed, enter your new phone number, including the area code and extension, if applicable.
7. **OFFICE HELD:** If you are an officeholder, complete this section only if your office has *changed*. If your office has changed, please enter the new office held. Include the district, precinct, or other designation for the office, if applicable.
8. **OFFICE SOUGHT:** If you are a candidate, complete this section only if the office you seek has *changed*. If the office has changed, please enter the office you now seek, if known. Include the district, precinct, or other designation for the office, if applicable.

Note: Changing the office you are seeking may require you to file your reports with a different filing authority. See the Campaign Finance Guide for further information on filing with a different authority.

9. **CAMPAIGN TREASURER NAME:** Complete this section only if your campaign treasurer has *changed*. If your campaign treasurer has changed, enter the full name of your new campaign treasurer, including nicknames and suffixes (e.g., Sr., Jr., III), if applicable.

Qualifications of Campaign Treasurer. A person is ineligible for appointment as a campaign treasurer if the person is the campaign treasurer of a political committee that has outstanding filing obligations (including outstanding penalties). This prohibition does not apply if the committee in connection with which the ineligibility arose has not accepted more than \$5,000 in political contributions or made more than \$5,000 in political expenditures in any semiannual reporting period. A person who violates this prohibition is liable for a civil penalty not to exceed three times the amount of political contributions accepted or political expenditures made in violation of this provision.

10. **CAMPAIGN TREASURER STREET ADDRESS:** Complete this section only if your campaign treasurer's street address has *changed*. If your campaign treasurer's street address has changed, enter the complete new address of your campaign treasurer, including the zip code. You may enter either the treasurer's new business or residential street address. If you are your own treasurer, you may enter either your business or residential street address.
11. **CAMPAIGN TREASURER PHONE:** Complete this section only if your campaign treasurer's phone number has *changed*. If your campaign treasurer's phone number has

changed, enter the new phone number of your campaign treasurer, including the area code and extension, if applicable.

12. CANDIDATE SIGNATURE: Enter your signature after reading the summary. Your signature here indicates that you have read the following summary of the nepotism law; that you are aware of your responsibility to file timely reports; and that you are aware of the restrictions on contributions from corporations and labor organizations.

- The Texas nepotism law (Government Code, chapter 573) imposes certain restrictions on both officeholders and candidates. You should consult the statute in regard to the restrictions applicable to officeholders.
- A candidate may not take an affirmative action to influence an employee of the office to which the candidate seeks election in regard to the appointment, confirmation, employment or employment conditions of an individual who is related to the candidate within a prohibited degree.
- A candidate for a multi-member governmental body may not take an affirmative action to influence an officer or employee of the governmental body to which the candidate seeks election in regard to the appointment, confirmation, or employment of an individual related to the candidate in a prohibited degree.
- Two people are related within a prohibited degree if they are related within the third degree by consanguinity (blood) or the second degree by affinity (marriage). The *degree of consanguinity* is determined by the number of generations that separate them. If neither is descended from the other, the degree of consanguinity is determined by adding the number of generations that each is separated from a common ancestor. **Examples:** (1) first degree - parent to child; (2) second degree - grandparent to grandchild; or brother to sister; (3) third degree - great-grandparent to great-grandchild; or aunt to niece who is child of individual's brother or sister. A husband and wife are related in the first degree by affinity. A wife has the same degree of relationship by affinity to her husband's relatives as her husband has by consanguinity. For example, a wife is related to her husband's grandmother in the second degree by affinity.

Note: The changes you have made on this form will replace the information on your previous APPOINTMENT form (Form CTA).

PAGE 2

13. CANDIDATE NAME: Enter your name as you did on Page 1, Section 1.

14. MODIFIED REPORTING DECLARATION: Sign this option if you wish to report under the modified reporting schedule.

The modified reporting option is not available for candidates for the office of state chair of a political party.

To the left of your signature, enter the year of the election or election cycle to which your selection of modified reporting applies.

Your selection of modified reporting is valid for an entire election cycle. For example, if you choose modified reporting before a primary election, your selection remains in effect for any runoff and for the general election and any related runoff. You must make this selection at least 30 days before the first election to which your selection applies.

An opposed candidate in an election is eligible to report under the modified reporting schedule if he or she does not intend to accept more than \$1,110 in political contributions or make more than \$1,110 in political expenditures in connection with an election. The amount of a filing fee paid to qualify for a place on the ballot does not count against the \$1,110 expenditure limit. An opposed candidate who reports under the modified schedule is not required to file pre-election reports (due 30 days and 8 days before an election) or runoff reports (due 8 days before a runoff). (Note: An *unopposed* candidate is not required to file pre-election reports in the first place.) The obligations to file semi-annual reports, special pre-election reports, or special session reports, if applicable, are not affected by selecting the modified schedule.

The \$1,110 maximums apply to each election within the cycle. In other words, you are limited to \$1,110 in contributions and expenditures in connection with the primary, an additional \$1,110 in contributions and expenditures in connection with the general election, and an additional \$1,110 in contributions and expenditures in connection with a runoff.

Exceeding \$1,110 in contributions or expenditures. If you exceed \$1,110 in contributions or expenditures in connection with an election, you must file according to the regular schedule. In other words, you must file pre-election reports and a runoff report, if you are in a runoff.

If you exceed either of the \$1,110 limits *after the 30th day before the election*, you must file a sworn report of contributions and expenditures within 48 hours after exceeding the limit. After that, you must file any pre-election reports or runoff reports that are due under the regular filing schedule.

Your selection is not valid for other elections or election cycles. Use another amendment form (ACTA) to renew your option to file under the modified schedule.

For more information, see the Commission's campaign finance guide that applies to you.