



AGENDA MEMORANDUM

Item for the City Council Meeting of November 15, 2016

DATE: November 8, 2016

TO: Margie C. Rose, City Manager

FROM: Rebecca L. Huerta, City Secretary
rebeccah@cctexas.com
(361) 826-3105

Miles Risley, City Attorney
milesr@cctexas.com
(361) 826-3360

Discussion and consideration of "Petition for Removal according to City Charter Sec. 11(6)(b)" of Council Member At-Large Mark Scott.

CAPTION:

Discussion and consideration of "Petition for Removal according to City Charter Sec. 11(6)(b)" of Council Member At-Large Mark Scott.

PURPOSE:

Article II, Section 11(6)(b) of the City Charter states that five or more registered voters may petition the City Council to remove a council member from office. Such a petition was filed and verified in the City Secretary's Office requesting the removal of City Council Member At-Large Mark Scott.

BACKGROUND AND FINDINGS:

Article II, Section 11 of the City Charter establishes requirements the City Council may use in removing a council member from office. Per Section 11(a), a city council member is subject to removal by the Council or by any means authorized by law for:

1. Willful violation of any code of ethics or conflicts of interest provision under state or federal law or city ordinance.
2. Willful violation of any express prohibition of this Charter.
3. Misconduct, malfeasance, incompetence, inability or willful neglect in performance of official duties.
4. Conviction of any felony, or any misdemeanor involving moral turpitude.
5. Failing to maintain any residency requirement provided by law.

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.

Section 11(b) states that the City Council can initiate a removal action on its own initiative, or five or more registered voters can initiate the process by petition. On October 31, 2016, a petition was filed and verified in the City Secretary's Office requesting the removal of Council Member At-Large Mark Scott. The City Council makes the final determination to remove a council member by majority vote of all council members holding office, with the exception of the challenged member.

The Charter provides that the City Council may reprimand, suspend, refer or remove a member who is subject to a removal proceeding. The Charter requires the Council to provide the challenged member with the following rights:

- Written articles of impeachment
- An opportunity to be heard
- To summon witnesses
- To be represented by counsel
- To receive reasonable advance notice of a hearing

In addition, the City Council must comply with all requirements of the Open Meetings Act in any discussion or meeting related to its actions.

OTHER CONSIDERATIONS:

On November 1, 2016, the City Council passed a resolution of reprimand for City Council Member Mark Scott (Resolution No. 031000).

CONFORMITY TO CITY POLICY:

City Charter

DEPARTMENTAL CLEARANCES:

Legal

FINANCIAL IMPACT:

☐ Operating ☐ Revenue ☐ Capital ☒ Not applicable

LIST OF SUPPORTING DOCUMENTS:

Petition for Removal according to City Charter Sec. 11(6)(b)
Resolution No. 031000 – Resolution of Reprimand for City Council Member Mark Scott