


# Memo

**PRIVILEGED & CONFIDENTIAL  
ATTORNEY/CLIENT WORK PRODUCT  
NOT A PUBLIC RECORD**

To: City Manager Kenneth Williams  
Assistant City Manager Brian LaBorde

From: George Hyde, City Attorney 

Date: July 1, 2013

Re: Staff Report for House Joint Resolution No. 87

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Attached is HJR No. 87, which proposes a Texas Constitutional Amendment to Section 11, Article XI of the Texas Constitution.

The proposed amendment seeks to allow a home-rule municipality to establish by Charter, its own procedure to fill a City Council vacancy, if the vacancy is for an unexpired term of 12 months or less. This proposed amendment will be voted upon at an election held November 5, 2013.

The City of Buda, Texas amended its Charter in November 2012; therefore, pursuant to Section 5, Article XI, Texas Constitution, the City is not eligible to amend its Charter again until November 2014. While the City may amend its Charter with or without a Charter Committee, the next mandatory Charter Review Committee to be called by Council is in 2018 pursuant to Section 10.03, City of Buda, City Charter.

Furthermore, no city charter shall be altered, amended or repealed oftener than every two years.

A JOINT RESOLUTION

1 proposing a constitutional amendment authorizing a home-rule  
2 municipality to provide in its charter the procedure to fill a  
3 vacancy on its governing body for which the unexpired term is 12  
4 months or less.

5 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 11, Article XI, Texas Constitution, is  
7 amended by amending Subsection (b) and adding Subsection (c) to  
8 read as follows:

9 (b) A municipality so providing a term exceeding two (2)  
10 years but not exceeding four (4) years for any of its non-civil  
11 service officers must elect all of the members of its governing body  
12 by majority vote of the qualified voters in such municipality.

13 (c) Any [~~any~~ and any] vacancy or vacancies occurring on such  
14 governing body shall not be filled by appointment but must be filled  
15 by majority vote of the qualified voters at a special election  
16 called for such purpose within one hundred and twenty (120) days  
17 after such vacancy or vacancies occur except that the municipality  
18 may provide by charter or charter amendment the procedure for  
19 filling a vacancy occurring on its governing body for an unexpired  
20 term of 12 months or less.

21 SECTION 2. This proposed constitutional amendment shall be  
22 submitted to the voters at an election to be held November 5, 2013.  
23 The ballot shall be printed to provide for voting for or against the  
24 proposition: "The constitutional amendment authorizing a

H.J.R. No. 87

1 home-rule municipality to provide in its charter the procedure to  
2 fill a vacancy on its governing body for which the unexpired term is  
3 12 months or less."

David Newhall

President of the Senate

Joe Straus

Speaker of the House

I certify that H.J.R. No. 87 was passed by the House on April 26, 2013, by the following vote: Yeas 129, Nays 2, 2 present, not voting.

Robert Honey

Chief Clerk of the House

I certify that H.J.R. No. 87 was passed by the Senate on May 21, 2013, by the following vote: Yeas 31, Nays 0.

Latsyn Spaw

Secretary of the Senate

RECEIVED: 5/23/2013

Date

[Signature]

Secretary of State