

MEASURE J

Shall Subsection 3.07(e), Subsection 3.08(c) and Section 3.10 of the City Charter, regarding city council investigations, be amended to read:

“Sec. 3.07. - Specific powers of the city council.

All powers and authority granted to the city by the Constitution of the State of Texas shall be vested in the city council, except as otherwise provided by law or this Charter. The city council shall provide for the exercise thereof and for the performance of all duties and obligations imposed upon the city by law and this Charter and shall be specifically granted the powers set forth below:

. . . .

- (e) Conduct or direct the conduct of investigations pursuant to section 3.10 of this Charter.

. . . .

Sec. 3.08. - Prohibitions.

. . . .

- (c) Interference with administration. Except for investigations conducted pursuant to section 3.10 of this charter, the city council or its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager. The city council and its members acting individually shall not give orders or instructions to any officer or employee except in the state of a declared emergency. Members of the city council, acting individually, shall not give orders or instructions to the city manager, either publicly or privately, except in a state of a declared emergency. Such prohibition shall not apply to a request that an item be placed on a city council meeting agenda for consideration by the city council. A willful violation of the foregoing provision by a member of the city council shall constitute misconduct. The remaining members of the city council by unanimous vote may expel such offending member upon a finding, in a public hearing, that such willful violation had been committed. The member of city council that the subject of the expulsion shall not be permitted to vote on the issue. Such expulsion shall create a vacancy in the place held by such member. Members of city council removed from office under this provision shall not continue to perform the duties of their office until a successor is duly qualified pursuant to applicable law.

. . . .

Sec. 3.10. Investigation by the city council.

The city council shall have the power to inquire or direct the inquiry into the official conduct of any department, agency, appointed board, office, officer, employee or appointed board member of the city.

The city council, for such investigation, shall have the power to administer oaths, subpoena witnesses, compel the production of any evidence material to the inquiry or direct same to be done. The city council shall provide, by ordinance, penalties for failing or refusing to obey any such subpoena or to produce any evidence. No member of the city council shall ever vote upon any matter involving the consideration of his or own official conduct.”