



One-Reading Ordinance declaring the proposed "Fair Water Amendment" petition to be a climate charter amendment

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Interim City Attorney

SB 1860

In 2023, Senate Bill 1860 amended Chapter 9 of the Local Government Code to prohibit a home-rule municipality from holding an election for voter approval of a proposed climate charter unless the legislature adopts a resolution approving the proposed charter.



Tex. Local Gov't Code §9.0045

A municipality may not hold an election for voter approval of a proposed climate charter unless the legislature adopts a resolution approving the proposed climate charter.



“Climate Charter” amendment

Texas Local Government Code §9.0015 defines a “climate charter” as a charter provision or amendment establishing a comprehensive rule or policy statement that purports to address climate change or the municipality's environmental impact, including water use, energy use, and air pollution.



Office of the Texas Secretary of State

The Office of the Texas Secretary of State opined:

“After reviewing the proposed amendment, our office believes there is an argument that this is a climate charter amendment that would require the legislature to adopt a resolution before an election can be held. However, while our office believes there is an argument that this is a climate charter amendment, ultimately the City must be the one to make the final determination. We recommend consulting with your city’s attorneys as well as possibly reaching out to Texas Municipal League for further guidance on this issue.”



City Attorney's Office

The City Attorney's Office has reviewed the proposed amendment and concludes that it purports to address the municipality's environmental impact, including water use, and purports to address climate change through mandatory regulation of water use during recurring drought conditions.



Recommendation

Passage of the ordinance declaring the "Fair Water Amendment" to be a "climate charter" amendment.

- ❖ This eliminates the City Council ministerial duty to place the proposed "Fair Water Amendment" charter amendment on the ballot.





Thank you!