



# THE TEXAS MUNICIPAL LAWYER™

A Newsletter Published by the Bojorquez Law Firm, PC ★ March 2016

## **CITY CONTRACTS— BEFORE YOU SIGN...**

The question of whether a city official has the legal authority to sign a contract on behalf of a city is a common predicament. If the wrong person signs, the city may find that its legislative acts are subject to legal challenges or worse yet, financial transactions may become the victim of fraud.

Before any contract is signed, it is imperative to confirm the signatory has the legal authority to do so. Quite often a mayor will ask if a particular document may be signed by the mayor pro-tem, a city councilmember, the city administrator, city secretary, or a department head. The answer is always, “Well it depends —has the document been properly approved? Does the official have the legal authority to sign?”

Depending on the city type, either the Texas Local Government Code or the city charter is the first place to look for signatory authority. For example, in a Type A general-law city, the Local Government Code provides that the mayor serves as the chief executive

officer and is responsible for signing a variety of documents, including: bonds, certificates of obligation, evidence of debt, and other similar legal documents. The mayor pro-tem has the authority to sign these documents *if* the mayor is unable to do so. However, other state statutes may address specific signatory requirements, such as the Texas Tax Code’s specifications for adopting a city’s tax rate. Finally, signature authority may also be addressed by ordinance. A properly approved city ordinance may delegate signatory authority to a specific city official. Sometime, when approving a contract, the city council will expressly delegate signature authority.

As the saying goes, it’s easy to “sign on the dotted line” so long as a city’s management team knows who is legally authorized to act as its contract signatory.

## **INTEGRITY AT CITY HALL**

**Q:** May a city council member use their title on political advertisements?

**A:** Yes, so long as the title is an incumbent position. Tex. Elec. Code § 255.004

## **UPCOMING EDUCATIONAL OPPORTUNITIES**

### **Open Government Training April 1; 9:00 am—12:00 pm**

Alan will train students in the Certified Public Managers Program at Texas State University.

### **Battle of San Jacinto Client Appreciation BBQ April 24; 1:00 pm—5:00 pm**

The Firm welcomes clients, colleagues, and friends to our office to enjoy BBQ and music by the VooDudes! RSVP here:

<http://www.texasmunicipallawyers.com/files/bulletins/SanJacAnnouncement.pdf>

### **UT Land Use Conference April 27—April 29;**

#### **Thursday, April 28:**

Alan serves as chairperson and co-presents with Henry Gilmore of Dubois, Bryant & Campbell, LLP on Negotiation of Development Agreements from the Developer and Municipal Perspectives.

#### **Friday, April 29:**

Alan serves as Presiding Officer for the afternoon session. Visit the sites below to register:

Fundamentals: <https://utcle.org/conferences/LB16>

Main Conference: <https://utcle.org/conferences/LD16>

CLIENT NEWS

West Lake Hills Police Requests More Body Cams

During the meeting on February 24th, West Lake Hills' City Council approved Police Chief Scott Gerdes to complete the application process for a grant to fund body cams. Presently, the officers share cameras between shifts.

During shift changes, the cameras are docked and then footage is uploaded to a server. This process sometimes leaves no cameras for oncoming shifts to utilize.

Police Chief Gerdes stated, "If the officers aren't recording what's happening, someone else with a camera phone will. It's important that we're transparent. It's important for the security of the citizens and the people we come in contact with and also good for the officer. Most folks are better behaved when they know they're on camera ... they're not perfect, but they give us a more firsthand video account of what happens."

The grant funded by the Criminal Justice Division of the Governor's Office assures \$3,450 will be given to the department to cover six new cameras, footage storage, and a warranty. After the first year, the city covers continuing costs.



Bruceville-Eddy Municipal Court is Officially a Court of Record

Bruceville-Eddy has converted its municipal court to a Court of Record and now has the advantage of:

- Preventing defendants from simply appealing to get a new trial at the County.
• Issuing administrative search warrants in cases involving dangerous structures and other city code violation cases, which pose a threat to the public's safety.
• Hearing cases involving substandard buildings and residences. If such buildings or residences are found to be substandard and in disrepair, the judge can order the owner to repair the structure, or order the city to make the repairs or order the demolition of the dangerous structure.

To learn more about how your court can become a Court of Record, contact the Firm.

Presidio International Bridge Expansion Approved by the Texas Transportation Commission

The City of Presidio received \$60 million in strategic funding for border initiatives after the Texas Transportation Commission approved the revisions to the 2016 UTP (Unified Transportation Plan).

Those revisions will fund five projects, including one project that involves the expansion (addition of a second bridge structure) at the Presidio-Ojinaga International Crossing.

In essence, this means the expan-

sion of the Presidio-Ojinaga International bridge is no longer a "planned" project, but, in fact, a funded project. Congratulations Presidio!

FIRM NEWS

Now on Instagram!

The Firm is excited to announce that clients and friends can now find us on Instagram. Follow us @texasmunicipallawyers.



You can also find us on LinkedIn and Facebook under the Bojorquez Law Firm. #texasmunicipallawyers #texascityattorneys #texasmunicipallaw



HEARSAY...

"If you can't afford to park a cop outside my house, I'll pay for an inflatable." - Citizen complaining of speeding in front of her house.



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