

LAYMAN’S BRIEF

KINGSVILLE, TEXAS

Originally Published on 21 July 2025

(Revision 13, 19 March 2026))

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A layman’s brief by a concerned City of Kingsville taxpayer trying to prevent wasteful tax-dollar spending

Author’s Note: THANK YOU to officials of the City of Kingsville and community stakeholders who have taken the time to read this **Layman’s Brief** and for your consideration regarding its content and its suggested recommendations. As a community, let’s avoid wasteful spending of city tax dollars on unnecessary city legal expenses or on a recall election that has the potential of being overturned by court action. We can have a recall process, but let’s do it fairly and legally.

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EXECUTIVE SUMMARY

The primary purpose of the Layman's Brief is to highlight opined violations of the Kingsville City Charter by city employees and elected officials to prevent a lawsuit from being filed against the city, whereas the city may waste tax dollars on a recall election to only have the election overturned by adversarial court action due to the violations. The Layman's Brief is revised continuously as new information is made available and has evolved into a possible precursor or aid to a Declaratory Judgment, Writ of Mandamus, Amicus Brief, or other adversary court action. Note: On August 13, 2025, the purpose of the Layman's Brief failed because a lawsuit was filed against the City of Kingsville in the 105th District Court, Kleberg County, Texas.

The City of Kingsville recall process began when the Kingsville City Secretary (city election officer) notified three Kingsville City Commissioners **“that the City of Kingsville has received an affidavit today, May 6, 2025, for the recall of Norma Nelda Alvarez, City Commissioner, Place 2; Hector Hinojosa, City Commissioner, Place 3; and Leo Alarcon, City Commissioner, Place 4 under the grounds of Unprofessional conduct/behavior of a City Commissioner; Neglect of fiscal responsibilities; Targeting personnel; and Neglect of Government policies and procedures.”**

This Layman's Brief presents several arguments (labeled 1 – 5) supporting my opinions regarding the City Charter and the violations regarding the Kingsville recall process.

An argument is opined for a court to deny, or to overrule on appeal, a writ of mandamus (or other court action) ordering the Kingsville City Commission to call a recall election...

1. **A.** Because the City Charter specifically stipulates that a Court can only get involved when “all of the requirements of this Charter shall have been met” and at least four (4) requirements have not been met (arguments 2-5 below). This stipulation also implies that the City Commission had no duty to call a recall election because not all recall requirements of the City Charter have been met, and
B. Because the Charter does not stipulate a timeframe requirement for the City Commission to perform the specific duty “to order an election and fix a date for holding such recall election, the date of which election shall be in accordance with the Texas Election Code.” That “duty” may be performed by the City Commission anytime in the future.

Several arguments are opined for a court to issue a writ of mandamus, or other court action, ordering the Kingsville City Commission and/or city employees to comply with the statutes in the Kingsville City Charter: or for a court to deny, or to overrule on appeal, a writ of mandamus (or other court action) ordering the Kingsville City Commission to call a recall election...

2. To reject the recall petition paperwork (and/or decertify the recall petition) retroactively due to a violation of the City Charter requiring the recall petition to be returned to the City Secretary within thirty (30) days after the receipt of the recall affidavit (the petition was returned to the City Secretary on the 31st day).
3. To reject or decertify the recall petition retroactively due to the language used on the recall petition did not “distinctly and specifically state the ground(s) upon which such petition for removal” is based, which is a requirement of the City Charter that was violated.
4. To decertify the recall petition retroactively due to insufficiency of the recall petition or due to a violation of statutes in the Kingsville City Charter, whereas the recall petition was not signed by a minimum of 2,805 signatories, but City Officials are opined to have illegally certified the recall petition having only 292 signatories (282.4 minimum).
5. Due to the violation of the City Charter requirement that the certified recall petitions “shall” be presented to the City Commission on the “Charter specific” date of June 23, 2025, but whereas the City Secretary did not present the certified recall petitions to the City Commission on June 23, 2025.

TIMELINE OF EVENTS REGARDING THE RECALL PROCESS (May – August 2025)

May 6, 2025. A Recall Affidavit was received and filed by the Kingsville City Secretary as outlined in her notification letter to the three commissioners, all three letters dated May 6, 2025. Refer to Kingsville City Charter, Part I, Article II, Section 24 (3), “Any qualified voters of the City may make and file with the person performing the duties of City Secretary an affidavit containing the name or names of the officer(s) whose removal is sought and a statement of the grounds for removal.”

May 6, 2025 (Day ZERO (0) of Charter Recall timeline requirements). Per the Kingsville City Charter, the date the City Secretary received and filed an affidavit for Recall, May 6, 2025, was the date for most future timelines regarding the recall petition, specifically, to immediately notify the commissioner(s) named on the petition, to provide blank Recall Petitions to the petitioner(s) within two (2) working days, & within thirty (30) days for the completed petitions to be returned to the City Secretary.

May 6, 2025 (Day 0, same day). The three commissioners were notified by letter from the Kingsville City Secretary “**that the City of Kingsville has received an affidavit today, May 6, 2025, for the recall of Norma Nelda Alvarez, City Commissioner, Place 2; Hector Hinojosa, City Commissioner, Place 3; and Leo Alarcon, City Commissioner, Place 4 under the grounds of Unprofessional conduct/behavior of a City Commissioner; Neglect of fiscal responsibilities; Targeting personnel; and Neglect of Government policies and procedures**” (refer to Kingsville City Charter, Part I, Article II, Section 24 (3) that states, “The City Secretary shall immediately notify in writing the officer(s) sought to be removed that the affidavit has been filed and shall inform the officer(s) of its statement of grounds.”).

May 7, 2025 (Day 1, the day after receiving the affidavit). Selina A. Tijerina received blank **RECALL PETITION** pages, numbered 1 through 50, (blank rows for petition signatures and other required signatory data) from the Kingsville City Secretary, signed and dated May 7, 2025 (refer to Kingsville City Charter, Part I, Article II, Section 24 (3) that states, “The City Secretary shall within a period of two (2) working days from the time the affidavit was filed thereupon make available to the qualified voters making such affidavit copies of petition blanks demanding such removal.”).

June 6, 2025 (Day 31; 31st day since City Secretary received affidavit on May 6, 2025, for start of the City of Kingsville recall process). Pages of the RECALL PETITION from Selina A. Tijerina, and/or other petitioner(s), were delivered to the Kingsville City Secretary and the **CERTIFICATION OF CIRCULATOR** at the bottom of the page of the RECALL PETITION was signed and dated by both the petitioner(s) [Selina A. Tijerina and/or other petitioner(s)] and Notary Public, Gonzalo Perez Ruiz, on June 6, 2025 (refer to Kingsville City Charter, Part I, Article II, Section 24 (6) that states, “All papers comprising a recall petition shall be returned and filed with the person performing the duties of the City Secretary within thirty (30) days after the filing of the affidavit herein before provided for.”).

June 23, 2025. During Agenda Item 20 of the Kingsville City Commission meeting on June 23, 2025 (which was the next regular City Commission meeting following the fifteen (15) days the City Secretary was allowed by Charter to certify the recall petitions after she received them from the petitioner(s)), the City Secretary commented on the certification of recall petitions that she received on June 6, 2025. Per the Kingsville City Charter, the City Secretary did not present the certified petitions to the City Commission (refer to Kingsville City Charter, Part I, Article II, Section 24 (6) that states, “The person performing the

duties of City Secretary shall certify said petitions within fifteen (15) days of receipt and present such certified petitions to the City Commission at the next regular City Commission meeting.”).

July 14, 2025 (Regular Kingsville City Commission Meeting).

Regular Agenda Item 18 stated,

“Discuss and consider an ordinance calling a Special Election for the Recall of Norma Nelda Alvarez, City Commissioner Place 2; Hector Hinojosa, City Commissioner Place 3; and Leo Alarcon, City Commissioner Place 4 from the Kingsville City Commission in accordance with the City Charter and the Texas election Code, to be held in the City of Kingsville, Texas and other matters related thereto. (for November 4, 2025) (City Secretary).” [Same in Spanish]

At the meeting, Regular Agenda Item 18 was called before the Kingsville City Commission for a vote, and the resulting votes cast were 3 “NO” and 2 “YES.” The Kingsville City Commission **did not** call for a recall election to be held on November 4, 2025. Note: Commissioners Fugate and Lopez voted “YES.”

July 16, 2025: (Special Meeting of the Kingsville City Commission).

Mayor Fugate opened the meeting at 5pm with all five commissioners present. The agenda for the meeting had no minutes of previous meetings to approve, had no public hearings, had two residents speak during “Public Comments,” had no items for the “Consent Agenda,” and had only one item under the Regular Agenda labeled “VI. Items for consideration by Commissioners., 1. Executive Session: Pursuant to Section 551.074, of the Texas Open Meetings Act, the City Commission shall convene in executive session to deliberate the employment and duties of the City Manager position. (Commissioner Alvarez).” Mayor Fugate read Agenda Item VI.1. to call for the start of the Executive Session and then the 5 commissioners left the meeting room. Commissioners Alvarez, Hinojosa, and Alarcon proceeded to the Secretary’s office and conference room for the Executive Session to begin. Mayor Fugate and Mayor Pro Tem Lopez left the city building and property and did not return, resulting in an effective “walkout” and stoppage of city business at the Special Meeting of July 16, 2025 (meeting was not officially adjourned). The minutes of the meeting stated “there is no presiding officer to continue or close this meeting; therefore, the meeting ended at 5:13”

During Agenda Item III, “Reports from Commission and Staff,” there was about a 10-minute back-and-forth, open-meeting discussion (**without a LEGAL Open Meetings Agenda Item and NOTICE to the public of the discussion and opportunity of residents to speak about the Agenda Item in “Public Comments”**) between the City Attorney and the Commissioners about a memo that was provided to the Commission from the City Attorney regarding “next steps with regard to the item that was not approved on July 14th” (recall election not approved). The Commission and staff discussed these items for about 10 minutes:

- What private citizens can do for their next step, including obtaining a Writ of Mandamus,
- Judge Pulcher’s name was stated along with his court (District Court),
- The 13th Court of Appeals was mentioned as the court for citizens to seek action and the “city has to wait until the third-party files some type of motion with the 13th Court of Appeals,”
- Lisa Wood and her 4-page opinion and “Summary of Opinion Letter” emailed to the Commissioners and some Commissioners stated they did not receive it, and
- City expenditures for responding to a Writ of Mandamus and TML coverage for city legal fees.

August 13, 2025: Gale Law Group, PLLC. (Corpus Christi, Texas), attorney(s) for Selina Tijerina (petitioner/plaintiff), filed a lawsuit against four defendants (City of Kingsville, Norma Nelda Alvarez, Hector M. Hinojosa, and Lionel “Leo” H. Alarcon) requesting the 105th District Court, Kleberg County, Texas, to compel the City of Kingsville to enforce the City Charter and to specifically issue a writ of mandamus ordering the City Commission to schedule and conduct the recall election (Case Number: 25-377-D).

ARGUMENT 1.A: Authority for Court Involvement

Argument 1.A. is opined for a court to deny, or to overrule on appeal, a writ of mandamus (or other court action) ordering the Kingsville City Commission to call a recall election because the Kingsville City Charter specifically stipulates that a Court *can only get involved* when “all of the requirements of this Charter shall have been met.” At least four (4) requirements have not been met (arguments 2-5 below in the Layman's Brief):

- Violation of Requirement to Return Recall Petition within Thirty (30) Days
- Violation of Requirement for Distinct and Specific Language Defining Grounds for Removal
- Violation of Requirement of Minimum Number of Signatories on the Recall Petition
- Violation of Requirement to Present Certified Petitions to the City Commission

Therefore the District Court (or any Court) does not have the authority from the City Charter to issue a writ of mandamus (or other court order) ordering the City Commission to call a recall election because not all recall requirements were met, nor does the Court have legal grounds based on the Texas Election Code to order City Commissions to perform a duty that is in violation of a City's Charter that specifies requirements that “shall” be met prior to any Commission “duty” to set a date for a recall election.

The Kingsville City Charter, Article II, Section 24 (7)) states,

“In case all of the requirements of this Charter shall have been met and the City Commission shall fail or refuse to receive the recall petition, or to order such recall election, or to discharge any other duties imposed upon said City Commission by the provisions of this Charter with reference to such recall, then the District Judge of Kleberg County, Texas, or other judge of competent jurisdiction shall discharge any such duties herein provided to be discharged by the person performing the duties of City Secretary or by the City Commission.”

This stipulation in the City Charter (Article II, Section 24 (7)) directly implies that the City Commission had “NO DUTY” to call a recall election on July 14, 2025, because not all recall requirements of the City Charter had been met.

ANY COURT IS PRESENTED THIS ARGUMENT TO DENY, OR TO OVERRULE ON APPEAL, A WRIT OF MANDAMUS (OR OTHER COURT ACTION) ORDERING THE KINGSVILLE CITY COMMISSION TO CALL A RECALL ELECTION.

ARGUMENT 1.B: City Commission's Duty to Call a Recall Election

Argument 1.B. is opined for a court to deny, or to overrule on appeal, a writ of mandamus (or other court action) ordering the Kingsville City Commission to call a recall election because the Kingsville City Charter does not stipulate a timeframe for the Kingsville City Commission to perform the specific duty "to order an election and fix a date for holding such recall election, the date of which election shall be in accordance with the Texas Election Code." That "duty" may be performed by the City Commission anytime in the future.

THERE IS NO TIMEFRAME REQUIREMENT FOR THE CITY COMMISSION TO ORDER A RECALL ELECTION AND FIX A DATE FOR HOLDING A RECALL ELECTION WITH REGARD TO THE RECALL PROCESS IN THE KINGSVILLE CITY CHARTER.

THE CITY COMMISSION MAY PERFORM THAT DUTY IN THE FUTURE WHICH WOULD SATISFY THE "DUTY" REQUIREMENTS OF THE CITY COMMISSION WITH REGARD TO THE RECALL STATUTES OF THE KINGSVILLE CITY CHARTER.

It is incorrect for any person to have any perception that the Kingsville City Commission has failed in its duty or to think anyone has been "harmed" due to the fact that the City Commission did not pass an agenda item (agenda item 18) at their July 14, 2025, City Commission Meeting to fix the date of November 4, 2025, for a recall election, or to perform a duty outlined in the City Charter "to order an election and fix a date for holding such recall election, the date of which election shall be in accordance with the Texas Election Code," (quote taken from Kingsville City Charter, Article II, Section 24 (6)). The Kingsville City Charter simply DOES NOT stipulate any timeframe to do so.

It would be premature for any Judge to issue a "writ of mandamus" or any other court order, requiring the Kingsville City Commission to perform any duty that is perceived by petitioners, city residents, or city employees, to be unfulfilled by the Kingsville City Charter due to the fact that the **Kingsville City Charter does not stipulate any timeframe for the "duty" to occur,** that is, their duty "to order a recall election and fix a date" for a recall election.

The City Commission can perform that specific duty in the future by voting on the same agenda item (Agenda Item 18, 14July2025, Kingsville City Commission Meeting) at a future City Commission Meeting and still be in full compliance with the statutes of the Kingsville City Charter (refer to Kingsville City Charter, Chapter III, Article 1, City Commission – General Provisions, Section 3-1-10 Agenda (B)(5): "After an item has been considered by the City Commission and fails to be approved, the item shall not be considered on an agenda again until at least 60 days have passed, unless waiting 60 days would negatively impact the City financially in which case the item could be considered at the next available meeting.")

ANY COURT IS PRESENTED THIS ARGUMENT TO DENY, OR TO OVERRULE ON APPEAL, A WRIT OF MANDAMUS (OR OTHER COURT ACTION) ORDERING THE KINGSVILLE CITY COMMISSION TO CALL A RECALL ELECTION.

ARGUMENT 2: Violation of Requirement to Return Recall Petition within Thirty (30) Days

Argument 2 is opined for a court to issue a writ of mandamus, or other court action, ordering the Kingsville City Commission and/or city employees to comply with the statutes in the Kingsville City Charter; or for a court to deny, or to overrule on appeal, a writ of mandamus (or other court action) ordering the Kingsville City Commission to call a recall election: to specifically reject the recall petition paperwork (and/or decertify the recall petition) retroactively, due to a violation of a statute in the Kingsville City Charter requiring the recall petition to be returned to the City Secretary within thirty (30) days after the receipt of the recall affidavit (the recall petition was returned to the City Secretary on the 31st day).

CITY OFFICIALS VIOLATED THE KINGSVILLE CHARTER WHEN THEY ACCEPTED AND/OR CERTIFIED THE RECALL PETITION AS VALID AND/OR LEGAL REGARDING THE PETITIONER(S) FAILURE TO RETURN THE RECALL PETITION PAPERWORK TO THE CITY SECRETARY WITHIN THE THIRTY (30) DAY REQUIREMENT OUTLINED IN THE KINGSVILLE CITY CHARTER.

Referring to the RECALL process timeline outlined on page three of this Layman's Brief, **the 30 day requirement WAS NOT MET by the petitioners to fulfill their legal requirement outlined in the Kingsville City Charter**, whereas Part I, Article II, Section 24 (6), states, "All papers comprising a recall petition shall be returned and filed with the person performing the duties of the City Secretary within thirty (30) days after the filing of the affidavit herein before provided for."

The City Secretary received and filed the Recall affidavit from Selina A. Tijerina on May 6, 2025, and on the same day the City Secretary notified the three commissioners of the received and filed affidavit. The next day, May 7, 2025, the City Secretary provided the blank recall petitions to the petitioner(s), and on **June 6, 2025 (31 days after receiving and filing the affidavit)** the City Secretary received, and with the help of Notary Public, Gonzalo Perez Ruiz, then certified the acceptance of the recall paperwork from the petitioner(s).

The certification by City Officials that the paperwork of the RECALL PETITION submitted by Selina A. Tijerina (and other petitioners) was legal is a **VIOLATION of the Kingsville City Charter** because the **petitioner(s) were given a thirty-one (31) day timeline to return the recall petition to the City Secretary (May 6th to June 6th 2025) rather than the clearly defined timeframe of thirty (30) days as stated in the Kingsville City Charter**. The rights of the three commissioners (in question) and all city residents were violated by the city officials who certified the petition as valid.

The Kingsville City Charter does not have any statute that provides "city" legal counsel to the petitioner(s) regarding the recall process. It was clearly the petitioner's duty to abide by the statutes in the Kingsville City Charter. When the petitioner(s) delivered the recall affidavit or when they received the blank recall petitions, it's very understandable that they would have asked city officials "When are we required to return the petitions" and the answer should have been, "The

City Secretary filed the affidavit on May 6th and the City Charter states that the petitions 'shall be returned' to 'the City Secretary within thirty (30) days after the filing of the affidavit.' ”

Due to this obvious violation of the Kingsville City Charter, **Kingsville City Officials should immediately take action to STOP the recall process from moving forward** and determine how to rectify the harm done to the three commissioners involved in the recall petition and the residents of Kingsville as a whole.

A Special Meeting of the Kingsville City Commission should be called immediately along with an Executive Session with an announced agenda to have outside counsel present to give immediate legal advice on how to rectify the harm that has occurred to all parties involved.

CITY OFFICIALS VIOLATED THE KINGSVILLE CHARTER WHEN THEY ACCEPTED AND/OR CERTIFIED THE RECALL PETITION AS VALID AND/OR LEGAL WITH REGARD TO THE THIRTY (30) DAY REQUIREMENT OF THE PETITIONER(S).

RETROACTIVELY, THE RECALL PETITION SHOULD BE REJECTED OR DECERTIFIED IMMEDIATELY BY KINGSVILLE CITY OFFICIALS.

ANY COURT IS PRESENTED THIS ARGUMENT TO DENY, OR TO OVERRULE ON APPEAL, A WRIT OF MANDAMUS (OR OTHER COURT ACTION) ORDERING THE KINGSVILLE CITY COMMISSION TO CALL A RECALL ELECTION.

ARGUMENT 3: Violation of Requirement for Distinct and Specific Language Defining Grounds for Removal

Argument 3 is opined for a court to issue a writ of mandamus, or other court action, ordering the Kingsville City Commission and/or city employees to comply with the statutes in the Kingsville City Charter; or for a court to deny, or to overrule on appeal, a writ of mandamus (or other court action) ordering the Kingsville City Commission to call a recall election: to reject or decertify the recall petition retroactively due to insufficiency of the recall petition whereas the language of the recall petition did not “distinctly and specifically state the ground(s) upon which such petition for removal is predicated” and the recall petition did not “specifically state each ground with such certainty as to give the officer sought to be removed, notice of such matters and things with which he or she is charged.”

KINGSVILLE CITY OFFICIALS VIOLATED THE KINGSVILLE CHARTER WHEN THEY ACCEPTED AND/OR CERTIFIED THE RECALL PETITION AS VALID AND/OR LEGAL REGARDING THE INSUFFICIENCY OF THE RECALL PETITION AND/OR RECALL AFFIDAVIT, WHEREAS THE PETITIONER(S) FAILED TO “DISTINCTLY AND SPECIFICALLY STATE THE GROUND(S) UPON WHICH SUCH PETITION FOR REMOVAL IS PREDICATED, AND IF THERE BE MORE THAN ONE GROUND, SUCH AS FOR INCOMPETENCY, NONCOMPLIANCE WITH THIS CHARTER, MISCONDUCT OR MALFEASANCE IN OFFICE, SHALL SPECIFICALLY STATE EACH GROUND WITH SUCH CERTAINTY AS TO GIVE THE OFFICER SOUGHT TO BE REMOVED, NOTICE OF SUCH MATTERS AND THINGS WITH WHICH HE OR SHE IS CHARGED” AS REQUIRED BY THE KINGSVILLE CITY CHARTER (PART I, ARTICLE II, SECTION 24 (5)).

The Kingsville City Charter clearly requires that the charges levied against any commissioner for recall purposes, be stated in a “specific” manner and with “such certainty as to give the officer sought to be removed” from office, “notice of such matters and things with which he or she is charged.” This is a very important statute in the Kingsville City Charter because not only do the signatories of the petition need to understand the specific grounds for removal (which they are entitled to see in writing to avoid bias and conflict of interests of the petitioner(s)), but the commissioners in question have a right to know in case of any future adversary court action. Future voters in a recall election also need to understand the specific grounds for which each of the three commissioners are being charged and why they are on the recall ballot to be voted on and removed from office (refer to Kingsville City Charter, Part I, Article II, Section 24 (5), that states that the recall petition, “**must distinctly and specifically state the ground(s) upon which such petition for removal is predicated, and if there be more than one ground, such as for incompetency, noncompliance with this Charter, misconduct or malfeasance in office, shall specifically state each ground with such certainty as to give the officer sought to be removed, notice of such matters and things with which he or she is charged.**”).

The charges brought against the three commissioners, as stated on the initial recall affidavit & on the individual pages of the recall petition, are:

1. Unprofessional conduct/behavior of a City Commissioner
2. Neglect of fiscal responsibilities
3. Targeting personnel, and
4. Neglect of government policies and procedures

The charges that the petitioner(s) listed are generally stated without any specifics to ascertain the individual misconduct or malfeasance being charged and without any certainty of which charge is levied against which commissioner or, if all four charges are levied against all three commissioners. With the charges stated so generally by the petitioner(s), a recall petition signatory or a voter in any upcoming recall election would have their rights violated, as outlined in the Kingsville City Charter, because they cannot possibly have an understanding of the specific charges against each of the commissioners individually and the likelihood the misconduct even occurred or the misconduct had risen to the severity of a recall election and removal from office, rather than a mere admonishment from fellow commissioners.

The petitioner(s) have denied the three commissioners due process for failing to “**specifically state each ground with such certainty as to give the officer sought to be removed, notice of such matters and things with which he or she is charged,**” and failing to state which of the four grounds for removal are charged against which of the three commissioners. The petitioner(s) failed to specifically state what unprofessional conduct or behavior occurred and when; what specific fiscal responsibilities are in question and when did the neglect occur; who were the personnel that were targeted and when; and what government policies and procedures were neglected and when.

1. The petitioner(s) clearly FAILED to state what date(s) and what specific misconduct Commissioner Alvarez engaged in relating to **unprofessional conduct/behavior of a City Commissioner, neglect of fiscal responsibilities, targeting personnel, and neglect of government policies and procedures.**
2. The petitioner(s) clearly FAILED to state what date(s) and what specific misconduct Commissioner Hinojosa engaged in relating to **unprofessional conduct/behavior of a City Commissioner, neglect of fiscal responsibilities, targeting personnel, and neglect of government policies and procedures.**
3. The petitioner(s) clearly FAILED to state what date(s) and what specific misconduct Commissioner Alarcon engaged in relating to **unprofessional conduct/behavior of a City Commissioner, neglect of fiscal responsibilities, targeting personnel, and neglect of government policies and procedures.**

The four “NONSPECIFIC” grounds for removal, as listed by the petitioner(s), FAILED TO MEET THE LEGAL REQUIREMENTS OF THE KINGSVILLE CITY CHARTER TO “SPECIFICALLY STATE

EACH GROUND WITH SUCH CERTAINTY AS TO GIVE THE OFFICER SOUGHT TO BE REMOVED, NOTICE OF SUCH MATTERS AND THINGS WITH WHICH HE OR SHE IS CHARGED.”

THEREFORE, CITY OFFICIALS VIOLATED THE KINGSVILLE CHARTER WHEN THEY ACCEPTED AND/OR CERTIFIED THE RECALL PETITION AS VALID AND/OR LEGAL WITH REGARD TO THE LANGUAGE USED TO SPECIFY THE GROUNDS FOR REMOVAL.

RETROACTIVELY, THE RECALL PETITION SHOULD BE REJECTED OR DECERTIFIED IMMEDIATELY BY KINGSVILLE CITY OFFICIALS DUE TO THE INSUFFICIENCY OF THE RECALL PETITION AND/OR VIOLATION OF THE CITY CHARTER.

ANY COURT IS PRESENTED THIS ARGUMENT TO DENY, OR TO OVERRULE ON APPEAL, A WRIT OF MANDAMUS (OR OTHER COURT ACTION) ORDERING THE KINGSVILLE CITY COMMISSION TO CALL A RECALL ELECTION.

ARGUMENT 4: Violation of Requirement of Minimum Number of Signatories on the Recall Petition

Argument 4 is opined for a court to issue a writ of mandamus, or other court action, ordering the Kingsville City Commission and/or city employees to comply with the statutes in the Kingsville City Charter; or for a court to deny, or to overrule on appeal, a writ of mandamus (or other court action) ordering the Kingsville City Commission to call a recall election: to reject or decertify the recall petition retroactively due to insufficiency of the recall petition or due to a violation of statutes in the Kingsville City Charter, whereas the recall petition was not signed by a minimum of 2,805 signatories (“signed by qualified voters of the City equal in number to at least twenty percent (20%) of the number of qualified voters voting in the most recent city election”), but City Officials illegally certified the recall petition having only 292 signatories (282.4 minimum).

THERE IS A CLEAR VIOLATION OF CITY OFFICIALS CERTIFYING THE VALIDITY AND/OR LEGALITY OF THE RECALL PETITION PAPERWORK SUBMITTED BY THE PETITIONER(S) TO THE KINGSVILLE CITY SECRETARY ON JUNE 6, 2025, SPECIFICALLY, CITY OFFICIALS USED AN ILLEGAL NUMBER OF REQUIRED SIGNATORIES TO PROPERLY AND LEGALLY VALIDATE AND/OR CERTIFY THE RECALL PETITION.

THE NUMBER OF REQUIRED SIGNATORIES ON THE RECALL PETITION THAT THE KINGSVILLE CITY CHARTER REQUIRES TO RECALL A CITY COMMISSIONER IS 2,805, WHICH IS 20% OF THE 14,025 QUALIFIED VOTERS TAKING PART IN THE VOTING PROCESS THAT TOOK PLACE ON MAY 4, 2024, IN THE LAST CITY ELECTION, AND NOT 282.4 SIGNATURES THAT CITY OFFICIALS IMPROPERLY USED AS A THRESHOLD MINIMUM TO CERTIFY THE RECALL PETITION PAPERWORK (282.4 is 20% OF THE 1,412 VOTES CAST).

THEREFORE, CITY OFFICIALS VIOLATED THE KINGSVILLE CHARTER WHEN THEY CERTIFIED THE RECALL PETITION AS VALID AND/OR LEGAL DUE TO THE INSUFFICIENCY OF THE RECALL PETITION.

Qualified Voters for the last election (May 2024):	14,025	20% of 14,025 is ...	2,805
Votes Cast at the last election (May 2024):	1,412	20% of 1,412 is ...	282.4

(refer to City of Kingsville Resolution #2024-49, Election Results, May 13, 2024)

The large variance between 2,805 signatures and 282.4 signatures comes from the improper determination of language used in the Kingsville City Charter by Kingsville city officials as they inaccurately and illegally “perceived” the meaning of words in the English language relating to “**qualified voters voting**” that is used in the Kingsville City Charter, specifically, Part I, Article II, Section 24 (4), that states, “Before the question of recall of such officer shall be submitted to the qualified voters of the City, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of the City Secretary; which said petition shall be

signed by qualified voters of the City equal in number to at least twenty percent (20%) of the number of **qualified voters voting** in the most recent city election. Such petition shall contain a general statement of the grounds for which the removal is sought.”

In the above statute of the Kingsville City Charter, “**voting**” is a noun (specifically a gerund), but can easily be misconstrued as a verb. According to a survey of several online dictionaries, the most common definition of “**voting**” used as a noun is: **[the activity or process of choosing someone or something in an election]** and here are some examples of sentences that were presented online (using “voting” as a noun as they describe an activity):

- **Voting** went ahead despite threats from rebel groups.
- In the old days of two-party adversarial politics, **voting** was easy.
- The **voting** was by secret ballot.
- So many of the EU’s decisions are now made by majority **voting**.
- Advocating tactical **voting** is nothing more than asking people to use their votes as sensibly as they can.”

Here are other examples of sentences of similar context whereas words ending in “-ing” are nouns (gerunds) in the sentences and these nouns ending in “-ing” refer to an “activity or process.”

- Tell me the number of **qualified voters voting** in the city recall election on November 4th?
- What was the number of licensed deer-hunters **hunting** on King Ranch property in 2024?
- In relation to all shoppers, what was the percentage of teenage shoppers **shopping** in La Palmera Mall during the last 3-day holiday weekend of July 4th to July 6th, 2025?
- I’m going **fishing** later today.

In the sentences above, the words voting, hunting, shopping, and fishing all function as a noun, specifically a gerund. A gerund is a verb form ending in “-ing” that acts as a noun, all referring to an activity.

This “English” lesson can be very confusing. For this reason many cities in Texas may have removed the word “voting” from their city charters when “voting” is functioning as a noun (specifically a gerund) and these cities are trying to make it very understandable to their residents what number their charter is trying to determine, the number of “qualified voters” or the number of “votes cast” at an election. Here’s a couple of cities that were researched relating to recall petitions that extract a number from qualified or registered voters:

- **City of Austin, TX:** “The minimum number of valid signatures to recall a council member would be “at least 10 percent of the **qualified voters**” of that council member’s district. “Qualified voter” means registered voter. [See [Texas Election Code, §277.0021](#)]”
- **City of Luling, TX:** “petition shall be signed by qualified voters of the City equal in number to at least thirty (30%) of the number of **registered voters as of the last regular municipal election** of the City, but in no event not less than seventy-five (75) petitioners.”

In contrast to the Kingsville City Charter that uses the word “voting,” acting as a noun in the phrase “**qualified voters voting**,” the Kingsville City Charter has two other voting statutes that determines an exact number of voters by using the verb-like phrases “voted in” and “votes cast,” describing an action that happened in the past rather than “activity” that could happen now, in the past, or in the future. The wording “voted in” and “votes cast” are used in the **RECALL** section of the City Charter, specifically (Part I, Article II, Section 24 (9), Result of recall election), that states,

“If the majority of the **votes cast** at a recall election shall be against the recall of the person named on the ballot, he or she shall continue in office for the remainder of his or her unexpired term, subject to recall as before. If a majority of the **votes cast** at such an election be for the recall of the person named on the ballot, he or she shall, regardless of any technical defects in the recall petition, be deemed removed from office.”

The second example is in the **Kingsville City Charter, Part I, Article V, Section 5 Elections** (that was recently amended in November of 2023), that statute states:

“The elective officers of the City shall consist of five (5) commissioners, one of whom shall be designated as Mayor, and the names of the candidates for Mayor and Commissioners shall be printed on one ballot and submitted to the qualified voter for election. From and after the regular City election to be held in May 2024, the Mayor and all four Commissioners shall stand for election. The candidate for Mayor shall be elected at large by majority vote and the four candidates for Commissioners shall be elected at-large by member places one (1) through four (4) and **voted in** by a majority vote. After the election and canvass of the returns and declaration of results, the candidates for the respective offices shall be elected by a simple majority vote. **A simple majority vote is defined as fifty (50) percent plus at least one (1) vote of the votes cast in the election for the respective position.** In the event no candidate shall receive a majority of the **votes cast**, the governing body shall call a runoff election in the manner provided by state law. (Amended by electorate, 11-7-23)”

The Kingsville City Charter uses “**votes cast**” when trying to determine an exact number of votes that have been formally submitted or deposited in an election, an action that happened in the past. The language seems simple to understand because the ballots and votes submitted (cast) can be readily determined after each election. The authors of the Kingsville City Charter (the city voters) had an opportunity in November 2023 (during the last amendment process to the Charter) to use this same language when trying to determine the minimum number of signatories that is required on a recall petition but chose to keep the language of “**qualified voters voting**,” which **DOES NOT HAVE THE SAME MEANING AS “VOTES CAST.”** QUALIFIED VOTERS VOTING in the May2024 city election was 14,025 and the number of VOTES CAST was 1,412.

Listed below are a few cities in Texas that use the phrase “votes cast” or “voters who cast their votes/ballot” to determine the exact number of signatories required on a recall petition.

- **City of Alice, TX:** “equal in number to at least five (5) % of the number of voters who cast their ballot in the last city election or a minimum of 100 valid signatures”

- **City of Texas City, TX:** “number of at least fifty percent of the number of voters who cast their votes at the last preceding regular municipal election; provided, however, that the petition shall not be effective unless it bears the signatures of at least one hundred voters of the city.”
- **City of La Marque, TX:** “at least fifty-one (51%) percent of the total number of votes cast in the last contested election”

“Qualified voters voting” translates to the number of qualified voters during an activity. There were 14,025 qualified voters during the activity (noun) of the May2024 city election in Kingsville, and 20% of that number is the minimum number of required signatories for a valid and legal Kingsville recall petition and that number is 2,805.

In contrast, 20% of the “votes cast,” if city voters had chosen to use that same language, then the required number of signatories would have been 282.4 (20% of 1,412 votes cast).

Officials of the City of Kingsville must realize that words have meaning in all legal documents, including the Kingsville City Charter. Proper language and proper meaning are put on full display in the Kingsville City Charter, Part I, Article V, Section 5 Elections, that was recently amended in November of 2023, that clearly defines the language of “**votes cast,**” **which was not the language used to legally certify the recent RECALL PETITION on June 6, 2025.** Kingsville city officials had to illegally “change the wording and the meaning” of “qualified voters voting” to the same language of “votes cast” used in Kingsville City Charter, Part I, Article V, Section 5, to be able to use the illogically low number of 282.4 signatures (minimum) for certification of the June 6, 2025, RECALL PETITION presented by the petitioner(s).

After all this analysis of the English language, there still may be registered voters or city officials that argue that “qualified voters voting” does have the same meaning as “votes cast.” Therefore, to further argue the contrasting meaning of “qualified voters voting” and “votes cast,” let’s examine the two scenarios below to determine if “qualified voter voting” (participating in an election activity [noun] from registration to submittal of ballot) translates equally to “votes cast” (past tense verb of the action of submitting one’s ballot) by a qualified voter.

1. A qualified voter tells her spouse she is voting later today at the last hour of the last day of voting, then later she enters the voting building and presents identification to the election official. She receives a ballot, marks the ballot but not completely, then receives an emergency phone call from police telling her that her husband has had a medical emergency and is headed to the hospital. She drops the ballot and runs out of the voting building and does not cast her vote.
2. A qualified voter tells his spouse that he is voting later today at the last hour of the last day of voting. Unfortunately, he did not wake up from his nap in time to vote.

In the first scenario, there’s a qualified voter voting (participating in any or all activities relating to the city election from registration to submission of the ballot), she marked her ballot, but she did

not formally submit and cast her vote. Therefore, the language "qualified voters voting" does not have the same meaning as "votes cast."

The second scenario has the qualified voter voting because he participated in the registration phase of the voting process or activity, but he did not cast a vote. Therefore, the language "qualified voters voting" does not have the same meaning as "votes cast."

The number of "qualified voters" participating in the action of "voting" (the activity from registration to ballot submission) at the May2024 election was easily discernible because the city has the total number of qualified voters, or "registered voters" in their election files, books, and/or computers ("registered voters" as defined by the Texas Election Code), and that exact number was 14,025, and 20% of 14,025 is 2,805. It does not matter if a qualified voter participated in the voting process and either did, or did not, cast a vote, because the number of all registered/qualified voters in the books is the number that a percentage is taken from (per the Kingsville City Charter) to determine the minimum number of signatories required on a recall petition, all due to the logic (and fairness of the Kingsville City Charter) that ALL qualified voters (14,025) will have the opportunity to vote in a recall election and the petitioner(s) of a recall petition will have the opportunity to use ALL qualified voters (14,025) on their recall petition to achieve the minimum number of signatories required for the petition to be certified. Therefore, it is logical for the Kingsville City Charter to use a percentage (20%, 2805) of ALL qualified voters (14,025) when determining the minimum number of signatories required on a recall petition, making a recall process an "**extraordinary**" event of "**extraordinary voter outrage**" regarding specific misconduct of a city commissioner that rises up to the level of removing a city commissioner, now at a recall election to overturn the will of the voters that actually voted, rather than waiting for the next regular city election for the voters to determine who should stay and who should be removed as a city commissioner.

Kingsville city officials certifying the recall petition with a minimum of 282.4 signatures does not pass the "logic" or "smell" test for "voter outrage," because 282 signatories on a recall petition is only 2% of the total number of qualified voters (282.4/14,025) in Kingsville and 282 is significantly lower than the number of votes cast for even the SECOND-PLACE candidates for city commissioner at the last city election. Analysis of the votes cast at the last city election:

- Alvarez, Place 2: 868 votes cast (second-place finisher received 488 votes)
- Hinojosa, Place 3: 714 votes cast (second-place finisher received 515 votes)
- Alarcon, Place 4: 976 votes cast (second-place finisher received 393 votes).

For the three city commissioners being recalled, the average votes cast to win the May2024 election was 852 votes. The average votes cast for the second-place finishers was 465 votes (refer to City of Kingsville Resolution #2024-49, Election Results, May 13, 2024).

Furthermore, voter analysis of the 292 signatories on the recall petition has revealed that **more than 50% of the signatories DID NOT VOTE** in the last city election in May of 2024. That is, less

than 146 signatories (less than 50% of 292) on the recall petition actually voted in May2024. It is **not logical** for the authors of the Kingsville City Charter to allow such a small percentage of the voters (possibly those 146 voters that voted for the second-place finisher and/or possibly disgruntled voters that did not get their second-place candidate elected), the opportunity to sign a recall petition using all 14,025 qualified voters as possible signatories, to overturn the will of the voters that actually went to the polls and voted for the first-place finisher with 852 votes, average.

THEREFORE, CITY OFFICIALS VIOLATED THE KINGSVILLE CHARTER WHEN THEY CERTIFIED THE RECALL PETITION AS VALID AND/OR LEGAL WITH REGARD TO THE MINIMUM NUMBER OF SIGNATURES REQUIRED ON THE RECALL PETITION.

RETROACTIVELY, THE RECALL PETITION SHOULD BE REJECTED OR DECERTIFIED IMMEDIATELY BY KINGSVILLE CITY OFFICIALS DUE TO THE INSUFFICIENCY OF THE RECALL PETITION.

ANY COURT IS PRESENTED THIS ARGUMENT TO DENY, OR TO OVERRULE ON APPEAL, A WRIT OF MANDAMUS (OR OTHER COURT ACTION) ORDERING THE KINGSVILLE CITY COMMISSION TO CALL A RECALL ELECTION.

ARGUMENT 5: Violation of Requirement to Present Certified Recall Petitions to the City Commission on the “Charter Specific” Date of June 23, 2025

Argument 5 is opined for a court to issue a writ of mandamus, or other court action, ordering the Kingsville City Commission and/or city employees to comply with the statutes in the Kingsville City Charter; or for a court to deny, or to overrule on appeal, a writ of mandamus (or other court action) ordering the Kingsville City Commission to call a recall election due to the City Charter requirement that the certified recall petitions be presented to the City Commission on the “Charter specific” date of June 23, 2025, but whereas the City Secretary did not present the certified recall petitions to the City Commission on June 23, 2025.

The Kingsville City Charter, Part I, Article II, Section 24 (6), states,

“All papers comprising a recall petition shall be returned and filed with the person performing the duties of City Secretary within thirty (30) days after the filing of the affidavit herein before provided for. **The person performing the duties of City Secretary shall certify said petitions within fifteen (15) days of receipt and present such certified petition to the City Commission at the next regular City Commission meeting.**”

The City Secretary received the recall petitions on June 6, 2025, and certified the petitions within fifteen (15) days. The next regular meeting of the City Commission after the petitions were certified was on June 23, 2025, and the recall petitions WERE NOT presented to the City Commission at this meeting.

THEREFORE, CITY OFFICIALS VIOLATED THE KINGSVILLE CITY CHARTER ON JUNE 23, 2025, WHEN THE CITY COMMISSION WAS CONDUCTING A REGULAR MEETING OF THE CITY COMMISSION AND THE CITY SECRETARY DID NOT PRESENT THE CERTIFIED RECALL PETITIONS TO THE CITY COMMISSION AS REQUIRED BY THE CITY CHARTER.

It is a requirement in the City Charter (Part I, Article II, Section 24 (5)) that each page of the recall petition must be addressed to the “City Commission of the City of Kingsville” and for that reason, like all other correspondence to the City Commission that comes through the City Secretary, the City Secretary should have made five copies of the recall petitions for each City Commissioner for their individual review and “scrutinization of Charter requirements” to aid in any discussion of the meeting agenda item for the presentation of the recall petitions at the regular meeting.

Since the presentation of the recall petitions **did not occur** at the regular meeting held on June 23, 2025, the rights of the City Commissioners were violated, especially the three commissioners that are subject to the recall because they were notified by the City Secretary that they had five (5) days, from that meeting date, to make the decision as to whether they should resign or not resign

their position of City Commissioner. Without physically seeing the petitions, they were denied their right to see if all of the requirements of the City Charter were met and they were not able to see (and subsequently make educated comments) that the petitions had violations of the City Charter, specifically the date of acceptance was thirty-one (31) days after the recall affidavit was filed (not 30 days the City Charter requires) and that the grounds for removal was not stated distinctly and specifically for each recall commissioner listed.

Without seeing that the recall petitions and realizing the petitions had not followed the requirements of the City Charter and not seeing that the language for the grounds for removal had not been distinct and specific, how could the three commissioners make an education decision, with possible aid from legal counsel, as to whether the grounds for removal were sufficient enough for them to resign?

THERE IS A CLEAR VIOLATION OF A RECALL REQUIREMENT OF THE CITY CHARTER WHEREAS THE CITY SECRETARY DID NOT PRESENT THE RECALL PETITIONS TO THE CITY COMMISSION ON JUNE 23, 2025, AS THE CITY CHARTER SPECIFICALLY STATES WAS THE DUTY OF THE CITY SECRETARY "SHALL" PERFORM.

ANY COURT IS PRESENTED THIS ARGUMENT TO DENY, OR TO OVERRULE ON APPEAL, A WRIT OF MANDAMUS (OR OTHER COURT ACTION) ORDERING THE KINGSVILLE CITY COMMISSION TO CALL A RECALL ELECTION.

CONCLUSION.

Officials of the City of Kingsville are opined in this brief to have engaged in haphazard legal practices relating to the recall of city commissioners, specifically, the certification of the recall petition and legal advice provided to the City Commission, resulting in LEGAL VIOLATIONS of the Kingsville City Charter and possibly leading to large future legal fees regarding any future (adversary) court action against the city.

- Commissioners were possibly provided with questionable legal opinions regarding the Commission's "duty" to "order an election and fix a date for holding" a recall election.
- Commissioners were not provided with any legal opinions (in-house or contract) regarding the 30-day requirement for the recall petition to be returned and the sufficiency of the recall petition (language of charges and minimum signatories), and possible use of a Declaratory Judgment to protect the city financially from future court action (to be good stewards of taxpayer dollars).
- VIOLATIONS of the Kingsville City Charter relating to the recall process in the Charter:
 - Violation of Requirement to Return Recall Petition within Thirty (30) Days
 - Violation of Requirement for Distinct and Specific Language Defining Grounds for Removal
 - Violation of Requirement of Minimum Number of Signatories on the Recall Petition
 - Violation of Requirement to Present Certified Recall Petitions to the City Commission

RECOMMENDATIONS.

Officials of the City of Kingsville are recommended to conduct an immediate Special Meeting of the City Commission, and/or discuss an agenda item during a regular meeting, to address the issues raised in this Layman's Brief. The Kingsville City Commission should act immediately to:

- Rid the recall process of all bias and conflict of interest by requesting an immediate Declaratory Judgment from the appropriate court regarding all legal issues discussed in this brief.
- Retroactively, REJECT the Recall Petition due to violation of the City Charter and its thirty (30) day requirement for the petition to be returned to the City Secretary (obey the Charter).
- Retroactively, decertify and/or reject the Recall Petition due to violations of the City Charter and its statute relating to the requirement that the grounds for removal be stated distinctly and specifically.
- Retroactively, decertify and/or reject the Recall Petition due to violations of the City Charter and its statute relating to the requirement of a minimum of 2,805 signatories.
- Rectify all past violations of the City Charter, Open Meetings Act (& Notices), and/or the Texas Election Code, and inform the city taxpayers of the violations (and remedies) in an open meeting.
- Discuss the job performance of the City Attorney and City Secretary, their duty to obey the City Charter, duty to present the recall petitions to the City Commission (free of charge) at the June 23, 2025 meeting, and their duty to inform the City Commission of any violations of the City Charter.
- Amend the City Charter to address the deficiencies outlined in the Layman's Brief, including statutes relating to the appointment/election of the Mayor Pro Tempore (due to 16July walkout).

For city residents, understand that a Writ of Mandamus is a legal tool to possibly have a court issue an order to city officials to do their duty and to legally abide by the statutes in the City Charter and other State laws. That includes the duties of the City Commission, the City Manager, the City Attorney, and the City Secretary. Of course, to save taxpayer dollars, using a city grievance procedure would be the proper place to start (if we only had one). Emails to the City Commission and speaking at "Public Comments" are also a good place to start regarding any complaints. Finally, let's do our city business legally, in all of our activities. Thanks for your consideration regarding the issues outlined in the Layman's Brief. (s/ LH)

COURT ACTION.

A. 105TH DISTRICT COURT, KLEBERG COUNTY, TEXAS (Kingsville, Texas)

Judge: The Honorable Jack Pulcher

Case No. 25-377-D

Court Date: 14 October 2025

ORDER GRANTING PETITION FOR WRIT OF MANDAMUS (dated 29 October 2025).

On this day, came on to be considered Petitioner Selina Tijerina's Petition for Writ of Mandamus filed against Respondents City of Kingsville, Texas, Norma Nelda Alvarez, Hector M. Hinojosa and Lionel "Leo" H. Alarcon. Upon consideration of the foregoing, any responses thereto and/or argument and evidence presented, it is the opinion of the Court that Selina Tijerina's Petition for Writ of Mandamus should be GRANTED.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that Selina Tijerina's Petition for Writ of Mandamus is GRANTED and that Respondents City of Kingsville, Texas, Norma Nelda Alvarez, Hector M. Hinojosa and Lionel "Leo" H. Alarcon shall forthwith order and fix a date for the recall election for Commissioners Norma Nelda Alvarez, Hector M. Hinojosa, and Lionel "Leo" H. Alarcon, in full compliance with Part 1, Article II, Section 24 of the City Charter and the Texas Election Code within 10 (ten) days from the signing of this Order.

B. COURT OF APPEALS, THIRTEENTH DISTRICT OF TEXAS, Corpus Christi, Texas

Justices: Chief Justice Jaime Tijerina and Justices Lionel Aron Peña, Jr., and Jon West

Case No. 13-25-00622-CV

Court Date: 25 February 2026

MEMORANDUM OPINION

Before Chief Justice Tijerina and Justices Peña and West

Memorandum Opinion by Justice Peña (dated 12 March 2026)

[Introduction] This case concerns the Charter of the City of Kingsville (Charter) and whether appellee Selina Tijerina complied with its requirements to force a recall election of three city commissioners. Appellants the City of Kingsville, Texas, Norma Nelda Alvarez, 2 Hector M. Hinojosa, and Lionel "Leo" H. Alarcon appeal from the trial court's granting of Tijerina's petition for writ of mandamus—which ordered the city commission to set a date for a recall election pursuant to the Charter. Appellants argue, among other things, that the trial court erred in issuing the writ because Tijerina's petition was untimely filed. Because Tijerina filed her recall petition one day after the Charter's mandatory deadline, we hold that the trial court abused its discretion in issuing the writ.

[Body of Memorandum Omitted in this Layman's Brief]

[Summary] In sum, the Charter's plain language requires recall petitions to be filed within thirty days. See Kingsville, Tex., Charter, pt. 1, art. II., § 24(6). Tijerina failed to comply when she returned the recall petitions on June 6—thirty-one days after her affidavit was filed. Despite clear evidence in the record and unambiguous Charter language, the trial court determined Tijerina's affidavit was timely filed. Therefore, the trial court abused its discretion in issuing the writ because the court failed to correctly apply the Charter. See Walker, 827 S.W.2d at 840. We sustain appellant's issue. III.

CONCLUSION. The judgment of the trial court issuing the writ of mandamus is reversed and the writ of mandamus is dissolved.

JUDGMENT (dated 12 March 2026).

THE THIRTEENTH COURT OF APPEALS, having considered this cause on appeal, concludes the judgment of the trial court should be reversed. The Court orders the judgment of the trial court REVERSED consistent with its opinion. Costs of the appeal are adjudged against appellee.