

Sonya L. Aston Law PLLC

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January 31, 2024

Ms. Ana Urps
City Secretary's Office
Dickinson, Texas 77539

Re: Petition for Recall Election of Mayor Sean Skipworth

Dear Ms. Urps,

Citizens for Responsible Government received your notice of insufficiency regarding the petition for recall election for Mayor Sean Skipworth on Friday January 26, 2024. This letter serves as the Petitioner's Committee intent to amend the petition as allowed by the City of Dickinson City Charter Section 6.06 (a). Attached to this letter you will find the amended petition.

Pursuant to your determination of insufficiency, you claim the following:

- "Because this statement provides no further detail, such as which fiduciary responsibilities were allegedly neglected and when and how they were allegedly neglected."
- The affidavits attached to the Petition pages did not state "the numbers of signatures thereon" and
- The affidavits attached to the Petition pages did not state "that each signer had an opportunity before signing to read . . . the identity of the official whose recall is being sought."

The ground for the petition was previously approved by your office prior to collecting the signatures. The petition has your signature as required by the City of Dickinson City Charter 6.03(a) as acceptance of the petition. If you had a concern that the ground for recall was not sufficient, that issue should have been raised at the time that you approved the petition. To have accepted the form and later find that it is not sufficient is to operate in bad faith.

Further, you stated in your letter that the "statement provides no further detail, such as which fiduciary responsibilities were allegedly neglected and when and how they were allegedly neglected." There is no requirement in the City of Dickinson City Charter to provide detail regarding which, when and how a ground for recall occurred, only that it be distinct and specific. City Charter 6.03(b).

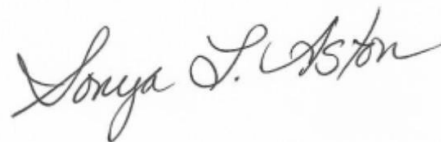
According to the Dickinson City Charter Section 6.03 (b) a statement needs to be included on or attached to the petition "in the case of recall petition, a statement which distinctly and specifically states the ground(s) upon which such petition for removal is predicated. Only if there is more than one ground is there a requirement to specifically state each ground "with such certainty as to give the officer(s) sought to be removed notice of such matters with which the officer is charged." Since there is only one ground listed on the petition for recall, the only requirement is that the ground be distinctly and specifically stated. The statement on the petition is "We the qualified electors of the electoral district from which SEAN SKIPWORTH MAYOR was elected, demand his recall. The grounds of this demand are as follows: Mayor Sean Skipworth has neglected his fiduciary responsibilities." This statement is distinct and specific. There is no requirement under the Dickinson City Charter to provide additional information on the grounds, including no requirement to provide which, when and how the fiduciary responsibilities were neglected.

Regarding the second and third bullets, the information that the requirements contain are included on the face of the petition. Each line of the signatures is numbered, making it very easy to determine the total number of signatures on a page. However, in an abundance of caution, the Citizens for Responsible Government have provided another affidavit that includes the number of signatures on a page. Regarding a statement that “that each signer had an opportunity before signing to read . . . the identity of the official whose recall is being sought”, it is self-evident that the signers had an opportunity to read the statement that is clearly printed at the top of each petition page. However, in an abundance of caution, the Citizens for Responsible Government have provided another affidavit that includes a statement that “that each signer had an opportunity before signing to read . . . the identity of the official whose recall is being sought.” This new affidavit is affixed to a copy of each page of the petition and satisfies the requirement of the charter. The original affidavits are provided to be attached to the original petition in your possession.

Given that the affidavits to the petition have been amended in compliance with the city charter and the form of the petition with the grounds for recall had already been accepted prior to signatures being collected, the petition should be accepted as sufficient. Additionally, the grounds are distinct and specific on the petition. There is no requirement under the charter to require further detail. This petition is sufficient under the requirements of the City of Dickinson’s City Charter.

Please present a notice of sufficiency of the presented petition as soon as possible to the Petition Committee and move forward with presenting the petition to City Council as soon as possible. City Charter 6.06(b). Should you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Sonya L. Aston". The signature is written in black ink and is positioned above the typed name.

Sonya L. Aston
Attorney at Law