



# Charter Review Work Session

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**Article IV. Initiative, Referendum and Recall**

**Section 4.12**

**April 16, 2024**



# Ojectives

- A review of the current provisions in Section 4.12
- Staff will provide best practices, industry recommendations, and other considerations
- Council will discuss and provide direction to the forthcoming Charter Review Committee
- Questions will be notated and answered through the committee process

## Section 4.12. Initiative, Referendum and Recall

Recall petition papers shall contain the name of the councilman (or names of the councilmen) whose removal is sought, and a clear and concise statement of the grounds for his (or their) removal. There shall appear at the head of each petition the names and addresses of five electors, who, as a committee of the petitioners shall be regarded as responsible for the circulation and filing of the petition. Each signer of any petition paper shall sign his name in ink or indelible pencil and give after his name his place of residence by street and number, or other description sufficient to identify the place, and the date his signature was affixed. No signature to such petition shall remain effective or be counted which was placed thereon more than forty-five (45) days prior to the filing of such petition with the city secretary. The signatures to a recall petition need not all be appended to one paper, but to each separate petition there shall be attached an affidavit of the circulator thereof that he, and he only, personally circulated the foregoing paper, that it bears a stated number of signatures, that all signatures were appended thereto in his presence and that he believes them to be the genuine signatures of the persons whose names they purport to be.

## Section 4.12. Breakdown

- Clear and concise statement of the grounds for removal
- Names and addresses of five electors, responsible for circulating and filing the petition
- Each signer will include their name, residence, and the date signed
  - Signed in pen or indelible pencil
  - Signatures over 45 days old will not be counted
- Signatures do not have to be appended to the same paper, but each paper must include an affidavit of the circulator

# Section 4.12. Grounds for Removal

- National Civic League's Model City Charter
  - Petitions should include a statement, not to exceed 200 words, of the reasons for the recall.
  - Grounds for recall should relate to and affect the administration of the official's office and be of a substantial nature directly affecting the rights and interests of the public.
- 2023 University of Houston Study\*
  - 36% of Texas city charters include a justification of the grounds for recall
    - Most list "incompetency, misconduct, or malfeasance in office" as the justification.
    - A handful of cities require a hearing before the city council to discuss the allegations before submitting to voters.
- Legal Considerations: Modifying this language will require legal review and analysis.



\*Rottinghaus, et. al., 2023

## Section 4.12. Council Direction

Option 1: Council can provide direction to the Charter Review Committee to modify to Section 4.12 through the Charter review process.

Option 2: No direction to the Charter Review Committee regarding Section 4.12 through the Charter review process.

# Reminder: Charter Review Timeline

Work Session Date	Charter Area to Review
March 19, 2024	The Council: 2.01, 2.02
April 2, 2024	General Provisions: 14.03, 14.04, 14.16
April 16, 2024	Initiative, Referendum and Recall: 4.12
May 21, 2024	Summary & Presentation of Charges