

Chapters 22 and 25 Texas Local Government Code

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CHAPTERS 22 AND 25 TEXAS LOCAL GOVERNMENT CODE CITY MANAGER

Any general law city with less than 5,000 population may adopt the City Manager form of government under Chapter 25 of the Local Government Code.

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Upon presentation of a petition signed by at least 20 percent of the number of voters for Mayor in the last preceding city election, the Mayor must call an election on the question of adopting the City Manager plan.

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If a majority of the votes cast at the election favor adoption of the City Manager plan, the council must, within 60 days after the election, appoint a City Manager and fix his or her salary by ordinance.

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The administration of the city is to be placed in the hands of the City Manager, who serves at the pleasure of the City Council.

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All officers of the city, except members of the City Council, are appointed as provided by ordinance.

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The City Manager administers the city business and the City Council ensures that the administration is efficient.

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The City Manager is the budget officer for the city.

The City Manager must execute a bond in an amount set by ordinance that the City Manager will faithfully perform the duties of City Manager.

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The City Council body by ordinance may delegate to the City Manager any additional powers or duties the governing body considers proper for the efficient administration of city affairs.

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The City Council may create through ordinance a City Manager, City Administrator, or other managerial employee, regardless of whether the city has adopted Chapter 25.

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The Mayor is the chief executive officer of the municipality.

The Mayor shall at all times actively ensure that the laws and ordinances of the municipality are properly carried out.

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The Mayor shall perform the duties and exercise the powers prescribed by the City Council.

The Mayor shall inspect the conduct of each subordinate municipal officer and shall cause any negligence, carelessness, or other violation of duty to be prosecuted and punished.

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The Mayor shall give to the governing body any information, and shall recommend to the governing body any measure, that relates to improving the finances, police, health, security, cleanliness, comfort, ornament, or good government of the municipality.

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An election for officers of the City shall be held annually, except as otherwise provided by law on an authorized uniform election date.

To be elected to an office of the City, a person must receive more votes than any other person for the office.

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A person who is elected or appointed to a municipal office must take and sign the official oath of office before beginning to perform the duties of the office.

The City Council by ordinance may require a municipal officer to take any additional oath that the governing body considers best calculated to secure the faithful performance of the officer's duties.

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A newly elected municipal officer may exercise the duties of office beginning on the fifth day after the date of the election, excluding Sundays.

If a municipal officer-elect fails to qualify for office within 30 days after the date of the officer's election, the office is considered vacant.

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An officer who is entrusted with the collection or custody of funds belonging to the municipality and who is in default to the municipality may not hold any municipal office until the amount of the default, plus 10 percent interest, is paid to the municipality.

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If a member of the governing body changes the member's place of residence to a location outside the corporate boundaries of the municipality, the member is automatically disqualified from holding the member's office and the office is considered vacant.

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A municipal officer who misappropriates money in a special fund created by the municipality under Section [101.004](#) is guilty of malfeasance in office. On the complaint of a person who has an interest in the affected funds, the officer shall be removed from office and is ineligible to hold any office in that municipality after removal.

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Sections 22.010 and 22.011 provide several different ways to fill a vacancy in a position on Council or an officer.

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A municipal officer elected or appointed under this chapter may resign by submitting the resignation in writing to the governing body of the municipality. The resignation is subject to the approval and acceptance of the governing body. However, a person who is appointed by the Mayor may submit the written resignation to the Mayor for the Mayor's action.

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The Texas Election Code states:

To be effective, a public officer's resignation or an officer-elect's declination must be in writing and signed by the officer or officer-elect and delivered to the appropriate authority for acting on the resignation or declination. The authority may not refuse to accept a resignation.

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The Texas Election Code also states:

If an officer submits a resignation, whether to be effective immediately or at a future date, a vacancy occurs on the date the resignation is accepted by the appropriate authority or on the eighth day after the date of its receipt by the authority, whichever is earlier.

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The Mayor and aldermen of the City are elected for a term of two years unless a longer term is established under the Texas Constitution.

On the fifth day after the date of the election, excluding Sundays, or as soon as possible after that fifth day, the newly elected governing body of the municipality shall meet at the usual meeting place and shall be installed.

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The Mayor shall preside at all meetings of the governing body of the municipality and, except in elections, may vote only if there is a tie.

At each new City Council's first meeting or as soon as practicable, the City Council shall elect one alderman to serve as president pro tempore for a term of one year.

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If the Mayor fails, is unable, or refuses to act, the president pro tempore shall perform the mayor's duties and is entitled to receive the fees and compensation prescribed for the Mayor.

If the Mayor and the president pro tempore are absent, any alderman may be appointed to preside at the meeting.

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The City Council shall meet at the time and place determined by a resolution adopted by the governing body.

The Mayor may call a special meeting on the mayor's own motion and shall call a special meeting on the application of three aldermen.

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Each member of the City Council, the City Secretary, and the City Attorney must be notified of the special meeting. The notice may be given personally or left at the person's usual place of residence.

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The City Council shall determine the rules of its proceedings and may compel the attendance of absent members and punish them for disorderly conduct.

A City Councilmember shall be fined \$3 for each meeting that the alderman fails to attend unless the absence is caused by the alderman's illness or the illness of a family member.

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A majority of the number of Councilmembers established by Section [22.031](#) for the municipality constitutes a quorum. However, at a called meeting or at a meeting to consider the imposition of taxes, two-thirds of the number of aldermen established by that section constitutes a quorum unless provided otherwise.

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If a Councilmember is absent for three regular consecutive meetings, the member's office is considered vacant unless the member is sick or has first obtained a leave of absence at a regular meeting.

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In addition to the members of the City Council, the other officers of the municipality are the secretary, treasurer, assessor and collector, municipal attorney, marshal, municipal engineer, and any other officers or agents authorized by the governing body.

The City Council by ordinance shall provide for the election or appointment of the officers.

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The City Council may confer on other municipal officers the powers and duties of a municipal officer.

The City Council may require a municipal officer whose duties are prescribed by this code to perform additional duties.

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The City Council may prescribe the powers and duties of a municipal officer appointed or elected to an office under this code whose duties are not specified by this code.

The City Council may require a municipal officer to execute a bond payable to the municipality and conditioned that the officer will faithfully perform the duties of the office.

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The City Secretary of the municipality shall:

Attend each meeting of the governing body of the municipality;

Keep, in a record provided for that purpose, accurate minutes of the City Council's proceedings;

Engross and enroll all laws, resolutions, and ordinances of the governing body; keep the corporate seal;

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Take charge of, arrange, and maintain the records of the City Council;

Countersign all commissions issued to municipal officers and all licenses issued by the Mayor, and keep a record of those commissions and licenses;

Prepare all notices required under any regulation or ordinance of the municipality;

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Draw all the warrants on the treasurer, countersign the warrants, and keep, in a record provided for that purpose, an accurate account of the warrants;

Serve as the general accountant of the municipality;

Keep regular accounts of the municipal receipts and disbursements;

Keep each cause of receipt and disbursement separately and under proper headings;

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Keep separate accounts with each person, including each officer, who has monetary transactions with the municipality;

Credit accounts allowed by proper authority and shall specify the particular transaction to which each entry applies;

Keep records of the accounts and other information;

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Keep a register of bonds and bills issued by the municipality and all evidence of debt due and payable to the municipality, noting the relevant particulars and facts as they occur;

Keep all contracts made by the governing body; and

Perform all other duties required by law, ordinance, resolution, or order of the governing body.

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The treasurer of the municipality shall execute a bond. The bond must:

- (1) be in favor of the municipality;
- (2) be in the form and amount required by the governing body of the municipality;
- (3) have security approved as sufficient by the governing body; and
- (4) be conditioned that the treasurer will faithfully discharge the duties of the office.

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The treasurer shall receive and securely keep all money belonging to the municipality. The treasurer shall make all payments on the order of the mayor, attested by the secretary of the municipality under the seal of the municipality.

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The treasurer may not pay an order unless the face of the order shows that the governing body directed the issuance of the order and shows the purpose for which it is issued.

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The treasurer shall render to the governing body a full statement of the receipts and payments.

The statement must be rendered at the governing body's first regular meeting in every quarter and at other times as required by the governing body.

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The treasurer shall perform other acts and duties as the City Council requires.

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The marshal of the municipality shall execute a bond. The bond must be conditioned that the marshal will faithfully perform the official duties as the City Council may require.

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The City Council of a City with a population of less than 5,000 by ordinance may abolish the office of marshal and, at the same time in the ordinance, confer the duties of the office on a municipal police officer appointed as the governing body directs or on any other peace officer of the county.

However, an elected marshal may not be removed from office under this subsection.

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The City Council may remove a municipal officer for incompetency, corruption, misconduct, or malfeasance in office after providing the officer with due notice and an opportunity to be heard.

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If the City Council lacks confidence in a municipal officer appointed by the City Council, the Council may remove the officer at any time.

The removal is effective only if two-thirds of the elected Councilmembers vote in favor of a resolution declaring the lack of confidence.

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