

# **What is a Home Rule Charter city?**

Once a general law city has more than 5,000 inhabitants, it is authorized to hold an election to adopt a home-rule city charter. (Tex. Const. Art. XI, §5)

A "home rule charter city" is a city granted significant autonomy by its state to govern itself through a charter, rather than being restricted to powers explicitly granted by state law. These cities have more freedom to enact regulations and laws, as long as they don't violate state or federal laws.

The City of Katy became a Home Rule Charter city in 1981 when our City of Katy Home Rule Charter was adopted.

# **Can the City Charter be changed?**

Yes!

The City of Katy Home Rule Charter was first adopted in 1981,  
but has been amended several times over the years  
to stay current and operating in the manner in which it is intended.

Just recently (2017), over 30 amendments were approved by voters.

# How can the Charter be changed?

## § 13. AMENDING THE CHARTER.

Amendments to this Charter may be framed and submitted to the voters of the City in the manner provided by the applicable statute of the State of Texas.

## § 14. CHARTER REVIEW COMMISSION.

Every four (4) years commencing in 1992, at the first regular meeting of the City Council in October, the Mayor, with the approval of the City Council, shall appoint a Charter Review Commission of five (5) citizens of the City of Katy.

- a. Duties of the Commission -It shall be the duty of such Charter Review Commission to:
  - (1) Inquire into the operations of the City Government under the Charter provisions and determine whether any such provisions require revision. To this end public hearings may be held; and the Commission shall have the power to compel the attendance of any officer or employee of the City and to require the submission of any of the City records which it may deem necessary to the conduct of such hearing;
  - (2) Propose any recommendations it may deem desirable to insure compliance with the provisions of the Charter by the several departments of the City Government;
  - (3) Propose, if it deems desirable, amendments to this Charter to improve the effective application of said Charter to current conditions;
  - (4) Report its finding and present its proposed amendments, if any, to the Mayor and Council.
- b. Action by the Mayor and the Council. The Mayor and the Council shall receive and publish in a medium that is accessible to residents, any report presented by the Charter Review Commission, shall consider any recommendations made, and if any amendments or amendment be presented as a part of such report may order such amendment(s) to be submitted to the voters of the City in the manner provided by the applicable statute of the State of Texas.
- c. Term of Office -The term of office of such Charter Review Commission shall be six months and if during such term no report is presented to the Mayor and Council, then all records of the proceedings of such Commission shall be filed with the Office of the City Secretary and shall become a public record.

(Amended 5/6/89; 5/1/2021)

**But wait, these current changes did NOT go through  
the Charter Review Committee as set forth  
by the Katy City Charter.**

**How?**

Current Councilmembers bypassed this committee to put forth their own amendments to the Charter.

The Mayor did not know these amendments were going to be brought forth until just a couple of hours before the City Council meeting.

Two of the five Councilmembers (Corte and Hicks) were completely unaware of these amendments until right before the City Council meeting when a Councilmember (Smith) had the City Secretary hand out paperwork just minutes before the meeting started.

# Councilmembers acted upon their “powers”

## § 9. DUTIES OF THE COUNCIL.

All powers of the City and the determination of all matters of policy shall be vested in the City Council except as outlined as duties of the Mayor in Article III. By way of illustration but not limitation, the following enumerated powers are among these powers that may be exercised by the City Council:

- a. Adopt the budget of the City.
- b. Authorize the issuance of bonds by a bond ordinance.
- c. Adopt and modify the zoning plan and the building codes of the City.
- d. Adopt and modify the Official map of the City.
- e. Regulate, license and fix the charges or fares made by any person, firm or corporation owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire or the transportation of freight for hire on the public streets and alleys of the City.
- f. Provide for the establishment and designation of fire limits and prescribe the kind and character of buildings or structures or improvements to be erected therein and provide for the erection of fireproof buildings within such buildings within said limits, and provide for the condemnation of dangerous structures or buildings or dilapidated buildings or buildings calculated to increase fire hazard and prescribe the manner of their removal or destruction within said limits.
- g. Fix the salaries and compensation of the City Officials and employees.
- h. Provide for a sanitary sewer and water system and require property owners to connect their premises with sewer system and provide for penalties for failure to make sanitary sewer connections.
- i. Provide for sanitary garbage disposal, and set fees and charges therefore, and provide penalties for failure to pay such fees and charges.
- j. Exercise exclusive dominion, control, and jurisdiction including the right to close and abandon streets and alleys, highways, boulevards and public grounds of the City and provide for the improvement of same.
- k. Compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the City of Katy.
- l. And such other and further powers as have been or may from time to time hereafter be delegated to Home Rule cities by the Legislature of the State of Texas, including the powers incident to the exercise thereof.
- m. All powers of this Charter are vested in the City Council. The Council shall conduct all business in meetings. No member of the Council shall have any power to act or make appointments without the specific authorization of the Council in a meeting.

(Amended 5/1/2021)

## But WHY???

They say: Because we did not know there would be an election in May, and we did not want to force the expenditure of money to only vote on Charter amendments.

**FACT:** These were **never** discussed with the Charter Review Committee. None of these Councilmembers came to any of the three open meetings hosted by the Charter Review Committee at the end of 2024. These were not presented for the committee's due diligence as outlined in the Charter.

**Furthermore, these could have been presented to the committee and been CONDITIONAL on if there was an election or not. If the Mayor ran unopposed, these could have then been added to the ballot in 2026 when voters elected new Councilmembers. Or if the Mayor had an opponent (which is our current situation), they could have been added to the ballot. Both options would have put these amendments through the formal process of the Charter Review Committee, but this was not done.**

# MORE FACTS

- The Charter Review Committee put forth NO CHANGES to the Charter, and the Council approved this recommendation on January 27, 2025.
- Councilmembers circumvented the proper process as set forth in the Charter, acting upon their own powers.
- Councilmembers voted (on January 27) to task City Staff with taking their proposed amendments and placing the ordinances on the next City Council meeting (February 10, 2025) for vote.
- At the February 10, 2025 City Council meeting, Councilmember Smith made a motion that no tagging would be allowed (the agenda items could not be tabled for further discussion - Council had to vote on these ordinances that night). This motion was seconded by Councilmember Robertson.
- Once again, the Mayor and other Councilmembers were not given the final draft of the ordinances until right before the meeting.

# PROPOSITION A

## CURRENT CHARTER LANGUAGE

- b. Absence or Disability of the Mayor -If for any reason the Mayor is absent from the City, sick or unable to perform the duties of his office, the Mayor Pro Tem shall act as Mayor, and during such absence or disability shall possess all of the powers and perform all of the duties of the Mayor.

## PROPOSED AMENDMENT LANGUAGE

### City of Katy Proposition A

SHALL THE CITY OF KATY CHARTER BE AMENDED BY AMENDING SECTION 1(B), ABSENCE OR DISABILITY OF THE MAYOR, OF ARTICLE III, THE MAYOR, BY ALLOWING THE MAYOR PRO TEM TO RETAIN VOTING PRIVILEGES AND COUNT TOWARDS QUORUM, BUT REMOVING THE POWER OF THE VETO WHEN ACTING IN THE ABSENCE OF THE MAYOR?



# PROPOSITION A

**FACT:** The current charter allows the Mayor Pro Tem to serve **exactly** as the Mayor in a situation where the Mayor is absent. He has all the powers of the Mayor if the Mayor is not available - he can conduct meetings, vote if there's a tie, sign on behalf of the City, etc. **There is ZERO disruption in city governance.**

## § 2. MAYOR PRO TEM.

Each year at the first regular meeting of the City Council after the newly-elected Officials have been inducted into office, the Mayor shall nominate, subject to confirmation by the City Council, one of the Councilmembers who shall be known and designated as “Mayor Pro Tem,” and shall continue to hold the title and the office until his successor is appointed, but shall receive no extra pay by reason of being or acting Mayor Pro Tem. In case of the death, resignation, or for any other reason the Mayor Pro Tem is unable to serve, causing a vacancy to occur, then the Mayor shall nominate subject to confirmation by the City Council, one of the Councilmembers who shall be known and designated as “Mayor Pro Tem,” and shall continue to hold the title and the office until his successor is appointed, but shall receive no extra pay by reason of being or acting Mayor Pro Tem.

## § 3. ACTING MAYOR.

In the event of the absence, refusal to act, disability, or disqualification of both the Mayor and Mayor Pro Tem at any particular meeting of the Council, the remaining members of the Council shall by election designate one of their members as Acting Mayor and he shall act as Mayor for such particular meeting and shall have power to perform every act except the power to remove or suspend officers and employees and the power of veto the Mayor could perform if present.

## **§ 6. POWERS OF THE MAYOR.**

- a. General Powers of the Mayor -The Mayor shall have and exercise such powers, prerogatives and authority, acting independently of or in concert with the City Council, as are conferred by the provisions of this Article or as may be conferred upon him by the City Council, not inconsistent with the general purposes and provisions of the Charter, and shall have the power to administer oaths. Subject to the confirmation of the Council, he shall have the power to appoint all boards created by the Charter or ordinance.
- b. Additional Powers and Duties: Bond, Etc. -All the Administrative work of the City Government shall be under the control of the Mayor. Among others, the powers and duties of the Mayor shall be as follows:
  1. To see that all laws and ordinances are enforced.
  2. The Mayor shall have power to appoint, subject to confirmation by the City Council, such heads of Departments in the Administrative service of the City as created by Ordinance, and the Mayor shall have the power to remove such heads of Department at any time he shall see fit without confirmation by the City Council. The Mayor shall also have the power to appoint and remove all other employees of the City, such appointments and removals to be subject to the provisions of the Charter.
  3. To exercise administrative control over all departments of the City.
  4. It shall be the duty of the Mayor from time to time to make such recommendations to the Council as the Mayor may deem to be for the welfare of the City, and each year to submit to the Council the annual budget of the current expenses of the City in accordance with the requirements of the State Budget Law applicable to cities and towns. The budget shall be finally adopted no earlier than the 30th day after presentation by the Mayor and no later than the last day of the then current fiscal year and should City Council fail to so adopt said budget, the budget as proposed by the Mayor shall go into effect for the ensuing fiscal year.
  5. To keep the Council at all times fully advised as to the financial conditions and needs of the City.
  6. The Mayor shall have the power to settle all claims and lawsuits where such claim or lawsuit is for \$5,000.00 or less without approval of the City Council.

The Council shall have authority to prescribe, by Ordinance, rules, and regulations governing the operation of each department, but the Mayor may prescribe such general rules and regulations as he may deem necessary or expedient for the general conduct of the Administrative Department, the heads of which are responsible to him. In order to expedite the work of any department, or to adequately administer an increase in the duties which may devolve on any department, or to cope with periodic or seasonal changes, the Mayor is empowered to transfer employees temporarily from one department to perform similar duties in another such department except the Mayor shall have no such power to transfer employees or Officers of the Police, Fire or Ambulance Departments. Each department head shall have the power to transfer employees from one bureau or division to another within his department.

In case of general conflagration, rioting, earthquakes, or other emergency menacing life and property, the Mayor, or in his absence, the Mayor Pro Tem, shall be authorized to marshal all the forces of the different departments of the City for the maintenance of the general security, and shall have the power to deputize, or otherwise employ, such other persons as he may consider necessary for the purpose of protecting the City and its residents.

Neither the Council nor any of its committees or members shall in any manner interfere in the appointment of Officers and employees in the Departments of Administrative service vested in the Mayor by this Charter, except that all department heads appointed by the Mayor shall be subject to confirmation by the City Council as herein provided. Except for the purpose of inquiry, the Council and its members shall deal with that part of the Administrative service for which the Mayor is responsible solely through the Mayor, or City Administrator and neither the Council nor any member thereof shall give orders to any of the subordinates of the Mayor in said departments, either privately or publicly.

The Council, the Mayor or any person or committee authorized by either or both of them shall have power to inquire into the conduct of any department or office of the City and to make investigations as to City affairs. For that purpose the Council may subpoena witnesses, administer oaths and compel the production of books, papers and other evidence, and shall have the power to punish any such contempt in the manner provided by ordinance.

The Council shall require the Mayor, before entering upon the duties of his Office, to execute a good and sufficient bond, with a surety company business in the state of Texas, and approved by the Council, as surety thereon, said bond to be in such amount as the Council may demand payable to the City of Katy and conditioned for the faithful performance of the duties of his Office, the premium for such bond to be paid by the City.

**Does Proposition A give the Mayor Pro Tem  
more power than the elected Mayor?**



### Existing City of Katy Charter - Chapter 5.b.

Quorum -Four-fifths (4/5) of the members of the Council shall constitute a quorum to do business, but a lesser number may adjourn from time to time and compel the attendance of absent members in the manner prescribed by ordinance.

A vote regarding adjournment or the attendance of absent members may be adopted by a majority of the members present but in all other matters upon which the Council may vote, three-fifths (3/5) vote of all members of the Council in Office shall be necessary for adoption, provided, however, in the event of a tie vote with only four Council members present, then the Mayor shall be entitled to vote and break the said tie. In all matters upon which the Council votes, the individual votes shall be recorded by the City Secretary in the Minutes of the Council, and shall be a public record.

### Existing City of Katy Charter - Chapter 6.7.

The Mayor shall not be entitled to vote upon matters considered by the Council, except in the event of a tie Council vote, and the Mayor may, in his sole discretion fail or refuse to vote and such vote shall not be recorded as a negative or affirmative vote.

Mayor only votes when there is a TIE.

Prop A gives MPT more power than Mayor.

### Proposition A

SHALL THE CITY OF KATY CHARTER BE AMENDED BY AMENDING SECTION 1(B), ABSENCE OR DISABILITY OF THE MAYOR, OF ARTICLE III, THE MAYOR, BY ALLOWING THE MAYOR PRO TEM TO RETAIN VOTING PRIVILEGES AND COUNT TOWARDS QUORUM, BUT REMOVING THE POWER OF THE VETO WHEN ACTING IN THE ABSENCE OF THE MAYOR?

Mayor's presence does NOT count towards council member quorum.

Prop A gives MPT more power than Mayor.

# PROPOSITION B

## CURRENT CHARTER LANGUAGE

### § 5. VACANCY.

- a. In case of the death, resignation, or permanent disability of the Mayor, or if he ceases to possess any of the qualifications listed in Section 1., or if he ceases to reside in the City, his office shall immediately become vacant; or whenever a vacancy in the Office of Mayor shall occur for any reason, the Mayor Pro Tem shall act as Mayor, and shall possess all of the rights and powers of the Mayor and perform all of his duties, under the official title. A vacancy in the office of the Mayor shall be filled in accordance with Article XI, Section 11 of the Texas Constitution.
- b. If the Mayor shall file to become a candidate for nomination or election to any other public office, his office shall be vacant, and the vacancy thereby created shall be filled in the same manner as any other vacancies.

## PROPOSED AMENDMENT LANGUAGE

### City of Katy Proposition B

SHALL THE CITY OF KATY CHARTER BE AMENDED BY AMENDING SECTION 5, VACANCY, OF ARTICLE III, THE MAYOR, TO REMOVE THE AUTOMATIC RESIGNATION OF THE MAYOR UPON FILING TO BECOME A CANDIDATE FOR NOMINATION OR ELECTION TO PUBLIC OFFICE IF SUCH FILING OCCURS WHEN THE UNEXPIRED TERM OF THE OFFICE THEN HELD DOES NOT EXCEED ONE YEAR AND THIRTY (30) DAYS?

# PROPOSITION C

## CURRENT CHARTER LANGUAGE

### § 4. VACANCY.

- a. When a vacancy occurs on the City Council, the remaining members thereof must, fill the vacancy in accordance with Article XI, Section 11 of the Texas Constitution except that any vacancy occurring for an unexpired term of 12 months or less shall be filled by appointment within twenty (20) days. Any persons elected or appointed to fill a vacancy in the Office of Councilmember shall possess all of the qualifications herein required for the Office. In the event that the Mayor and the Mayor Pro Tem should resign at the same time, the remaining members of the City Council, or any of them, shall have the right and power to issue legal notice of such election to be held and to elect and appoint Election Officials. Should all positions on the City Council become vacant at one time, then in such event, the County Judge of Harris County, Texas, is hereby empowered and directed to issue notice of such special election, for and on behalf of said City, and to appoint qualified persons as Election Officials.
- b. If a member of the Council shall file to become a candidate for nomination or election to any other public office, his office shall be vacant and the vacancy thereby created shall be filled in the same manner as any other vacancies.
- c. The office of Councilmember shall be vacant at such time as that Councilmember ceases to possess any of the qualifications listed in Section 1.

## PROPOSED AMENDMENT LANGUAGE

### City of Katy Proposition C

SHALL THE CITY OF KATY CHARTER BE AMENDED BY AMENDING SECTION 4, VACANCY, OF ARTICLE IV, THE COUNCIL, TO REMOVE THE AUTOMATIC RESIGNATION OF A MEMBER OF THE COUNCIL UPON FILING TO BECOME A CANDIDATE FOR NOMINATION OR ELECTION TO PUBLIC OFFICE IF SUCH FILING OCCURS WHEN THE UNEXPIRED TERM OF THE OFFICE THEN HELD DOES NOT EXCEED ONE YEAR AND THIRTY (30) DAYS?

# PROPOSITIONS B & C

**FALSE:** These changes are necessary because we are in “violation” or “out of compliance” with the state constitution, and so we do not have a disruption in leadership.

**FACT:** The City is a Home Rule Charter city and therefore **CAN** have more restrictive rules than the state. It’s **NOT** in violation, and it is **NOT** out of compliance.\*

**FACT:** It has been the intent of the City of Katy, as outlined in the Katy City Charter, to step down from your position (elected or appointed) if you choose to run for another position. That position will be filled by Council appointment within 20 days if the unexpired term is more than 12 months.

**The Charter does not want those in positions to be campaigning for other positions while in office. The Charter wants those in positions to be 100% dedicated to the City of Katy in that position. If they decide to run for another office, they should step down and allow someone to be appointed that can give their 100% to the city. Plus, this eliminates any conflict of interest.**

\*Directly from the City Attorney during the February 10, 2025 City Council Meeting. Can be viewed within the recorded meeting available on the City’s website, located at 01:14:20.



## City of Katy - Proposition B & C Side-by-Side Comparison

### City of Katy > Home rule charter > Article III The Mayor section 1:

#### ☐ § 1 OFFICE CREATED: QUALIFICATIONS: TERM.

There is hereby established the Office of Mayor of the City of Katy, Texas, the incumbent of which shall be a citizen of the United States, at least twenty-one (21) years of age, a qualified voter, residing for at least twelve (12) months prior to his election within the City; he shall not hold any other public office. The Mayor shall be elected from the City at large; he shall hold his office for three years and/or until his successor is elected and qualified unless sooner removed as provided by this Article. This provision becomes effective January 1, 2018. The City as here referred to shall be deemed to include the City and any and all territory at any time annexed to the City of Katy.

### City of Katy > Home rule charter > Article IV The Council section 2:

#### ☐ § 2 TERM.

- a. The term of the Councilmembers shall be three years. The tenure in office for Councilmembers shall not exceed two consecutive three-year terms.

### Texas Constitution > Article XI (municipal corporations) Section 11:

**Sec. 11. TERM OF OFFICE EXCEEDING TWO YEARS IN HOME RULE AND GENERAL LAW CITIES; VACANCIES.** (a) A Home Rule City may provide by charter or charter amendment, and a city, town or village operating under the general laws may provide by majority vote of the qualified voters voting at an election called for that purpose, for a longer term of office than two (2) years for its officers, either elective or appointive, or both, but not to exceed four (4) years; provided, however, that tenure under Civil Service shall not be affected hereby; provided, however, that such officers, elective or appointive, are subject to Section 65(b), Article XVI of this constitution, providing for automatic resignation in certain circumstances, in the same manner as a county or district officer to which that section applies.

### Texas Constitution > Article XVI (general provisions) Section 65(b):

(b) If any of the officers named herein shall announce their candidacy, or shall in fact become a candidate, in any General, Special or Primary Election, for any office of profit or trust under the laws of this State or the United States other than the office then held, at any time when the unexpired term of the office then held shall exceed one year and 30 days, such announcement or such candidacy shall constitute an automatic resignation of the office then held, and the vacancy thereby created shall be filled pursuant to law in the same manner as other vacancies for such office are filled. (Added Nov. 2, 1954; amended Nov. 4, 1958, and Nov. 2, 1999; Subsec. (a) amended Nov. 6, 2007; Subsec. (b) amended Nov. 8, 2011.) (Temporary transition provisions for Sec. 65: see Appendix, Note 1.)

#### Fact #1

if term is more than 2 years, they are subject to Article XVI Section 65(b).

Article XVI Section 65(b) **CALLS FOR** automatic resignation.

Which is **OPPOSITE** of **TO REMOVE** automatic resignation.

#### Fact #2

Proposition B & C

**DO NOT "ALIGN"**

with

Texas Constitution

### City of Katy Proposition B

SHALL THE CITY OF KATY CHARTER BE AMNDED BY AMENDING SECTION 5, VACANCY, OF ARTICLE III, THE MAYOR **TO REMOVE** THE AUTOMATIC RESIGNATION OF THE MAYOR UPON FILING TO BECOME A CANDIDATE FOR NOMINATION OR ELECTION TO PUBLIC OFFICE IF SUCH FILING OCCURS WHEN THE UNEXPIRED TERM OF THE OFFICE THEN HELD DOES NOT EXCEED ONE YEAR AND THIRTY (30) DAYS?

### City of Katy Proposition C

SHALL THE CITY OF KATY CHARTER BE AMENDED BY AMENDING SECTION 4, VACANCY, OF ARTICLE IV, THE COUNCIL **TO REMOVE** THE AUTOMATIC RESIGNATION OF A MEMBER OF THE COUNCIL UPON FILING TO BECOME A CANDIDATE FOR NOMINATION OR ELECTION TO PUBLIC OFFICE IF SUCH FILING OCCURS WHEN THE UNEXPIRED TERM OF THE OFFICE THEN HELD DOES NOT EXCEED ONE YEAR AND THIRTY (30) DAYS?

### Video Comment from Council Member Dan Smith:

"... Proposition B & C **aligns** the City Charter with the Texas State Constitution ..."

# PROPOSITION D

## CURRENT CHARTER LANGUAGE

- b. Additional Powers and Duties: Bond, Etc. -All the Administrative work of the City Government shall be under the control of the Mayor. Among others, the powers and duties of the Mayor shall be as follows:
1. To see that all laws and ordinances are enforced.
  2. The Mayor shall have power to appoint, subject to confirmation by the City Council, such heads of Departments in the Administrative service of the City as created by Ordinance, and the Mayor shall have the power to remove such heads of Department at any time he shall see fit without confirmation by the City Council. The Mayor shall also have the power to appoint and remove all other employees of the City, such appointments and removals to be subject to the provisions of the Charter.

## PROPOSED AMENDMENT LANGUAGE

### **City of Katy Proposition D**

SHALL THE CITY OF KATY CHARTER BE AMENDED BY AMENDING SUBSECTION (B)(2) OF SECTION 6, POWERS OF THE MAYOR, OF ARTICLE III, THE MAYOR, TO PROVIDE DEPARTMENT HEADS REMOVED BY THE MAYOR TO SEEK REINSTATEMENT OF EMPLOYMENT THROUGH AN APPEAL TO CITY COUNCIL?

# PROPOSITION D

The Council shall have authority to prescribe, by Ordinance, rules, and regulations governing the operation of each department, but the Mayor may prescribe such general rules and regulations as he may deem necessary or expedient for the general conduct of the Administrative Department, the heads of which are responsible to him. In order to expedite the work of any department, or to adequately administer an increase in the duties which may devolve on any department, or to cope with periodic or seasonal changes, the Mayor is empowered to transfer employees temporarily from one department to perform similar duties in another such department except the Mayor shall have no such power to transfer employees or Officers of the Police, Fire or Ambulance Departments. Each department head shall have the power to transfer employees from one bureau or division to another within his department.

In case of general conflagration, rioting, earthquakes, or other emergency menacing life and property, the Mayor, or in his absence, the Mayor Pro Tem, shall be authorized to marshal all the forces of the different departments of the City for the maintenance of the general security, and shall have the power to deputize, or otherwise employ, such other persons as he may consider necessary for the purpose of protecting the City and its residents.

Neither the Council nor any of its committees or members shall in any manner interfere in the appointment of Officers and employees in the Departments of Administrative service vested in the Mayor by this Charter, except that all department heads appointed by the Mayor shall be subject to confirmation by the City Council as herein provided. Except for the purpose of inquiry, the Council and its members shall deal with that part of the Administrative service for which the Mayor is responsible solely through the Mayor, or City Administrator and neither the Council nor any member thereof shall give orders to any of the subordinates of the Mayor in said departments, either privately or publicly.

The Council, the Mayor or any person or committee authorized by either or both of them shall have power to inquire into the conduct of any department or office of the City and to make investigations as to City affairs. For that purpose the Council may subpoena witnesses, administer oaths and compel the production of books, papers and other evidence, and shall have the power to punish any such contempt in the manner provided by ordinance.

The Council shall require the Mayor, before entering upon the duties of his Office, to execute a good and sufficient bond, with a surety company business in the state of Texas, and approved by the Council, as surety thereon, said bond to be in such amount as the Council may demand payable to the City of Katy and conditioned for the faithful performance of the duties of his Office, the premium for such bond to be paid by the City.

# PROPOSITION D

**FACT:** Katy's Home Rule Charter is a "Mayor-Aldermanic-Administrator Form of Government", and the Mayor is the "Head of City Government" and acts as the Chief Administrative and Executive Officer of the City. All Administrative work of the City Government shall be under control of the Mayor.

**FACT:** All employees, with the exception of "appointed" ones, can appeal a suspension and/or termination with City Council.

**Voters will have to decide if appointed positions should get the appeal process. This could be a good thing if there's a "renegade" Mayor, but could create a hostile work environment if Council approves a reinstatement against the Mayor's wishes.**



# PROPOSITION E

## CURRENT CHARTER LANGUAGE

### § 2. TERM.

- a. The term of the Councilmembers shall be three years. The tenure in office for Councilmembers shall not exceed two consecutive three-year terms.
- b. This provision becomes effective January 1, 2020.

## PROPOSED AMENDMENT LANGUAGE

### City of Katy Proposition E

SHALL THE CITY OF KATY CHARTER BE AMENDED BY AMENDING SECTION 2, TERM, OF ARTICLE IV, THE COUNCIL, TO INCREASE THE NUMBER OF CONSECUTIVE TERMS FOR THE OFFICE OF COUNCILMEMBER FROM TWO CONSECUTIVE TERMS TO FOUR CONSECUTIVE TERMS, INCLUSIVE OF TIME ALREADY SERVED, AND PROHIBIT AN INDIVIDUAL FROM SERVING AS A COUNCILMEMBER, WHETHER IN WARD A, WARD B, OR AT LARGE, FOR MORE THAN THE MAXIMUM PERMISSIBLE CONSECUTIVE TERMS?

# PROPOSITION E

The Charter currently gives Councilmembers, regardless of seat, two 3-year term limits (maximum of 6 consecutive years).

They are wanting to DOUBLE that limit for a maximum of 12 consecutive years in office.

# PROPOSITION E

**FALSE:** Our term limits are a mess and there are loopholes.

**FACT:** The Charter is **VERY CLEAR!**

## § 1. **OFFICE** CREATED: QUALIFICATIONS.

There is hereby established a Council of the City of Katy, Texas. The City as here referred to shall be deemed to include the City of Katy, and any and all territory at any time annexed to the City of Katy. This Council shall consist of one Councilmember elected from the City At large and four Councilmembers elected from the Wards established by the City designated within the City as Ward A., and Ward B.; the Councilmembers shall be elected, two from Ward A., and two from Ward B., and one at-large. The candidate for Councilmember from a Ward shall reside in the Ward for which he seeks election. The candidate for Councilmember must be a citizen of the United States, at least twenty-one (21) years of age, a qualified voter residing within the City for at least twelve (12) months prior to his election. He shall not hold any other public office. (Amended 5/1/93; 5/1/2021)

## § 2. TERM.

- a. The term of the Councilmembers shall be three years. The tenure in **office** for Councilmembers shall not exceed two consecutive three-year terms.
- b. This provision becomes effective January 1, 2020.

# PROPOSITION E

**FALSE:** A “loophole” was created when the Charter was amendment to expand term limits.

**FACT:** The only change to the Charter’s language is the update of terms from three 2-year terms to two 3-year terms (voter approved in 2017, effective 2020). All of the other language has NOT been altered to create a new “loophole”.

## ARTICLE IV

### THE COUNCIL

#### **Section 1. OFFICE CREATED: QUALIFICATIONS**

There is hereby established a Council of the City of Katy, Texas. The City as here referred to shall be deemed to include the City of Katy, and any and all territory at any time annexed to the City of Katy. This Council shall consist of one Councilmember elected from the City At large and four Councilmembers elected from the Wards established by the City designated within the City as Ward A., and Ward B.; the Councilmembers shall be elected, two from Ward A., and two from Ward B., and one at-large. The candidate for Councilmember from a Ward shall reside in the Ward for which he seeks election. The candidate for Councilmember must be a citizen of the United States, at least twenty-one (21) years of age, a qualified voter residing within the City for at least twelve (12) months prior to his election. He shall not hold any other public office; and he shall not receive remuneration from two governmental or taxing entities.

(Amended May 6, 1993)

#### **Section 2. TERM**

- a. The term of the Councilmembers shall be two years. The tenure in office for Councilmembers shall not exceed three consecutive two-year terms.
- b. The Councilmember at-large elected in the year 1981 shall serve a one-year term. All successive Councilmembers at-large shall be elected for a term of two years.



# PROPOSITION E

**FALSE:** Two Council seats have no term limits.

**FACT:** Again, ALL Councilmembers have two 3-year terms. It's black and white in the Charter.

**FACT:** To explain why current Councilmembers are serving a third term is easy - Councilmember Harris and Councilmember Corte were already elected to office prior to the 2017 voter approved prop changes that amended term limits from three 2-year terms to two 3-year terms. They were both elected to a 2-year term BEFORE the amendment to the charter was approved. Since the approved amendment only had an effective date of January 2020 and did not provide language specific to existing Councilmembers, their first term (the 2-year one) was treated separately and did not count towards the new term limits of two consecutive 3-year terms. They have been able to serve a 2-year term, and then two 3-year terms. Bottom line, they got an extra 2 years, but is no longer an issue.

**FACT:** To explain how a past Councilmembers served 4 terms is easy - a past Councilmember was appointed to Council after another Councilmember had to step down. This Councilmember completed the other Councilmember's unexpired term (Term 1), then this Councilmember was voted in, serving his three 2-year term limits (Term 2-4). This was/is allowed by the Charter.

## **QUESTION TO ASK YOUR COUNCILMEMBERS**

**Given the Charter language has been unchanged for almost 45 years and no one has “interpreted” it in a manner that allows for you to “seat swap”, do you plan to do so?**

They say they are “100% sure there’s a loophole that allows seat swapping”. I would challenge them to provide proof because that is FALSE.  
A judge would have to decide.

## **ANOTHER QUESTION TO ASK YOUR COUNCILMEMBERS**

**If you feel the language is confusing and language should be changed or added to clarify that seat swapping is not allowed (even though it's was never meant or been "intepreted" that way), why did you not break that apart into a separate proposition? Why lump double term limits into the same prop?**

The City Attorney explained that it could be split into two props, but they chose NOT to do that.