

ITEM 6E

**DISCUSSION OF AND CONSIDERATION
OF REPEALING RESOLUTION R-06-17
REGARDING THE TERMS “MAYOR”
AND “MAYOR PRO TEMPORE” BEING
USED SYNONYMOUSLY WHEN
REFERRING TO THE CHAIRMAN AND
ACTING CHAIRMAN OF THE
COMMISSION**

MEMORANDUM

To: Members of the City Commission

From: Lisa Agnor, City Manager

Date: May 16, 2017

Subject: Discussion of and Consideration of Repealing Resolution R-06-17 regarding the Terms "Mayor" and "Mayor Pro Tempore" Being Used Synonymously When Referring to the Chairman and Acting Chairman of the Commission

This item has been placed on the agenda at the request of Chairman Hurta. We are attaching Resolution R-06-17 which deals with the terms Mayor and Mayor Pro-Tem.

**RESOLUTION OF THE CITY COMMISSION OF MARSHALL, TEXAS,
REGARDING THE APPOINTMENT AND DUTIES OF AN ACTING
CHAIRMAN PRO TEMPORE**

WHEREAS, section 121 of the Charter of the City of Marshall authorizes the City Commission to elect one of its members to act in the Chairman's behalf when the Chairman is absent; and,

WHEREAS, the City Commission desires to establish a policy that will allow a member of the Commission to serve continuously as the acting chairman in the absence of the elected chairman as well as acting chairman for other "non-official" acts; and,

WHEREAS, the City Commission finds that the selection and continuous service of an Acting Chairman will provide a more efficient city government; and,

WHEREAS, the City Commission desires to designate the position of Acting Chairman to be referred to as Acting Chairman Pro Tempore; and,

WHEREAS, for more than 30 years, it has been the longstanding custom and practice of the City Commission, the City of Marshall, other governmental bodies, agencies and others to use the term "Mayor" synonymous when referring to the office and position of Chairman of a municipal governing body; and,

WHEREAS, the City Commission recognizes that in the course of dealings with other governmental bodies, agencies, and the public at large, the term "Mayor" is readily recognized and understood, as opposed to the term "Chairman", and the City Commission desires to formally recognize this practice and custom, which came about as a necessity to avoid ambiguity, prevent confusion, and provide clarity with the role of the Commission Chairman in dealing with governmental bodies, agencies, and the public at large; and,

WHEREAS, the City Commission finds it expedient and advisable to formally establish and recognize the policy of using the term "Mayor" when referring to the office of Chairman of the Commission, and likewise the term "Mayor Pro Tempore" when referring to the office of Acting Chairman Pro Tempore; **NOW THEREFORE,**

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MARSHALL, TEXAS:

Section 1. That the findings set forth in the preamble to this resolution are hereby in all things approved.

Section 2. That the intent of this resolution is to establish a policy that will provide for continuous service of the acting chairman as well as provide recognition and approval for the term "Mayor" for the nonofficial title of the Chairman of the City Commission.

Section 3. Acting Chairman Pro Tempore.

A. Pursuant to §121 of the City Charter, the City Commission may elect one of its members as Acting Chairman Pro Tempore to serve in the place and stead of the Chairman during the chairman's absence.

B. The acting chairman pro tempore may be selected at any meeting of the City Commission and shall serve at the pleasure of the members of the City Commission.

C. In accordance with § 121, the acting chairman pro tempore shall act as chairman in the case of the absence or inability of the chairman to perform the duties of office and in this capacity shall be vested with all of

the powers conferred upon the chairman.

D. While the official duties of the acting chairman pro tempore shall be limited to those specific powers and duties authorized by the Charter; in absence of the Chairman, the acting chairman pro tempore may represent the City of Marshall in public affairs or at ceremonial proceedings.

Section 4. The terms "Mayor" and "Mayor Pro Tempore" (Mayor Pro Tem) may be used synonymously when referring to the Chairman and Acting Chairman of the Commission respectively.

Section 5. This resolution shall not in any way effect the City Charter's provisions that designate the authority, duties, and title of the Chairman of the City Commission. Further, all official records and other documents of the City shall refer to the Chairman and/or the Acting Chairman as Chairman or Acting Chairman in accordance with the City Charter.


Section 6. This resolution is not intended to grant any office or individual with any power, duties or authority beyond that which is specifically provided for in the Charter of the City of Marshall.

Section 7. That the meeting at which this resolution was passed was conducted in strict compliance with the Texas Open Meetings Act (Texas Government Code Chapter 551).

Section 8. That all other prior resolutions or portions of resolutions of the City of Marshall in conflict with the terms and provisions of this resolution are hereby repealed to the extent of such conflict only.

Section 9. That this resolution shall be effective on and after its passage.

PASSED AND APPROVED this 6th day of June, 2006.


EDWARD N. SMITH, III
CHAIRMAN OF THE CITY
COMMISSION OF THE CITY OF
MARSHALL, TEXAS

ATTEST: 
Lisa Agnor, City Secretary