



**City of Amarillo – Charter Review Committee  
Proposed Change – Mayor and City Council Offices and Elections**

**This Section of Article V be amended so that hereafter the same shall be and read as follows:**

**ARTICLE V**

**SECTION 1. - MUNICIPAL GOVERNMENT**

The municipal government of the City of Amarillo shall consist of the City Council, which shall be composed of **a Mayor and ~~five (5)~~ six (6) Councilmembers, who shall be known as Councilmember Place 1, Councilmember Place 2, Councilmember Place 3, Councilmember Place 4, Councilmember Place 5, and Councilmember Place 6, each of whom shall be elected by a majority of the registered voters within the city.** (Char. 11-18-13, Art. 5, § 1; Ord. No. 2019, § 1, 12-7-1954, Election 1-18-1955; Res. No. 11-13-13-1, § 1, 11-13-2013, Election 11-5-2013)

**SECTION 2. - TERM OF OFFICE**

The Mayor and each Councilmember shall serve for a term of **~~two (2)~~ four (4) years on a staggered basis** and until a successor is elected and qualified; unless sooner removed from office as herein provided.

(Char. 11-18-13, Art. 5, § 2; Res. No. 11-13-13-1, § 1, 11-13-2013, Election 11-5-2013)

**SECTION 3. - VACANCIES**

(a) Any vacancy in the office of the Mayor **with less than twelve (12) months remaining in the term** shall be filled by an appointment by the remaining Councilmembers from among their number. **The Council, in the event of a vacancy in the office of the Mayor with more than twelve (12) months remaining in the term, shall order a special election to be held within one hundred twenty (120) days of the vacancy to fill the office of the Mayor.**

(b) Any vacancy in the office of a Councilmember **with less than twelve (12) months remaining in the term** shall be filled by an appointment by the Mayor and the remaining Councilmembers. **The Council, in the event of a vacancy in the office of a Councilmember with more than twelve (12) months remaining in the term, shall order a special election to be held within one hundred twenty (120) days of the vacancy to fill the office of the Councilmember with the Place specified.**

(c) Provided that the person appointed **or elected** to fill such vacancy shall hold office only during the unexpired term of office.

(d) **If the Mayor or any Councilmember announce and file as a candidate to be elected to a county or state office with more than twelve months (12-months) and thirty days (30-days) remaining in their current term of office, it shall be considered that the officeholder has immediately resigned from their current**

office consistent with State law and their office shall be deemed vacant. The Mayor and City Council will then proceed to fill the vacant position under the procedures outlined above.

(Char. 11-18-13, Art. 5, § 3; Ord. No. 1717, § 1, 8-19-1947; Election 9-23-1947; Ord. No. 2019, § 1, 12-7-1954; Election 1-18-1955; Res. No. 11-13-13-1, § 1, 11-13-2013, Election 11-5-2013)

#### **SECTION 4. - QUALIFICATIONS**

- (a) The Mayor and each Councilmember shall be resident citizens of the City of Amarillo, have the qualifications of registered voters therein and shall have been a resident citizen of the City of Amarillo for a period of twelve (12) months immediately preceding such election.
- (b) The Mayor and Councilmembers Place One, Place Three, and Place Five, shall each be elected for the City at-large. The Mayor and Councilmembers Places One, Three, and Five may live anywhere within the City of Amarillo and shall be elected by a majority of the registered voters within the city.
- (c) Councilmembers Place Two, Place Four, and Place Six shall be required to reside within one of the three (3) specified geographic areas of the city. To serve from the specified geographic area in which Councilmembers Places Two, Four, and Six must reside, each shall have been a resident of that specific geographic area for a minimum of twelve (12) months immediately preceding such election. Councilmembers Places Two, Four, and Six must reside within their geographic area for the entirety of their term of office and shall forfeit said office if they do not maintain their residency within that designated Council area during their term. The Councilmembers Places Two, Four, and Six shall be elected by a majority of the registered voters within the city.
- (d) Establishing Geographic Places (Areas)
  - i. The City Council shall adopt an ordinance establishing the three (3) Geographic Places – Places Two, Four, and Six – to be represented by a resident of that area to serve on the City Council from that Place. The boundaries of these three (3) geographic areas shall be based upon the 2020 Federal Census and be consistent with state and federal laws regarding voter representation.
  - ii. Beginning in 2031, and every ten years thereafter, following the Federal decennial census, the Mayor and City Council shall appoint a Districting Commission on or before March 1 immediately following the publication of the results of each decennial United States census. The Districting Commission shall be composed of fourteen (14) representatives, each appointed by the Mayor and each Councilmember. The Mayor and each at-large Councilmember from Places One, Three, and Five shall nominate two (2) qualified voters from the City at large to serve on the Districting Commission. Each Councilmember from Places Two, Four, and Six shall nominate two (2) qualified voters from the geographic area in which they reside to serve on the Districting Commission. The members of the Districting Commission shall not

- serve the City in any other capacity, whether appointive or elective, nor shall they hold any other elective public office. The Commission shall elect its own presiding officer. The Commission shall adopt guiding principles which ensure that the Commission's recommendations of the geographic area boundaries shall be made in a manner which complies with the constitutional principles and laws governing voting rights of the United States and Texas. The geographic areas shall be of substantially equal population.
- iii. No later than May 31 of each year following the decennial census, the Districting Commission shall make its recommendations to the City Council regarding any necessary adjustments of the boundaries of the geographic areas resulting from changes to the City's population and other appropriate demographic considerations. Upon receiving the Commission's recommendations, the Council shall, no later than July 1 of that year, review the population of each proposed district, and adopt an Ordinance to modify the boundaries thereof as necessary to ensure substantial equality in the populations of the districts.
  - iv. The terms "geographic area," "Council Place," "Council district," "Council Area," or other term denoting a specific area of the city to be represented by a member of the City Council may be used interchangeably and are substantially equivalent. The term "At-large" or "citywide" may be used interchangeably and are substantially equivalent when referring to the Mayor or Councilmember of a Place not requiring residency in a specific area.

(e.) ~~(b)~~ The Mayor, Councilmembers and other officers and employees shall not be indebted to the City; shall not hold any other public office of emolument and shall not be interested in the profits or emolument of any contracts, job, work or service for the municipality, or interested in the sale to the City of any supplies, equipment, material or articles purchased.

(f.) ~~(c)~~ Any officer or employee of the City who shall cease to possess any of the qualifications herein required shall forthwith forfeit office and any such contract in which any officer or employee is or may become interested may be declared void by the Council.

(g.) ~~(d)~~ No officer or employee of the City (except policemen and firemen in uniform, or wearing a badge), shall accept any frank, free ticket, passes or service, or anything of value, directly or indirectly from any person, firm, or corporation, upon terms more favorable than are granted to the public.

(h.) ~~(e)~~ Any violation of this section shall be a misdemeanor, and on conviction of such violation, such office or employment shall be forfeited.

(Char. 11-18-13, Art. 5, § 4; Ord. No. 5000, 7-1-1980, Election 8-9-1980; Res. No. 11-13-13-1, § 1, 11-13-2013, Election 11-5-2013)

## **SECTION 5. – ELECTIONS**

- (a) The elective officers of the City shall consist of a Mayor and ~~four (4)~~ **six (6)** Councilmembers (the Councilmembers shall be designated as Councilmember Place One, Councilmember Place Two, Councilmember Place Three, ~~and~~ Councilmember Place Four, **Councilmember Place Five, and Councilmember Place Six**), each of whom shall be elected by majority of the registered voters within the city, ~~for the City at large. The Mayor and all Councilmembers, Places One, Two, Three, Four, Five, and Six, shall be elected in May of each odd-numbered year beginning in May 2025.~~
- (b) ~~The Mayor and Councilmembers Places One, Two, and Three shall hold office for a period of four (4) years, until May 2029, and until their successor is elected and qualified.~~
- (c) ~~Councilmembers Places Four, Five, and Six shall be elected in May 2025 and shall hold office for a period of two (2) years, until May 2027, and until their successor is elected and qualified. Beginning in May 2027, elections for Places Four, Five, and Six shall be held every four (4) years, with each Councilmember serving a four-year (4-year) term.~~
- (d) ~~No person shall serve more than eight (8) consecutive years as Mayor or Councilmember. A person who has served as Mayor or a member of the City Council in either as an at-large Place or a geographic Place representative, for eight (8) consecutive years shall not again be eligible for election to any elected position in the City of Amarillo, either Mayor or Councilmember, until at least two (2) years has elapsed since the end of their last term of office.~~
- (e) ~~(b)~~ At the time of filing as a candidate for Mayor or City Councilmember, the person shall, in addition to meeting all other requirements and qualifications, either pay an application fee of one hundred dollars (\$100.00) to the City Secretary, or in lieu of such submit a petition signed by one hundred (100) registered voters of the City, verified by the City Secretary, in support of the person's candidacy.
- (f) ~~(c)~~ Should any candidate fail to receive a majority of the votes at the regular election for the office for which he is a candidate, the Council shall immediately order a special election in accordance with applicable state law, at which special election the names only of the two candidates receiving the highest number of votes at the regular election, for the office for which they were candidates shall be printed on the ballot and submitted to the registered voters within the city for election, and the candidate receiving the majority of votes at such special election for the place of office for which he was a candidate, shall be declared duly elected.

(Char. 11-18-13, Art. 5, § 5; Ord. No. 2019, § 1, 12-7-1954, Election 1-18-1955; Res. No. 11-13-13-1, § 1, 11-13-2013, Election 11-5-2013)

## **SECTION 6. - JUDGE OF ELECTION**

The Council shall be the judge of the election and qualifications of its members.

(Char. 11-18-13, Art. 5, § 6; Res. No. 11-13-13-1, § 1, 11-13-2013, Election 11-5-2013)

#### **SECTION 7. - ELECTION RETURNS**

The Council shall, after each regular and special election, canvass the returns and declare the result of such election as provided by state law.

(Char. 11-18-13, Art. 5, § 7; Res. No. 11-13-13-1, § 1, 11-13-2013, Election 11-5-2013)

#### **SECTION 8. - ELECTION DAY**

The regular municipal elections of the City of Amarillo shall be held on the date allowed by state law that occurs on or nearest to May 1 in each odd numbered year. If state law provides two election dates which are equally near May 1, the Council shall select one.

(Char. 11-18-13, Art. 5, § 8; Ord. No. 5000, 7-1-1980, Election 8-9-1980; Res. No. 11-13-13-1, § 1, 11-13-2013, Election 11-5-2013)

#### **SECTION 9. - ELECTION, LAW CONTROLLING**

Except as provided in Section 8 of this Article, the timing and ordering of, notices, conducting, canvassing, and all other procedures for each election shall be in accordance with state law and occur upon the next available date allowed by state law for such election, and in the absence of state law, then in accordance with Ordinance.

(Char. 11-18-13, Art. 5, § 9; Res. No. 11-13-13-1, § 1, 11-13-2013, Election 11-5-2013)

#### **SECTION 10. - COUNCIL CONSTITUTED LEGISLATIVE AND GOVERNING BODY OF CITY**

The Council shall enact all Ordinances and resolutions, and adopt all regulations, and constitute the legislative and governing body of the City, with all the powers and authority herein granted.

(Char. 11-18-13, Art. 5, § 10; Res. No. 11-13-13-1, § 1, 11-13-2013, Election 11-5-2013)

#### **SECTION 11. - DUTIES OF MAYOR**

The Mayor of the City shall be the presiding officer of the Council, except that in the Mayor's absence a Mayor Pro tempore may be chosen. The Mayor shall be entitled to vote as a member of the Council; sign all bonds; be the official head of the City and exercise all powers and perform all duties imposed upon him by this Charter and by the Ordinances of the City.

(Char. 11-18-13, Art. 5, § 11; Res. No. 11-13-13-1, § 1, 11-13-2013, Election 11-5-2013)

#### **SECTION 12. - MEETING OF COUNCIL**

(a) On the day that the election results of the Council have been declared, the Councilmembers shall meet to qualify and assume the duties of their offices. Thereafter, the Councilmembers shall meet at such times as prescribed by Ordinance or Resolution, but they shall meet not less than twenty-four times per calendar year.

(b) The Mayor or the City Manager, hereinafter provided for, may call special meetings of the Council at any time deemed advisable.

(c) All meetings of the Council shall be public, except such closed sessions as may be provided for by the Texas Open Meetings Act as amended or successor statute. Any citizen shall have access to the minutes and records of meetings at all reasonable times. The Council shall determine its own rules and order of business and shall keep a journal of its proceedings.

(Char. 11-18-13, Art. 5, § 12; Res. No. 11-13-13-1, § 1, 11-13-2013, Election 11-5-2013; Ord. No. 7900, § 1, 12-15-2020)

### **SECTION 13. - COMPENSATION AND ATTENDANCE**

The Compensation of the Mayor and each Councilmember shall be ten dollars (\$10.00) per diem, for attendance upon each regular meeting of the Council, but not more than one regular meeting shall be held each week; provided, however, that no compensation shall be allowed the Mayor or any Councilmember if absent from any regular meeting of the Council unless such absence be unavoidable, the reasons therefore be presented in writing, and the same being considered sufficient by the other members and such reasons and excuses spread upon the minutes of the proceedings.

(Char. 11-18-13, Art. 5, § 13; Ord. No. 2019, § 1, 12-7-1954, Election 1-18-1955; Res. No. 11-13-13-1, § 1, 11-13-2013, Election 11-5-2013)

### **SECTION 14. - LEGISLATIVE PROCEDURE**

A majority of all members of the Council shall constitute a quorum to do business, and an affirmative vote of a majority shall be necessary to adopt any Ordinance or resolution. The vote upon the passage of all Ordinances or resolutions shall be taken by "yea" and "nay" and entered upon the journal. Every Ordinance or resolution passed by the Council shall be signed by the Mayor and the City Secretary, within two days and recorded.

(Char. 11-18-13, Art. 5, § 14; Res. No. 11-13-13-1, § 1, 11-13-2013, Election 11-5-2013)

### **SECTION 15. - ORDINANCE ENACTMENT**

Each proposed Ordinance or resolution shall be introduced in written or printed form, shall not contain more than one subject, which shall be clearly stated in the title, but general appropriation Ordinances may contain the various subjects and accounts for which moneys are to be appropriated. No Ordinance, unless it be declared an emergency measure, and passed by unanimous vote of the Council, shall be passed on the day on which it shall be introduced.

(Char. 11-18-13, Art. 5, § 15; Res. No. 11-13-13-1, § 1, 11-13-2013, Election 11-5-2013)

### **SECTION 16. - EMERGENCY MEASURES, DEFINED AND PROVIDED FOR**

An emergency measure is an Ordinance or resolution for the immediate preservation of the public peace, property, health, or safety, or providing for the usual daily operation of the municipal department in which the emergency is set forth and defined in a preamble thereto. Ordinances appropriating money, and Ordinances for the payment of salaries and wages, may be passed as emergency measures, but no measure making a grant, renewal or extension of a franchise, or other special privilege or regulating the rate to be

charged for its services by any public utility, shall ever be passed as an emergency measure.

(Char. 11-18-13, Art. 5, § 16; Res. No. 11-13-13-1, § 1, 11-13-2013, Election 11-5-2013)

#### **SECTION 17. - ORDINANCES; PUBLICATION OF**

Penal Ordinances may be published by publishing the caption only as provided for by the laws of the State of Texas; or such penal Ordinances may be published by publishing the whole ordinance, as the City Council may prescribe and deem necessary. All penal Ordinances shall be published once a week for two (2) consecutive weeks in some newspaper published and circulated in the City of Amarillo, and no penal Ordinance shall become effective until ten (10) days after the date of its second publications.

(Char. 11-18-13, Art. 5, § 17; Ord. No. 1370, 3-5-1931, Election 4-7-1931; Ord. No. 1717, § 8, 8-19-1947, Election 9-23-1947; Res. No. 11-13-13-1, § 1, 11-13-2013, Election 11-5-2013)

#### **SECTION 18. - ORDINANCES; RECORDING**

Every Ordinance or resolution upon it becoming effective shall be recorded in a book kept for that purpose and shall be authenticated by the signature of the Mayor and the City Secretary.

(Char. 11-18-13, Art. 5, § 18; Res. No. 11-13-13-1, § 1, 11-13-2013, Election 11-5-2013)

#### **SECTION 19. - INVESTIGATION BY COUNCIL**

(a) The Council may investigate the financial transactions of any office or department of the City government, and the acts and conduct of any officer or employee. In conducting such investigation, the Council may compel the attendance or witnesses, the production of books and papers, and other evidence, and for that purpose may issue subpoenas or attachments which shall be signed by the Mayor; which may be served and executed by any officer authorized by law to serve subpoenas or other process, or any peace officer of the City.

(b) If any witness shall refuse to appear or to testify to any facts within his knowledge, or to produce any papers or books in his or her possession or control, relating to the matter under investigation before the Council, the Council shall have the power to cause that witness to be punished as for contempt, not exceeding a fine of one hundred dollars (\$100.00) and three days in the City's jail.

No witness shall be excused from testifying, touching his knowledge of the matter under investigation in any such inquiry, but testimony shall not be used against him or her in any criminal prosecution except for lying under oath committed upon such inquiry.

(Char. 11-18-13, Art. 5, § 19; Res. No. 11-13-13-1, § 1, 11-13-2013, Election 11-5-2013)