


Date Filed 5.24.26


Rebecca Huerta
City Secretary

IN THE MATTER OF
PETITIONERS' ARTICLES OF
IMPEACHMENTS OF
MAYOR PAULETTE GUAJARDO

PETITIONERS' FIRST AMENDED MOTION TO MODIFY CITY'S
RULES OF PROCEDURE FOR CITY COUNCIL HEARING
FOR REMOVAL ACTION UNDER THE CITY CHARTER

NOW COME Petitioners, and make and file this Petitioners' First Amended Motion to Modify City's Rules of Procedure for City Council Hearing for Removal Action Under the City Charter (the "Motion"), and in support would show:

1. Petitioners are committed to assuring that Mayor Paulette Guajardo receives due process and thus proposes modification of the existing rules to address concerns raised by Mayor Paulette Guajardo in her federal lawsuit brought against the City of Corpus Christi.
2. Petitioner has confidence that all the City's Rules of Procedure for City Council Hearing for Removal Action Under the City Charter ("City's Procedures") meet or exceed all due process requirements of law (both state and federal law). Notwithstanding, and only out of an abundance of precaution, Petitioners recommend modification of the City's Procedures by approval of "Rules of Procedure for City Council Hearing for Removal Action under the City Charter – Effective: May 27, 2026)" (attached as Exhibit A). For

ease of reference, see also Exhibit B which – for the most part – highlights added language in ‘yellow’ and highlights deleted language in ‘red.’

3. These proposed modifications to City’s Procedures may tend to address the City Legal Department’s possible conflict of interest, and Mayor’s due process concerns; and are thus requested.

WHEREFORE, PREMISES CONSIDERED, Petitioners pray for all relief requested herein, and for such other and further relief to which Petitioners may be justly entitled, both at law and in equity.

Respectfully submitted,

/s/ Douglas A. Allison

Douglas A. Allison

LAW OFFICES OF DOUGLAS A.
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**ATTORNEY FOR PETITIONER
AJIT DAVID**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was electronically sent to all counsel of record via e-mail with City Secretary, Rebecca Huerta, on this the 26th day of May 2026.

/s/ Douglas A. Allison

DOUGLAS A. ALLISON



Date Filed 5-26-26

RULES OF PROCEDURE FOR CITY COUNCIL HEARING
FOR REMOVAL ACTION UNDER THE CITY CHARTER
(Effective: May 27, 2026)

Rebecca Huerta
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City Secretary

I. Parties:

There shall be two parties to the proceeding: (1) Council Member subject to removal and (2) Petitioners. Each party shall be represented by no more than one person, who shall, on behalf of his/her respective party, make an opening statement, present evidence, examine witnesses, and make a final statement. The City Attorney's Office is not a party hereto, is not an advocate for either party hereto, and has no role in either prosecution or the defense of this case.

II. City Council Members' Roles: The Mayor Pro Tem shall serve as the presiding officer and be solely responsible for rulings upon all pre-trial matters, admissibility of evidence, and how the proceedings are conducted. The Mayor Pro Tem and other City Council Members shall serve to deliberate and vote upon a final decision upon conclusion of the presentation of evidence and closing arguments. The presiding officer, who may confer with legal counsel of his/her choosing, may advise the City Council in the hearing pursuant to the duties and responsibilities established by the City Council. Legal advice includes, but is not limited to, advising the City Council on Charter and Ordinance requirements, procedural matters, and potential options. Whether such legal advice is received in public or in executive session shall be at the sole discretion of the presiding officer.

III. Order of Appearance

- A. Each party will make an opening statement before any evidence is presented and may make a closing argument after all evidence has been presented.
- B. The Petitioners have the burden of proof and may make the first opening statement and the last closing argument. The Petitioners shall present their evidence prior to the presentation of evidence by the Council Member subject to removal. Rebuttal evidence by all parties shall be allowed.

IV. General Rules

- A. . Except for the admission of hearsay evidence, the Texas Rules of Evidence and Texas Rules of Civil Procedure for court proceedings shall not apply. Hearsay evidence shall not be admissible.

- B. Irrelevant, immaterial, or incompetent evidence shall not be admitted. Unduly repetitious or cumulative evidence shall not be allowed.
- C. Evidence will be admitted if it is of the type commonly relied upon by prudent persons in the conduct of their affairs, including documentary evidence and sworn deposition testimony.
- D. Objections to evidence may be made by any party or party's attorney. The presiding officer shall rule upon the admissibility of evidence.
- E. Evidence may be stipulated by agreement of all parties.
- F. The burden of proof shall be on the Petitioners.

V. **Evidence - Witnesses**

- A. Oaths - All testimony (live or by deposition) shall be presented under oath. The oath may be administered by the presiding officer, or any person qualified to administer an oath in the State of Texas. Any attorney testifying to facts shall also take the oath. An attorney representing a party who does not testify does not take the oath.
- B. "The Rule" may not be invoked and witnesses will not be excluded from the hearing room during testimony of other witnesses, unless the presiding officer specifically orders otherwise.
- C. The witness offered by a party may be cross-examined by the other party.

VI. **Evidence - Exhibits**

- A. An exhibit (documentary or sworn testimony) shall be first marked for identification by the City Secretary or presiding officer and identified by the testimony of a witness or by affidavit. The exhibit may then be offered for admission into evidence.
- B. Every exhibit marked into evidence shall be retained by the City Secretary as a part of the record of the proceeding.
- C. A copy of any document may be used instead of the original, except where there appears to be a substantial reason to suspect the accuracy or authenticity of the copy.
- D. Any party may pay a court reporter to make a certified reporter's record which shall be part of the formal record of the matter.

VII. **Record**

The record of the proceedings shall consist of the minutes of the City Secretary and the exhibits admitted into evidence, and certified reporter's record (if any).

VIII. **Burden of Proof**

The burden of proof in this case is upon the Petitioners. The standard of persuasion is a mere preponderance of the evidence.

"PREPONDERANCE OF THE EVIDENCE" means the greater weight and degree of credible testimony or evidence introduced before you and admitted in evidence in this case.

IX. **Deliberations**

Following the presentation of evidence and the closing arguments of the parties, the City Council may deliberate. The deliberations may be in public or in closed session at the sole discretion of the presiding officer. The Council may adopt findings of fact regarding the charges presented by Petitioners. An affirmative vote of a majority of all City Council members holding office shall be required for the removal of the Council Member challenged. The City Council shall additionally have the authority to reprimand or suspend a City Council Member for a period of not more than thirty days if removal is not warranted.



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RULES OF PROCEDURE FOR CITY COUNCIL HEARING
FOR REMOVAL ACTION UNDER THE CITY CHARTER

(Effective: May 27, 2026)

I. Parties:

There shall be two parties to the proceeding: (1) Council Member subject to removal and (2) Petitioners. Each party shall be represented by no more than one person, who shall, on behalf of his/her respective party, make an opening statement, present evidence, examine witnesses, and make a final statement. The City Attorney's Office is not a party hereto, is not an advocate for either party hereto, and has no role in either prosecution or the defense of this case. **The City's Attorney's Office will advise the City Council in the hearing pursuant to the duties and responsibilities established by the City Charter, Article IV, Sec 10(a).**

II. **City Council Members' Roles:** The Mayor Pro Tem shall serve as the presiding officer and be solely responsible for rulings upon all pre-trial matters, admissibility of evidence, and how the proceedings are conducted. The Mayor Pro Tem and other City Council Members shall serve to deliberate and vote upon a final decision upon conclusion of the presentation of evidence and closing arguments. The presiding officer, who may confer with legal counsel of his/her choosing, may advise the City Council in the hearing pursuant to the duties and responsibilities established by the City Council. Legal advice includes, but is not limited to, advising the City Council on Charter and Ordinance requirements, procedural matters, and potential options. **Whether such legal advice is received in public or in executive session shall be at the sole discretion of the presiding officer.**

III. Order of Appearance

- A. Each party will make an opening statement before any evidence is presented and may make a closing argument after all evidence has been presented.
- B. The Petitioners have the burden of proof and may make the first opening statement and the last closing argument. The Petitioners shall present their evidence prior to the presentation of evidence by the Council Member subject to removal. Rebuttal evidence by all parties shall be allowed.

IV. General Rules

- A. Except for the admission of hearsay evidence, the **technical Texas** Rules of Evidence and **Texas Rules of Civil Procedure** for court proceedings shall not apply. Hearsay evidence shall not be admissible.

- B. Irrelevant, immaterial, or incompetent evidence shall not be admitted. Unduly repetitious or cumulative evidence shall not be allowed.
- C. Evidence will be admitted if it is of the type commonly relied upon by prudent persons in the conduct of their affairs, including documentary evidence and sworn deposition testimony.
- D. Objections to evidence may be made by any party or party's attorney. The presiding officer shall rule upon the admissibility of evidence. But if any other member of the Council requests with regard to particular evidence, a vote of the Council shall determine whether the evidence will be admitted.
- E. Evidence may be stipulated by agreement of all parties.
- F. The burden of proof shall be on the Petitioners.

V. **Evidence - Witnesses**

- A. Oaths - All testimony (live or by deposition) shall be presented under oath. The oath may be administered by the presiding officer, or any person qualified to administer an oath in the State of Texas. Notary Public. Any attorney testifying to facts shall also take the oath. An attorney representing a party who does not testify does not take the oath.
- B. "The Rule" may not be invoked and witnesses will not be excluded from the hearing room during testimony of other witnesses, unless the Council presiding officer specifically orders otherwise.
- C. The witness offered by a party may be cross-examined by the other party.
- D. Following the directed cross-examination of a witness by a party, the witness may be examined by members of the Council.
- E. The presiding officer or other members of the Council, through the presiding officer, may call witnesses. All parties may cross-examine such a witness.

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