



CITY OF CORPUS CHRISTI

AGENDA MEMORANDUM

Action Item for the City Council Meeting of August 11, 2026

DATE: July 30, 2026

TO: Peter Zaroni, City Manager

FROM: Buck Brice, Interim City Attorney
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One-Reading Ordinance declaring the proposed "Fair Water Amendment" petition to be a climate charter amendment

CAPTION:

One-Reading Ordinance ordering a special election to be held on November 3, 2026, in the City of Corpus Christi on providing for consideration of amendments to the Charter of the City of Corpus Christi for petitioners' proposed "Fair Water Amendment"; providing for procedures for holding such election; providing for notice of election and publication thereof; providing for establishment of branch early polling places; designating polling place locations; authorizing a joint election with Nueces County; and enacting provisions incident and relating to the subject and purpose of this ordinance.

SUMMARY:

This ordinance declares the "Fair Water Amendment" petition to be a "climate charter" amendment. "Climate charter" amendments are prohibited from appearing on the ballot without approval from the Texas Legislature. This ordinance prevents such a climate charter amendment from appearing on the election ballot in accordance with Texas Local Government Code §9.0045.

BACKGROUND AND FINDINGS:

Prior to 2023, City Council's duty to submit petitioned charter amendments to the electorate was ministerial. 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. 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.

The City received a petition proposing a charter amendment, self-titled as the "Fair Water Amendment," which was sent to the Texas Secretary of State. On May 7, 2026, 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.”

The City Attorney’s Office has reviewed the proposed amendment and concludes that it establishes a comprehensive rule or policy statement that 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.

ALTERNATIVES:

Disapprove ordinance declaring climate change. Declining to declare the proposed "Fair Water Amendment" a climate charter amendment triggers the City Council ministerial duty to place the proposed "Fair Water Amendment" charter amendment on the ballot per Texas Local Government Code, Chapter 9 via passage of a one-reading ordinance ordering a special election for the proposed citizen-initiated charter amendment - “Fair Water Amendment”.

FISCAL IMPACT:

N/A

Funding Detail:

N/A

RECOMMENDATION:

Approve ordinance declaring the proposed "Fair Water Amendment" charter amendment to be a climate charter amendment and declining to order an election on the petitioned "Fair Water Amendment" charter amendment per Texas Local Government Code Chapter 9.

LIST OF SUPPORTING DOCUMENTS:

Ordinance