



City Of Seagraves

ORDINANCE NO. 18-06-04(22.035)

AN ORDINANCE OF THE CITY OF SEAGRAVES AFFIRMING THE TERM OF OFFICE OF THE MAYOR OF THE CITY TO BE FOR TWO YEARS AS PROVIDED BY SECTION 22.035, TEXAS LOCAL GOVERNMENT CODE AND REPEALING ANY ORDINANCE, RESOLUTION, ORDER OR OTHER ACT OF THE CITY OF SEAGRAVES PURPORTING TO ESTABLISH A THREE YEAR OR ANY OTHER TERM OF OFFICE OF THE MAYOR OTHER THAN A TWO YEAR TERM; REPEALING ALL ORDINANCES, RESOLUTIONS, ORDER OR PARTS THEREOF THAT ARE IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 22.035, Texas Local Government Code, provides that the regular term of office for the mayor and aldermen of a Type A General Law municipality, such as Seagraves, is two years unless a longer term is established under Article XI, Section 11 of the Texas Constitution; and

WHEREAS, Article XI, Section 11 of the Texas Constitution provides that a city operating under the general laws may provide by majority vote of the qualified voters of the city for a term of office for its officers not to exceed four (4) years, and that providing for terms of office of more than two years shall result in other legal restrictions related to the filling of vacancies and a requirement that an officer resign from office in order to run for a different office; and

WHEREAS, although specific records have not been located regarding its origin and procedure for establishment, the City of Seagraves has heretofore elected its mayor, but not its aldermen, for a three year term of office; and

WHEREAS, the City Council of Seagraves interprets Article 11, Section 11 to authorize a general law city, by election, to extend the terms of office for all members of its governing body, but not to authorize extension of the Mayor's term of office only; and

WHEREAS, City Council of Seagraves is of the opinion that any mayor of the city who previously served a three year term was and should be considered an officer de facto, rather than an officer de jure, whose acts in office were valid despite the irregularity regarding the mayor's term of office; and

WHEREAS, the City Council of Seagraves is of the opinion that it is in the best interest of the city and its citizens to repeal the practice of electing a mayor for a three year term and to re-instate two year terms for the office of mayor so that all members of the City Council shall serve two year terms of office, that de jure status shall be applicable to the office of Mayor, and that the City of Seagraves shall hereafter operate in full compliance with Article 11, Section 11 but without any restrictions related to the filling of vacancies or the requirement that a member of the City Council must resign from office in order to run for a different office;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAGRAVES, TEXAS, that:

SECTION 1: The foregoing recitals are adopted and incorporated into this Ordinance as the legislative intent of the City Council of the City of Seagraves and for all other purposes.

SECTION 2: Any existing ordinance, resolution, order, or other act of the City of Seagraves purporting to establish, create, or continue a term of office of more than two years for the office of Mayor of the city is hereby repealed.

SECTION 3: Consistent with Section 22.035, Texas Local Government Code, and Article 11, Section 11 of the Texas Constitution

SECTION 4: Any provision of any ordinance, resolution, or order or any part of an ordinance, resolution, or order of the City of Seagraves that is found to be in irreconcilable conflict with this ordinance is repealed to the extent of such conflict.


SECTION 5: If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Seagraves hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION 6:

This Ordinance shall be effective upon adoption by the City Council of the City of Seagraves, Texas.

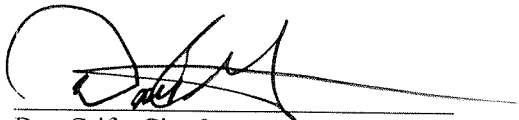
ADOPTED, PASSED, AND APPROVED this 18 day of June, 2018.

CITY OF SEAGRAVES



Debra Middleton, Mayor pro tempore and Acting Mayor

ATTEST:



Dan Grife, City Secretary

