

PETITION FOR REMOVAL ACCORDING TO CITY CHARTER SEC. 11 (6) (b)

**TO THE HONORABLE MAYOR NELDA MARTINEZ AND CITY COUNCIL MEMBERS
OF THE CITY OF CORPUS CHRISTI:**

COME NOW ROBERT VENTURE, PAMELA ANN McCALEB, HELEN DALTON, BRUCE SWITALLA, ALAN GUGGENHEIM, SUZANNE GUGGENHEIM, LAURA BALLEW, LEANNE ISOM, ADOLFO ESCOBEDO and DON STONE, residents of the City of Corpus Christi and registered voters of Nueces County, Texas, hereinafter referred to as Petitioners, complaining of MARK SCOTT, Councilman at-Large for the City of Corpus Christi, and would show the following:

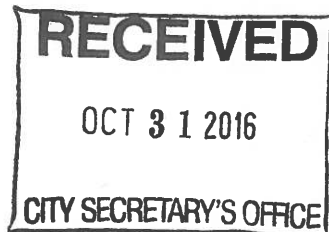
I.

On September 14, 2016, Mark Scott publicly stated that he was resigning from his at-Large seat on the Corpus Christi City Council in order to meet what he deemed the term limits requirement contained in the City Charter in order to run for Mayor in 2018. Independent counsel was sought for a rendering of an opinion on the matter. Said attorney, Charles Zech of Denton, Navarro, Rocha, Bernal, Hyde & Zech in San Antonio, Texas, opined that Mr. Scott is still a council member because he "holds over in his office of council member until his successor is qualified and takes office." Mr. Scott has not been replaced on the council, and minutes of council meetings after September 14, 2016, will show that Mr. Scott has not attended regularly scheduled council meetings on September 20, 2016, September 27, 2016, October 11, 2016, October 18, 2016 and October 25, 2016. As a result of these absences, Mark Scott has failed to fulfill his duty as councilman at-Large. During his absences, the City Council voted or acted upon the City Budget for 2016-2017 and Plan CC, which outlines the future of our city for the next twenty (20) years. Failure to participate in decisions pertaining to these two issues shows gross disregard for the best interests of the citizens of the City of Corpus Christi.

II.

BASIS FOR REMOVAL AND IMPEACHMENT

The following is an excerpt from the City Charter, City of Corpus Christi, Texas, November 2, 2010 (Last Revision), Sec. 11 Removal. (a) (3), (a) (6) & (b), supporting the basis on which this petition is brought by Petitioners:



Sec. 11. Removal.

(a) A council member shall be subject to removal by the council or by any other means authorized by law for:

(3) Misconduct, malfeasance, incompetence, inability or willful neglect in performance of official duties. (Emphasis added.)

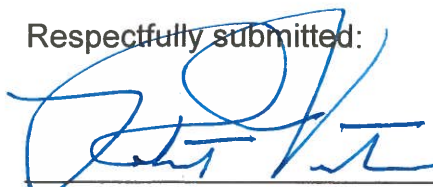
(6) Absence from three consecutive regular council meetings without leave of absence first had, except due to circumstances over which the council member had no control.

(b) A removal action by the council may be instituted on its own initiative, or shall be instituted upon petition by five or more registered voters, and any final decision to remove a member shall be by the majority vote of all council members holding office, with the exception of the challenged member. The council may provide by ordinance for the referral of any disciplinary matter involving a council member to the ethics commission for recommendation. The challenged member shall have the right to written articles of impeachment, an opportunity to be heard, to be represented by counsel, to summon witnesses who shall be required to give testimony, and to reasonable advance notice of the hearing. The burden of proof shall be on those bringing the charges. The hearing shall be open to the public, and the conclusions and findings of the council shall be final. If the member is removed, a complete statement of the reasons therefor shall be filed with the city secretary. The council shall additionally have the authority to reprimand or suspend a member for a period of not more than thirty days if removal is not warranted. (Emphasis added.)

WHEREFORE, PREMISES CONSIDERED, Petitioners pray that MARK SCOTT, be removed from his position of Councilman At-Large for the City of Corpus Christi.

On this 31st day of October, 2016.

Respectfully submitted:



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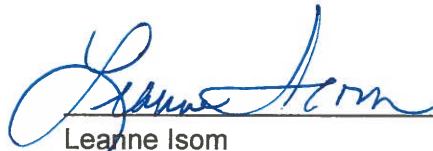
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