



City Charter

First adopted by the citizens of La Porte on March 22, 1949

Updated by election on May 21, 1980

Most recent amendment by election on **May 5, 2018**

The City of La Porte was incorporated on August 10, 1892.

2 **CONTENTS** (will be updated following election, if held)

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13 **CHARTER COMPARATIVE TABLE**

14 Editor's note—Printed herein is the Charter of the City of La Porte, Texas, as adopted by
15 ordinance number 1216, § 1 on May 21, 1980, and adopted by referendum on August 9, 1980.
16 Amendments to the Charter are indicated by parenthetical history notes following amended
17 provisions. The absence of a history note indicates that the provision remains unchanged from
18 the original Charter. Obvious misspellings have been corrected without notation. For stylistic
19 purposes, a uniform system of headings, catchlines and citations to state statutes has been
20 used. Additions made for clarity are indicated by brackets.

21
22 Editor's note—A special [election] held May 11, 2013, adopted amendments to §§ 1.03, 1.05,
23 1.06, 2.01—2.11, 3.02—3.05, 4.01, 4.03, 5.01—5.03, 5.05, 5.07, 6.01—6.03, 6.05, 6.08, 7.01,
24 8.01, 8.02, 8.06 of the Charter as set forth in Ord. No. 2013-3482, §§ 4—25, adopted May 14,
25 2013.

26 State Law reference— Home Rule, V.T.C.A., Local Government Code § 9.001 et seq.

27

28 **ARTICLE I. - INCORPORATION; CITY POWERS**

29

30 1.01. - Incorporation.

31 The inhabitants of the City of La Porte within the boundaries as now established or as
32 hereafter established in the manner provided by law shall continue to be a body politic and
33 corporate and be known by the name of the City of La Porte.

34

35 1.02. - City boundaries.

36 The boundaries and limits of the city shall be the same as have heretofore been established
37 and now exist, which boundaries and limits were originally shown on the map recorded in
38 Volume 8, Page 16, Map Records of Harris County, Texas, and as modified by subsequent
39 annexations and disannexations.

40 State Law reference— Map of municipal boundaries, V.T.C.A., Local Government Code §
41 41.001.

42

43 1.03. - Modification of city boundaries.

44 The city council shall have power by ordinance to fix the boundary limits of the city and
45 to provide by ordinance for the extension of said boundary limits, by the annexation of
46 additional territory lying adjacent to the city, the disannexation of territory within the city, and
47 the exchange of territory with other cities and towns, in accordance with the laws and
48 Constitution of the State of Texas. Any area of the City may be disannexed pursuant to rules
49 and procedures established under state law and whenever, in the opinion of the City Council,
50 there exists within the corporate limits of the City a territory not suitable or necessary for City
51 purposes. The City Council may discontinue said territory as part of the City by ordinance after
52 conducting a public hearing on the matter.

53

54 1.04. - Form of government.

55 The governing body of the city shall be a council composed of the mayor and eight (8)
56 councilpersons, to be known as the city council of the City of La Porte, hereinafter called city

57 council. The members of city council shall be elected from the city in the manner prescribed
58 elsewhere in this Charter.
59 State Law reference— Form of government in home rule cities, V.T.C.A., Local Government
60 Code § 26.001 et seq.

61

62 1.05. - Powers of the city.

63 a. Generally. The city shall have all the powers granted to municipal corporations and to
64 cities by the Constitution and laws of the State of Texas together with all the implied
65 powers necessary to carry into execution the powers granted. The city may acquire
66 property within or without its corporate limits for any city purpose in fee-simple title
67 or any lesser interest or estate by purchase, gift, devise, lease or condemnation and
68 may sell, lease, exchange, mortgage, hold, manage and control such property as its
69 interest may require; and, except as prohibited by the Constitution of this state or
70 restricted by the Charter, the city may exercise all municipal powers, functions, rights,
71 privileges and immunities of every name and nature whatsoever. The city may use a
72 corporate seal; may sue and be sued; may contract; may implead and be impleaded in
73 all courts concerning all matters; may cooperate with the government of the United
74 States and of the State of Texas or any agency or political subdivision thereof to
75 accomplish any lawful purpose; and may pass such ordinances as may be expedient
76 for maintaining the city's peace and welfare and for the performance of its functions.

77

78 b. Enumerated powers. Without limitation of the foregoing powers, the following are
79 enumerated for greater certainty:

80 1. Eminent domain. The city shall have the full power and right to exercise the power
81 of eminent domain when necessary or desirable to carry out any of the powers
82 conferred upon it by this Charter or by the Constitution and laws of the State of
83 Texas. This power shall include the power to acquire any public utility operating
84 with or without a franchise and furnishing a public service. The city may exercise
85 its condemnation power in any manner authorized or permitted by the
86 constitution and laws of this state. The power of eminent domain hereby
87 conferred shall include the right of the city to take fee-simple title in land so
88 condemned and such power and authority shall include the right to condemn
89 property for such purposes. The city shall have and possess the power of
90 condemnation for any municipal or public purposes even though not specifically
91 enumerated in this Charter.

92

93 2. Streets.

94 a. Powers. The city shall have the power to lay out, establish, open, alter, widen,
95 lower, extend, grade, abandon, discontinue, abolish, close, care for, pave,
96 supervise, maintain and improve streets, alleys, sidewalks, parks, squares,
97 public places and bridges; and regulate the use thereof and require the
98 removal from streets, sidewalks, alleys and other public property or places of
99 all obstructions and all vendors, showcases and encroachments of every
100 nature or character upon any of said streets and sidewalks.

- 101 b. Improvements. The city shall have exclusive dominion, control and jurisdiction
102 in, upon and over and under the public streets, avenues, alleys and highways
103 of the city, and may provide for the improvement thereof of paving, repaving,
104 raising, draining or otherwise. The provisions of V.T.C.A., Transportation Code
105 § 313.001, et seq., are expressly adopted and made a part of this Charter.
106 Such exclusive dominion, control and jurisdiction in, upon, over and under the
107 public streets, avenues, alleys and highways of the city shall also include, but
108 not be limited to, the right to regulate, locate, relocate, remove, or prohibit
109 the location of all utility pipes, lines, wires or other property.
110
- 111 3. Sanitary sewer system. The city shall have the power to provide for a sanitary
112 sewer system and to require property owners to connect their premises with such
113 sewer system, to provide for fixing penalties for failure to make sanitary sewer
114 connections; and shall further have the right to fix charges and compensation to
115 be charged by the city for sewerage service, providing rules and regulations for the
116 collection thereof, and to provide for rendering a lien against any property owner's
117 premises who fails or refuses to make sanitary sewer connections after due notice
118 and to charge a cost against said owner and make it a personal liability.
119
- 120 4. Garbage disposal. City council shall by ordinance adopt and prescribe rules and
121 regulations for the handling and disposition of all garbage, trash and other waste
122 within the city and shall fix charges and compensation to be charged by the city for
123 the removal of garbage, trash and rubbish, providing rules and regulations of the
124 collection thereof.
125
- 126 5. Nuisances, etc. The city shall have the power to define all nuisances and prohibit
127 the same within the city and outside the city limits for a distance of five thousand
128 (5,000) feet; have power to police all parks or grounds, speedways, or boulevards
129 owned by said city and lying outside of said city, to prohibit the pollution of any
130 stream, drain or tributaries thereof, which may constitute the source of water
131 supply of any city and to provide for policing the same as well as to provide for the
132 protection of any watersheds and the policing of same.
133
- 134 c. General powers adopted. The enumeration of the particular powers in this Charter
135 shall not be held or deemed to be exclusive but in addition to the powers enumerated
136 herein or implied hereby or appropriate to the exercise of such powers; the city shall
137 have and may exercise all power of local self-government and all other powers which,
138 under the Constitution and laws of the State of Texas, it would be competent for this
139 Charter specifically to enumerate. The city shall have and may exercise all the powers
140 enumerated in V.T.C.A., Health and Safety Code § 122.006; V.T.C.A., Local Government
141 Code §§ 26.021, 26.041, 43.021, 43.142, 51.072, 51.074—51.077, 54.004, 101.022,
142 101.023, 141.044, 211.003, 211.005, 211.013, 214.001, 214.013, 214.901,
143 215.072—215.075, 216.901, 217.042, 251.001, 341.003, 341.903, 342.011, 342.012,
144 401.002, 402.002, 402.017; V.T.C.A., Tax Code §§ 302.001, 302.002, 302.102; V.T.C.A.,

145 Transportation Code §§ 311.001, 311.004, 311.005, 311.007, 311.091—311.094,
146 311.904; and Vernon's Ann. Civ. St. art. 1175.

147 (Ord. No. 2013-3482, § 4, 5-14-13)

148

149 1.06. - Special provisions for damage suits.

150 Before the city shall be liable to damage claim or suit for personal injury or death or
151 damage to property, the person who is injured or whose property is damaged or someone in
152 his or her behalf or his or her personal representative in cases of death shall give the city
153 secretary notice in writing within one hundred eighty (180) days after the occurring of the
154 alleged injury, death or damage stating specifically in such notice when, where and how the
155 injury, death or damage was sustained and setting forth the extent of the injury or damage as
156 accurately as possible, and giving the names and addresses of all witnesses upon whose
157 testimony such person is relying to establish the injury, death or damage. No action at law for
158 damage shall be brought against the city for personal injury, death or damage to property prior
159 to the expiration of sixty (60) days after the notice hereinabove described has been filed with
160 the city secretary. After the expiration of sixty (60) days aforementioned, the complainant may
161 then have two (2) years in which to bring an action of law.

162 (Ord. No. 2013-3482, § 6, 5-14-13)

163 State Law reference— Tort claims, notice, V.T.C.A., Civil Practices and Remedies Code §101.101.

164

165 **ARTICLE II. - CITY COUNCIL**

166

167 State Law reference— Form of government, V.T.C.A., Local Government Code § 26.001 et seq.

168

169 2.01. - Composition of city council.

170 a. Members of council. City council shall be composed of a mayor and eight (8)
171 councilpersons. The positions of councilpersons shall be designated as follows:

172

173 Councilperson—District 1

174 Councilperson—District 2

175 Councilperson—District 3

176 Councilperson—District 4

177 Councilperson—District 5

178 Councilperson—District 6

179 Councilperson-at-large—Position A

180 Councilperson-at-large—Position B.

181

182 The mayor and the two (2) councilpersons-at-large shall be elected by a majority vote
183 of the city at large. The city shall be divided, as described below in subsection b, into
184 six (6) districts, Districts 1, 2, 3, 4, 5 and 6, and one councilperson shall be elected from
185 each district by majority vote of the resident voters of such district.

186

187 b. Formation of districts. City council shall divide the city into six (6) districts which are
188 reasonably compact, contiguous and of as nearly equal population as practicable.

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It shall be the duty of city council to establish the boundaries of six (6) districts covering the entire city for the purpose of electing district councilpersons. Such boundaries shall be established by ordinance, which shall be final for purposes of this Charter. The first such establishment shall be made as soon as practicable prior to the first city election following adoption of this section. Any subsequent establishment shall be made when required by this Charter.

Promptly following the addition of territory to the city by a boundary change, the city council shall, by ordinance, add such territory to an adjacent district or districts.

Following the publication of the decennial federal census, city council shall conduct an investigation and determine the population of the city and the population of each of the districts from which district councilpersons are to be elected. Each such determination shall be based upon the best available data, including, but not limited to, the most recent federal census. Each such determination shall be expressed in an ordinance, which shall be a final determination for purposes of this Charter.

After any such determination, if the distribution of population among the various districts is determined by city council to be materially unbalanced, the city council shall establish new boundaries for the election of district councilpersons.

- c. Election. All candidates for city council shall be voted on and elected separately for positions and districts on said city council, and each candidate shall be designated on the official ballot according to the title of such position or district to which he or she seeks election.

Any candidate for office receiving a majority of all the votes cast for the office for which he or she is a candidate shall be elected to such office. Candidates in a runoff election are the candidates who receive the highest and second highest number of votes in the main election or who tie for the highest number of votes. In the event any candidate for any office fails to receive a majority of votes cast for all the candidates for such office, the city council shall call a run-off election to be held in accordance with state law. Tie votes shall be resolved in accordance with state law.

- d. Term of office. The mayor and councilpersons shall each hold their respective offices for a term of three (3) years and until their successors shall have been elected and duly qualified.

(Ord. No. 2013-3482, § 7, 5-14-13)

2.02. - Qualifications.

- a. Enumerated. The mayor and councilpersons shall have been residents of the city for twelve (12) months immediately preceding election day, and continuously during their term of office. A district councilperson shall also be a resident of his or her district for

233 twelve (12) months immediately preceding election day and continuously during his or
234 her term of office. In addition thereto, each candidate for public office must be a
235 qualified voter of the city, must file a sworn application with the city secretary in
236 accordance with state law, and file for only one city office.

- 237
- 238 b. Council to be judge of members' qualifications. City council shall be the judge of the
239 election and qualifications of its members and for such purpose shall have power to
240 subpoena witnesses and require the production of records, but the decision of council
241 in any such case shall be subject to review by the courts. If a member of the Council is
242 charged with any grounds for forfeiture and/or removal of office under this Charter, a
243 hearing shall be set not less than ten (10) days nor more than thirty (30) days from the
244 date on which the written charges are presented at a meeting of the city council. A
245 written charge must be sworn, and is eligible to be filed only by three (3) members of
246 the city council. At such hearing, the accused shall have the right to present evidence
247 in his or her defense, but he or she shall be disqualified from voting as to his or her
248 innocence or guilt. At the conclusion of the evidence, a vote shall be taken, and upon
249 an affirmative vote of five (5) or more members of the city council, the accused
250 member shall be removed from office and his or her seat declared vacant.

251 (Ord. No. 2018-3706, § 7, 5-5-18)

252

253 2.03. - Conduct of elections.

- 254 a. Regulations. All city elections shall be governed by the laws of the State of Texas. In
255 the event there should be any failure of the general laws or this Charter to provide for
256 some feature of the city elections, city council shall have the power to provide for such
257 deficiency, making all regulations it considers desirable, not inconsistent with the laws
258 of the State of Texas, for the prevention of fraud in such elections and for the recount
259 of ballots in case of doubt or fraud.

260

261 Municipal elections shall be conducted by the appointed election authorities, who
262 shall also have power to make such regulations not inconsistent with this Charter, with
263 any regulations made by council or the laws of the State of Texas.

264

265 No informalities in conducting a city election shall invalidate the same, if it be
266 conducted fairly and in substantial compliance with the general laws, where
267 applicable, and the Charter and ordinances of the city.

- 268
- 269 b. Official ballots. Official ballots shall be prepared in accordance with state law.
- 270
- 271 c. Canvassing elections. Election returns shall be canvassed in accordance with state law.
- 272
- 273 d. Schedule.
- 274 1. Regular election. The regular election for choice of members of council shall be
275 held annually on a uniform election date as determined by state law and as
276 ordered by city council.

277
278 2. Special election. Council may by ordinance or resolution order a special election,
279 fix the time for holding same and provide necessary means.

280 (Ord. No. 2013-3482, § 7, 5-14-13)

281 State Law reference— Uniform election dates, V.T.C.A., Election Code § 41.001.

282

283 2.04. - Vacancies, forfeiture, and resignation

284 a. Vacancies. The Office of a Councilmember or of the Mayor shall become vacant upon
285 his or her death, resignation, forfeiture of his or her office, or removal from office.

286 b. Forfeiture of office. A Councilmember or the Mayor shall forfeit his or her office if he
287 or she:

288 1. Lacks at any time during his or her term of office any qualification for the office
289 prescribed by this Charter or by law;

290 2. Willfully violates any express prohibition of this Charter;

291 3. Is convicted of a crime involving moral turpitude; or

292 4. Fails to attend three consecutive regular Council meetings without being excused
293 by the Council.

294 c. Resignation. The Mayor of a member of City Council may resign by submitting a
295 statement in writing to the City Secretary. If the mayor or any councilperson shall
296 announce his or her candidacy, or shall in fact become a candidate, in any general,
297 special or primary election for any office of profit or trust under this Charter or the
298 laws of Texas or the United States, other than the office he or she has held, at any
299 time when the unexpired term of the office then held shall exceed one year and
300 thirty (30) days, such announcement or such candidacy shall constitute an automatic
301 resignation of the office then held.

302 d. Filling vacancies. When a vacancy shall develop, the City Council shall provide for the
303 filling of such vacancy by calling a special election to be held within 120 days, in the
304 manner provided by law; provided, however, that if the remainder of the unexpired
305 term of the vacated office is twelve (12) months or less at the time the vacancy
306 occurs, the City Council is authorized to fill the unexpired term by appointment, upon
307 an affirmative vote of five (5) or more members of City Council.

308

309 2.05. - Compensation.

310 Each councilperson and the mayor shall receive for his or her services a salary in an amount
311 determined by the council, not to exceed the sum of forty-eight hundred dollars (\$4,800.00)
312 per year for the mayor, and twenty-four hundred dollars (\$2,400.00) per year for each
313 councilperson.

314 (Ord. No. 2013-3482, § 8, 5-14-13)

315

316 2.06. - First meeting of council after canvass.

317 As soon as practicable after each City election and in accordance with state law, the city
318 council shall meet and newly elected members of the city council shall qualify and assume the
319 duties of office.

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2.07. - Meetings.

- a. Frequency. City council shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. All meetings of council shall be open to the public except as allowed by state law; special meetings shall be called by the Mayor, the City Manager, or at the written request of any three (3) members of the City Council..
- b. Rules. City council shall determine its own rules and order of business.
- c. Minutes. Minutes of all open meetings of the council shall be recorded as a public record.

(Ord. No. 2013-3482, § 10, 5-14-13)

State Law reference— Public meetings, V.T.C.A., Government Code § 551.001 et seq.

2.08. - Duties of mayor and mayor pro tem.

The mayor shall preside at meetings of council and shall be entitled to vote upon all matters it considers. The mayor shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him or her by this Charter and the ordinances of the city. He or she shall be recognized as the head of the city government for all ceremonial purposes, by the courts for civil process, and by the government for purposes of military law. In times of public danger or emergency, the mayor shall take command of the police, maintain order and enforce the law.

A mayor pro tem shall be a council member and be elected by the council at the first meeting of council after canvassing the general and any run-off election, who shall serve for a one-year term or until his or her successor is appointed and has qualified. If a vacancy occurs in the office of mayor or in the case of his or her absence or disability, the mayor pro tem shall act as mayor until a successor is elected and has qualified or until the mayor is again able to assume his or her duties of office.

(Ord. No. 2013-3482, § 11, 5-14-13)

2.09. - Powers of council.

All powers of the city and the determination of all matters of policy shall be vested in city council. Council shall execute the laws and administer the government of the city. Without limitation of the foregoing and among the other powers that may be exercised by council, the following are hereby enumerated for greater certainty:

- a. Adopt budget of the city.
- b. Authorize the issuance of bonds by a bond ordinance.

- 364 c. Inquire into the conduct of any office, department, agency or officer of the city and
365 make investigations as to municipal affairs, and for that purpose may subpoena
366 witnesses, administer oaths, and compel the production of books, papers and other
367 evidence. Failure to obey such subpoena or to produce books, papers or other
368 evidence as ordered under the provisions of this section shall constitute a
369 misdemeanor and shall be punishable by fine. Council shall enact an ordinance to
370 enforce this provision.
371
- 372 d. Establish and appoint the members of the planning and zoning commission.
373
- 374 e. Adopt plats.
375
- 376 f. Adopt and modify the official map of the city.
377
- 378 g. Adopt, modify and carry out plans proposed by the planning and zoning commission
379 for the clearance and rehabilitation of blighted areas.
380
- 381 h. Adopt, modify and carry out plans proposed by the planning and zoning commission
382 for the replanning, improvement and redevelopment of neighborhoods and for the
383 replanning, reconstruction or redevelopment of any area or district which may have
384 been destroyed in whole or in part by disaster.
385
- 386 i. Provide for the establishment and designation of fire limits and to prescribe the kind
387 and character of buildings or structures or improvements to be erected therein, and to
388 provide for the erection of fireproof buildings within certain limits, and to provide for
389 the condemnation of dangerous structures or buildings or dilapidated buildings
390 calculated to increase the fire hazard and the manner of their removal or destruction.
391
- 392 j. Approve certified appraisal rolls as returned to it by the appraisal district and adopt
393 same as the certified appraisal rolls to be used for the collection of taxes for the
394 current year.
395
- 396 k. Neither the Council nor any of its committees or members shall direct or request the
397 appointment of any person to, or his or her removal from, office by the City Manager
398 or any of his or her subordinates; or, except as is or may be otherwise provided under
399 the terms of this Charter, in any manner take part in the appointment or removal of
400 officers and employees in the administrative service of the City. Except for the purpose
401 of inquiry, the Council and its members shall deal with the administrative service solely
402 through the Manager, and neither the Council nor any member thereof shall give
403 orders to any subordinate of the City Manager either publicly or privately.

404 (Ord. No. 2013-3482, § 12, 5-14-13)
405

406 2.10. - Additional discretionary powers.

407 In addition to the above powers and without limitation of such, city council shall have the
408 power to, and may at its discretion, do any or all of the following:

409
410 a. Public library. Council shall have the authority to establish and maintain a free public
411 library within the city and to cooperate with any person, firm, association or
412 corporation under such terms as council may prescribe for the establishment of such
413 free public library. For budget purposes, the library may be considered as a
414 department of the city and the appropriations therefor shall comply with all the
415 budgetary requirements as outlined in this Charter and as may be prescribed from
416 time to time by council.

417
418 b. Planning and Zoning.

419 1. Power. For the purposes of promoting the health, safety, morals or general
420 welfare of the city, council may by ordinance regulate the location, height, bulk
421 and size of buildings and other structures, the size of yards, courts and other open
422 spaces, the density of population and the uses of buildings, structures and land for
423 trade, industry, business, residence and other purposes.

424
425 2. Procedure. Should council enact regulations under subsection 1. above, it shall
426 establish a zoning commission and may establish a zoning board of adjustment.

427
428 a. Zoning commission.

429 1. The commission shall recommend to council the location of zoning
430 districts and restrictions therein, and shall hold public meetings on such
431 recommendations.

432 2. Commission members shall receive such compensation as council may
433 deem appropriate.

434 3. Council may combine the duties of said commission with the duties of the
435 planning commission, as provided in section 2.09.e. through j., to form a
436 planning and zoning commission.

437
438 b. Zoning board of adjustment.

439 1. The zoning board of adjustment may, in appropriate cases and subject to
440 appropriate conditions and safeguards, make special exceptions to the
441 terms of a zoning ordinance in harmony with its general purpose and
442 intent and in accordance with general or specific rules therein contained.

443 2. Board members shall receive such compensation as council may deem
444 appropriate.

445
446 3. Generally. All of the powers granted by V.T.C.A., Local Government Code §
447 211.001 et seq., inclusive, relating to zoning in cities, are hereby adopted and
448 made a part of this Charter.

449

- 450 d. Housing authority. Council may create a housing authority of such number, terms and
451 compensation of members as council may determine and may delegate to the housing
452 authority such powers relating to the planning, construction, reconstruction,
453 alteration, repair, maintenance or operation of housing projects and housing
454 accommodations as council may determine.

455 (Ord. No. 2013-3482, § 4, 12, 5-14-13)

456
457 2.11. - Ordinances.

458 a. Passage.

- 459 1. Procedure. Every ordinance shall be introduced in written or printed form, and,
460 upon passage, shall take effect at the time indicated therein; provided that any
461 ordinance imposing a penalty, fine or forfeiture for a violation of its provisions
462 shall become effective not less than ten (10) days from the date of its passage. The
463 city secretary shall give notice of the passage of every ordinance imposing a
464 penalty, fine or forfeiture for a violation of the provisions thereof, by causing the
465 caption or title, including the penalty, of any such ordinance to be published in the
466 official newspaper in the city at least once within ten (10) days of its passage
467 according to the provisions of state law. He or she shall note on every ordinance,
468 the caption of which is hereby required to be published, and on the record
469 thereof, the fact that same has been published as required by the Charter, and the
470 date of such publication and promulgation of such ordinance; provided, that the
471 provisions of this section shall not apply to the correction, amendment, revision
472 and modification of the ordinances of the city for publication in book or pamphlet
473 form. Except as otherwise provided in Article VII of this Charter, it shall not be
474 necessary to the validity of any ordinance that it shall be read more than one time
475 or considered at more than one session of city council. Every ordinance shall be
476 authenticated by the signature of the mayor and city secretary and shall be
477 systematically recorded in an ordinance book in a manner approved by council. It
478 shall only be necessary to record the caption or title of ordinances in the official
479 minutes of council meetings.

- 480
481 2. Codifications. Council shall have power to cause the ordinances of the city to be
482 corrected, amended, revised, codified and printed in code form as often as council
483 deems advisable. Such printed code, when adopted by council, shall be in full force
484 and effect without the necessity of publishing the same or any part thereof in a
485 newspaper and shall be admitted in evidence in all courts and places without
486 further proof.

- 487
488 b. Enacting clause. The enacting clause of all ordinances shall be "BE IT ORDAINED BY
489 THE CITY COUNCIL OF THE CITY OF LA PORTE."

490 (Ord. No. 2013-3482, § 13, 5-14-13)

491
492 **ARTICLE III. - ADMINISTRATION**
493

494 3.01. - City manager.

495 a. Appointment and qualifications. City council shall appoint a city manager, who shall be
496 chosen solely on the basis of his or her executive and administrative training,
497 experience and ability. No member of city council shall, during the term for which he or
498 she is elected and for one year thereafter, be appointed city manager.

499
500 b. Term and salary. The city manager may be appointed and removed at the will and
501 pleasure of city council by a vote of the majority of the entire city council. The action of
502 city council in suspending or removing the city manager shall be final, it being the
503 intention of this Charter to vest all authority and fix all responsibility of such action in
504 city council. Council shall set a salary for the city manager as it deems appropriate.

505
506 c. Duties. Except as provided elsewhere in this Charter, the city manager shall be the chief
507 executive officer and head of the administrative branch of the city government. He or
508 she shall be responsible to the council for the proper administration of all affairs of the
509 city and to that end he or she shall have power and be required to:

510 1. Devote all his or her working time and attention to the affairs of the city.

511 2. Appoint and, when necessary for the good of the city, remove all city officers and
512 employees except those for which this Charter provides otherwise. He or she may
513 authorize the head of a department to appoint and remove subordinates in such
514 department.

515 3. Prepare the budget annually, submit it to council and be responsible for its
516 administration after adoption.

517 4. Prepare and submit to council, as of the end of the fiscal year, a complete report
518 on the finances and administrative activities of the city for the preceding year.

519 5. Keep council advised of the financial condition and future needs of the city and
520 make such recommendations as may seem to him or her desirable.

521 6. Perform such other duties as may be prescribed by this Charter or required of him
522 or her by the council, not inconsistent with this Charter.

523
524 d. Provisions for absence. Within thirty (30) days after taking office, the city manager shall
525 designate by letter filed with the city secretary a qualified administrative officer of the
526 city to perform his or her duties during his or her temporary absence or disability. Upon
527 receipt of said letter, the city secretary shall advise council of its contents. Said letter
528 shall be in force and effect for the duration of the city manager's employ or until he or
529 she files another such letter. In the event of failure of the Manager to make such
530 designation, the Council may by resolution appoint an officer of the City to perform the
531 duties of the City Manager until the City Manager returns or his or her disability shall
532 cease.

533
534 3.02. - Administrative departments.

535 a. Creation. There are hereby created the following administrative departments: Finance,
536 police, fire, law, public works, health, parks and recreation, planning, and water and
537 sewer.

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Council may by ordinance create or abolish offices, departments or agencies other than the offices, departments or agencies established by this Charter.

b. Consolidation. Council may consolidate or redesignate any of the offices, departments and agencies.

c. Directors. The city manager shall appoint a director to supervise and control each department. When necessary for the good of the city, the city manager may remove any such director. Such director shall be an officer of the city and shall have supervision and control of his or her department, subject to the supervision of the city manager. Two (2) or more departments may be headed by the same individual, and directors of departments may also serve as chiefs of divisions. The city manager may head one or more departments.

d. Divisions. The work of each administrative department may be distributed among divisions.

(Ord. No. 2013-3482, § 14, 5-14-13)

3.03. - City secretary.

City council shall appoint a city secretary. The city secretary shall be appointed and removed at the will and pleasure of city council by a vote of the majority of the entire city council. The city secretary shall be provided space in the City Hall sufficient to maintain the records entrusted to the care of the city secretary, and shall be entitled to a seat at the council table at all official meetings. The city secretary shall:

- a. Give notice of council meetings.
- b. Authenticate by his or her signature and record in full in a book kept and indexed for the purpose all ordinances and resolutions.
- c. Be the custodian of all municipal records. Recommend to the council rules and regulations to be adopted by ordinances to protect the safety and security of all municipal records.
- d. Hold and maintain the City Seal and affix to all instruments requiring such seal.
- e. Administer oaths in any matter pertaining to municipal affairs and in accordance with state law.
- f. The council shall set the compensation of the city secretary.
- g. Perform such other duties as may be assigned by council, state law or elsewhere in this Charter.

582 (Ord. No. 2013-3482, § 15, 5-14-13)

583

584 3.04. - Municipal court.

585 a. Establishment. There shall be established and maintained a municipal court with all
586 powers and duties as are now, or may hereafter be, prescribed by the laws of the
587 State of Texas for municipal courts.

588

589 b. Municipal judge. City council shall appoint a competent attorney, duly licensed by the
590 State of Texas, to be judge of the municipal court. The municipal judge shall be
591 appointed and removed at the will and pleasure of city council by a vote of the
592 majority of the entire city council. He or she shall serve at the pleasure of council and
593 shall receive compensation as may be fixed by council.

594

595 c. Alternate municipal judge. Council shall have the power to create and appoint
596 additional judges as provided by law.

597

598 d. Court clerk. Subject to the approval of the municipal judge, the city manager shall
599 appoint a municipal court clerk and deputy clerks. Said clerk or clerks shall have the
600 power to administer oaths and affidavits, make certificates, affix the seal of said court
601 thereto and generally do and perform any and all acts usual and necessary by clerks of
602 court in conducting the business thereof.

603

604 e. Costs and fines. All costs and fines imposed by the municipal court, or any court in
605 cases appealed from its judgments, less those designated for the State of Texas, shall
606 be paid into the city treasury for the use and benefit of the city.

607 (Ord. No. 2013-3482, § 14, 5-14-13)

608 State Law reference— Municipal court, V.T.C.A., Government Code § 29.001 et seq.

609

610 3.05. - City attorney.

611 City council shall appoint a competent attorney, duly licensed by the State of Texas, to be
612 city attorney and head of the department of law. He or she shall be appointed and removed at
613 the will and pleasure of council by a majority vote of the entire council, and shall receive
614 compensation as may be fixed by council.

615

616 The city attorney, or other attorneys selected by him or her with the approval of council,
617 shall represent the city in all litigation, provided that council may retain special counsel. He or
618 she shall be the legal advisor of, and attorney and counsel for, the city and all offices and
619 departments thereof.

620 (Ord. No. 2013-3482, § 14, 5-14-13)

621

622

ARTICLE IV. - BUDGET

623

624 State Law reference— Budgets, V.T.C.A., Local Government Code § 102.001 et seq.

625

626 4.01. - Preparation and submission of budget.

627 At least forty-five (45) days prior to the beginning of each fiscal year, the city manager shall
628 submit to council a proposed budget with required attachments. For such purpose, at such date
629 as he or she shall determine, he or she shall obtain from the head of each office, department or
630 agency estimates of revenue and expenditures of that office, department or agency, detailed by
631 organization units and character and object of expenditure, and such other supporting data as
632 he or she may request. In preparing the budget, the city manager shall review the estimates,
633 may hold hearings thereon and may revise the estimates, as he or she may deem advisable.

634
635 a. Contents of budget. The budget shall provide a complete financial plan for the fiscal
636 year. It shall contain the following:

- 637 1. A consolidated statement of revenues and expenditures for all funds.
- 638 2. An analysis of property valuations.
- 639 3. An analysis of tax rate.
- 640 4. Tax levies and tax collections by years for at least ten (10) years or for a number of
641 years for which records are available.
- 642 5. A detailed listing of the resources of each fund.
- 643 6. A summary of proposed expenditures within such funds by department, function
644 and classification.
- 645 7. A revenue and expense statement for all outstanding bonded debt.
- 646 8. A schedule of principal and interest on each issue of outstanding bonds showing
647 rate of interest, maturity dates and amount outstanding.
- 648 9. The appropriation ordinance.
- 649 10. The tax-levying ordinance.

650
651 b. Attachments to budget.

652 1. Budget message. The city manager shall prepare a budget message which shall be
653 submitted with the budget. It shall contain an outline of the proposed financial
654 policies of the city for the fiscal year and describe in connection therewith the
655 important features of the budget plan. It shall set forth the reasons for salient
656 changes from the previous years in expenditures and revenue items and shall
657 explain any major changes in financial policy.

658
659 2. Supporting schedules. Attached to the budget shall be such supporting schedules,
660 exhibits and other explanatory material, in respect to both current operations and
661 capital outlays, as the city manager shall believe useful to council.

662
663 3. Comparison tables. The city manager may prepare tables in which various items
664 may be compared with those of previous years and shall attach such to the
665 budget.

666 a. Anticipated revenues. In parallel columns opposite the several items of
667 revenue, there shall be placed the actual amount of such item for the first six
668 (6) months of the current year, the budgeted amount for the current fiscal
669 year, and the proposed amount for the ensuing fiscal year.

670 b. Proposed expenditures. The proposed expenditures for the administration,
671 operation, maintenance and capital outlay of each office, department or
672 agency of the city shall be itemized by character and object. In parallel
673 columns opposite the various items of expenditures, there shall be placed the
674 actual amount of such items of expenditures for the last completed fiscal
675 year, the estimated amount for the current fiscal year and the proposed
676 amount for the ensuing fiscal year.

677
678 c. Balanced budget. The total estimated expenditures of the general fund and debt
679 service fund shall not exceed the total estimated resources of each fund (prospective
680 income plus cash on hand). The classification of revenue and expenditure accounts
681 shall conform to the uniform classification as promulgated by the Governmental
682 Accounting Standards Board and Generally Accepted Accounting Principles.

683 (Ord. No. 2013-3482, § 16, 5-14-13)

684
685 4.02. - Availability of proposed budget.

686 The proposed budget and all attachments shall be a public record in the office of the city
687 secretary, open to public inspection.

688
689 4.03. - Budget adoption.

690 a. Publication of notice of public hearing. At the meeting of city council at which the
691 budget and attachments are submitted, council shall determine the place and time of
692 the public hearing on the budget, and shall cause to be published a notice of the place
693 and time, not less than ten (10) days after date of publication, at which council will
694 hold a public hearing.

695
696 b. Public hearing. At the time and place so advertised, or at any time and place to which
697 such public hearing shall from time to time be adjourned, city council shall hold a
698 public hearing on the budget as submitted, at which all interested persons shall be
699 given an opportunity to be heard, for or against the estimates or any item thereof.

700
701 c. Vote required for adoption. The budget shall be adopted by the favorable votes of at
702 least a majority of all members of the whole council.

703
704 d. Adoption. The budget shall be finally adopted not later than the last day of the fiscal
705 year. Should council take no final action on or prior to such day, the budget as
706 submitted by the city manager shall be deemed to have been finally adopted by
707 council.

708 Upon final adoption, the budget shall be in effect for the fiscal year.

709 (Ord. No. 2013-3482, § 17, 5-14-13)

710
711 4.04. - Public record.

712 a. Filed. A copy of the budget as finally adopted shall be filed with the city secretary.

713

714 b. Availability. The final budget shall be printed or otherwise reproduced and sufficient
715 copies shall be made available for the use of offices, departments and agencies, and
716 for the use of interested persons and civic organizations.

717

718 4.05. - Effect of approved budget.

719 From the effective date of the budget:

720 a. The several amounts stated therein as proposed expenditures shall be and become
721 appropriated to the several objects and purposes therein named.

722

723 b. The amount stated therein as the amount to be raised by property tax shall constitute
724 a determination of the amount of the levy for the purposes of the city, in the
725 corresponding tax year.

726

727 4.06. - Fiscal year defined.

728 The fiscal year of city government shall begin on the first day of October and end on the
729 last day of September of the succeeding calendar year. Such fiscal year shall also constitute the
730 budget and accounting year.

731 State Law reference— Fiscal year, authority to establish, V.T.C.A., Local Government Code §
732 101.022.

733

734 **ARTICLE V. - FINANCE ADMINISTRATION**

735

736 State Law reference— Financial matters, V.T.C.A., Local Government Code § 101.001 et seq.

737

738 5.01. - Division of taxation.

739 There shall be established in the department of finance a division of taxation.

740

741 a. Property subject to tax; method of assessment. All real and personal property within
742 the city not expressly exempted by law shall be subject to annual taxation at its true
743 market value.

744

745 Each person, partnership and corporation owning property within the limits of the city
746 shall on the first day of January render an inventory of property possessed or
747 controlled by him, her, or them to the appraisal district as set forth in the Property Tax
748 Code.

749

750 b. Payment of taxes.

751 1. When due and payable. All taxes due the city may be paid at any time after the tax
752 rolls for the year have been completed and approved, which shall be not later
753 than October 15. Taxes shall be paid before the first day of February (or the next
754 business day if the thirty-first day of January is a Saturday, Sunday, or legal
755 holiday) following the year for which the tax was levied, and all such taxes not
756 paid prior to such date shall be deemed delinquent and shall be subject to such
757 penalty and interest as provided by the Texas Property Tax Code.

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- 2. Tax liens. The tax levied by the city is hereby declared to be a lien, charge or encumbrance upon the property upon which tax is due, which lien, charge or encumbrance the city is entitled to enforce and foreclose in any court having jurisdiction over the same, and the lien, charge and encumbrance on the property in favor of the city, for the amount of taxes, penalties and interest due on such property, is such as to give the state courts jurisdiction to enforce and foreclose said lien on the property on which the taxes, penalties and interest is due, not only as against any resident of this state or person whose residence is unknown, but also as against nonresidents. All taxes upon real estate shall especially be a lien and a charge upon the property upon which the taxes, penalties and interest are due, which lien may be foreclosed in any court having jurisdiction.

(Ord. No. 2013-3482, § 18, 5-14-13)

Editor's note— The references in this section to board of equalization are obsolete as city ad valorem taxes are assessed and collected pursuant to V.T.C.A., Tax Code § 6.01 et seq.

5.02. - Purchase procedure.

All purchases made and contracts executed by the city shall be pursuant to a requisition from or charged to a procurement card with the approval of the head of the office, department or agency whose appropriation will be charged, and no contract or order shall be binding upon the city unless and until the city manager or designee certifies that there is to the credit of such office, department or agency a sufficient unencumbered appropriation and allotment balance to pay for the supplies, materials, equipment, or contractual services for which the contract or order is issued. All purchases made and contracts executed by the city shall be made in accordance with the requirements of this charter and all applicable requirements of the Constitution and Statutes of the State of Texas. All contracts for purchases or expenditures must be expressly approved in advance by the council, except that the council may by ordinance confer upon the city manager, general authority to contract for expenditures without further approval of the council for all budgeted items the cost of which does not exceed the constitutional and statutory requirements for competitive bidding.

(Ord. No. 1676, § 1, 2-12-90/5-5-90; Ord. No. 1699, § 1, 5-7-90; Ord. No. 1700, 5-7-90; Ord. No. 2013-3482, § 19, 5-14-13)

Editor's note—The city has exercised the option under V.T.C.A., Local Government Code § 252.002 to have the requirements in V.T.C.A., Local Government Code § 252.021 which increased the requirements for competitive sealed bids or proposals to expenditures of more than \$15,000.00.

Code cross reference—Purchases and contracts, § 2-82.

State Law reference— Purchases, V.T.C.A., Local Government Code § 252.001 et seq.

5.03. - Alterations in contracts.

Procedures for making change orders or alterations in contracts shall be governed by the provisions established in V.T.C.A. Texas Local Government Code for municipal purchasing.

(Ord. No. 2013-3482, § 20, 5-14-13)

802

803 5.04. - Fees shall be paid to city.

804 All fees for city services received by any officer or employee shall belong to the city
805 government and shall be paid to the department of finance at such times as required by the
806 director of the finance department.

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810

811 5.05. - Disbursement of funds.

812 All checks, vouchers or warrants for the withdrawal of funds from the city depository shall be
813 executed in accord with the provisions of this Charter and shall be signed by the city manager or his or
814 her deputy and counter-signed by a member of city council.

815

816 5.06. - Independent audit.

817 Prior to the end of each fiscal year, council shall designate a practicing certified public
818 accountant, who is licensed by the State of Texas, to make an independent audit of accounts
819 and other evidences of financial transactions of the city government and shall submit a report
820 to council. Notice shall be given in accordance with state law, if required. Such accountant shall
821 have no personal interest, direct or indirect, in the fiscal affairs of the city government. He or
822 she shall not maintain any accounts or records of the city business, but, within specifications
823 approved by council, shall post-audit the books and documents kept by the department of
824 finance and any separate or subordinate accounts kept by any other office, department or
825 agency of the city government. The annual financial statement, including auditor's opinion on
826 the statement, shall be filed in the office of the municipal secretary within 180 days after the
827 last day of the municipality's fiscal year. The finance statement is a public record.

828 (Ord. No. 2013-3482, § 22, 5-14-13)

829 State Law reference— Audit, V.T.C.A., Local Government Code § 103.001 et seq.

830

831 5.07. - Appropriations lapse at end of year.

832 All appropriations shall lapse at the end of the budget year to the extent that they shall not
833 have been expended or lawfully encumbered.

834

835

ARTICLE VI. - INITIATIVE, REFERENDUM AND RECALL

836

837 6.01. - Power of initiative.

838 The registered voters of the city shall have power to propose ordinances to the council
839 and, if the council fails to adopt an ordinance so proposed without any change in substance, to
840 adopt or reject such ordinance at a city election, such power known as the initiative, but such
841 power shall not extend to the budget or capital program, granting of franchises, or any
842 ordinance relating to appropriation of money, levy of taxes or salaries of city officers or
843 employees, or in conflict with this Charter, or the Constitution and laws of the State of Texas.

844

845 6.02. - Power of referendum.

846 The qualified voters shall have power to approve or reject at the polls any ordinance
847 passed by council, or submitted by council to a vote of the qualified voters, such power being
848 known as the referendum, but such power shall not extend to the budget, capital program,
849 granting of franchises, or ordinance relating to appropriation of money or levying of taxes, or
850 the preservation of public peace, health, or safety under emergency conditions. Ordinances
851 submitted to council by initiative petition and passed by council without change shall be subject
852 to the referendum in the same manner as the other ordinances.

853
854

855 6.03. - Procedure for initiative or referendum petition.

856 a. Form of petition.

857 1. Text. Initiative petition signature pages shall contain the full caption of the
858 proposed ordinance. The full text of the proposed ordinance shall be attached to
859 the petition signature pages in order that it may be inspected before the petition is
860 signed.

861 2. Signatures.

862 a. The signatures to initiative or referendum petitions need not all be appended
863 to one paper, but to each separate petition there shall be attached a
864 statement of the circulator thereof as provided by this section. Each signer of
865 any petition paper shall sign his or her name and shall indicate after his or her
866 name his or her place of residence by street and number, or other description
867 sufficient to identify the place.

868 b. The petition shall be signed by a minimum of five hundred (500) registered
869 voters of the city.

870
871 3. Affidavit. Attached to each separate petition paper there shall be an affidavit of
872 the circulator thereof that he or she, and he or she only, personally circulated the
873 foregoing paper, that it bears a stated number of signatures, that all signatures
874 appended thereto were made in his or her presence, and that he or she believes
875 them to be genuine signatures of the persons whose names they purport to be.

876
877 b. Submission of petition.

878 1. Filing. All petition papers comprising an initiative or referendum petition shall be
879 assembled and filed with the city secretary as one instrument.

880
881 2. Examination. Within twenty (20) days after a petition is filed, the city secretary
882 shall determine whether each paper of the petition has a proper statement of the
883 circulator and whether the petition is signed by a sufficient number of qualified
884 voters. The city secretary shall declare any petition paper entirely invalid which
885 does not have attached thereto an affidavit signed by the circulator thereof. If a
886 petition paper is found to be signed by more persons than the number of
887 signatures certified by the circulator, the last signatures in excess of the number
888 certified shall be disregarded. If a petition paper is found to be signed by fewer

889 persons than the number certified, the signatures present shall be accepted unless
890 void on other grounds.

891
892 3. Certification.

893 a. Procedure. After completing his or her examination of the petition, the city
894 secretary shall certify the result thereof to city council at its next regular
895 meeting. If he or she shall certify that the petition is insufficient, he or she shall
896 set forth in his or her certificate the particulars in which it is defective and shall
897 at once notify the circulators of his or her findings.

898 b. Effect. When a referendum petition or amended petition has been certified as
899 sufficient by the city secretary, the ordinance specified in the petition shall not
900 go into effect, or further action thereunder shall be suspended if it shall have
901 gone into effect, until and unless approved by the voters, as hereinafter
902 provided.

903
904 c. Amendment of petition. An initiative or referendum petition may be amended
905 at any time within ten (10) days after the notification of insufficiency has been
906 sent by the city secretary, by filing a supplementary petition upon additional
907 papers signed and filed as provided in case of an original petition. The city
908 secretary shall, within five (5) days after such an amendment is filed, make
909 examination of the amended petition and, if the petition be still insufficient, he
910 or she shall file his or her certificate to that effect in his or her office and notify
911 the circulators of his or her findings and no further action shall be had on such
912 insufficient petition.

913
914 d. Refiling not prejudiced. The finding of the insufficiency of a petition shall not
915 prejudice the filing of a new petition for the same purpose.

916 (Ord. No. 2013-3482, § 23, 5-14-13)

917
918 6.04. - Consideration of referendum or initiative by council.

919 Whenever city council receives a certified initiative or referendum petition from the city
920 secretary, it shall proceed at once to consider such petition and shall take final action on it
921 within sixty (60) days after the date on which it was submitted to council.

922
923 a. Initiative. A proposed initiative ordinance shall be read and provision made for a public
924 hearing on such before the time set for final action.

925
926 b. Referendum. A referred ordinance shall be considered by council and its final vote
927 upon such reconsideration shall be upon the question, "Shall the ordinance in the
928 referendum petition be repealed?"

929
930 6.05. - Election on referendum or initiative.

931 a. Submission to qualified voters. If council shall fail to pass an ordinance proposed by
932 initiative petition or shall pass it in a form different from that set forth in the petition

933

934 therefor, or if council fails to repeal a referred ordinance, the proposed or referred
935 ordinance shall be submitted to the qualified voters on the next election day as
936 established by the laws of the State of Texas. Council may, in its discretion, and if no
937 regular election is to be held on such day shall, provide for a special election.
938

939 b. Form of ballot. Ordinances submitted to vote of electors in accordance with this article
940 shall be submitted by ballot title, which shall be prepared in all cases by the city
941 attorney. The ballot title may be different from the legal title of any such initiated or
942 referred ordinance and shall be a clear, concise statement, without argument or
943 prejudice, descriptive of the substance of such ordinance. Below the ballot title shall
944 appear the following propositions, one preceding the other, in the order indicated:
945 "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE."
946

947 Any number of ordinances may be voted on at the same election and may be
948 submitted on the same ballot, but any paper ballot used for voting thereon shall be for
949 that purpose only.
950

951 c. Results. If a majority of the qualified voters voting on a proposed initiative ordinance
952 shall vote in favor thereof, it shall thereupon be an ordinance of the city. A referred
953 ordinance which is not approved by a majority of the electors voting thereon shall
954 thereupon be deemed repealed. If conflicting ordinances are approved by the electors
955 at the same election, the one receiving the greatest number of affirmative votes shall
956 prevail to the extent of such conflict.

957 (Ord. No. 2013-3482, § 23, 5-14-13)
958

959 6.06. - Amendment of initiative or referendum ordinances.

960 Initiative and referendum ordinances adopted or approved by the voters shall be
961 published, and may be amended or repealed by council, as in the case of other ordinances.
962

963 6.07. - Power of recall.

964 The mayor or any councilperson may be removed from office by recall. No recall petition
965 shall be filed against the mayor or a councilperson within six (6) months after he or she takes
966 office nor in respect to an officer subjected to a recall election and not removed thereby, until
967 at least six (6) months after such election.
968

969 6.08. - Procedure for recall petition.

970 a. Affidavit. Any qualified voter of the city may make and file with the city secretary an
971 affidavit containing the name or names of the officer or officers whose removal is
972 sought and a statement of the grounds for removal. For the recall of a district
973 councilperson, the voter filing the affidavit must reside in that councilperson's district.
974

975 b. Petition blanks. Upon receipt of said affidavit, the city secretary shall deliver to said
976 qualified voter copies of petition blanks demanding such removal. The city secretary

977 shall keep a sufficient number of printed petition blanks on hand for distribution. Such
978 blanks when issued shall:
979 1. Be signed by the city secretary.
980 2. Be addressed to city council.
981 3. Be numbered and dated.
982 4. Indicate the name of the person to whom issued.
983 5. Indicate the name of the officer whose removal is sought.
984 6. Indicate the number of such blanks issued.

985
986 The city secretary shall enter in a record to be kept in his or her office the name of the
987 qualified voter to whom the petition blanks were issued and the number issued to said
988 person.

989
990 c. Return of petition. To be effective, the recall petition must:
991 1. For the recall of the Mayor or a Councilperson elected at large, the petition must
992 be signed by a minimum of one thousand (1,000) registered voters of the city. For
993 the recall of a district councilperson, the petition must be signed by a minimum of
994 two hundred fifty (250) registered voters of that councilperson's district.
995
996 2. Be returned and filed with the city secretary within thirty (30) days after the filing
997 of the affidavit required in section 6.08.a.

998 (Ord. No. 2013-3482, § 23, 5-14-13)
999

1000 6.09. - Recall election.

1001 a. Submission. The city secretary shall at once examine the recall petition and, if he or
1002 she finds it sufficient and in compliance with the provisions of this article, he or she
1003 shall within five (5) days submit it to city council with his or her certificate to that
1004 effect and notify the officer sought to be recalled of such action. If the officer whose
1005 removal is sought does not resign within five (5) days after such notice, council shall
1006 thereupon order and fix a date for holding a recall election. Any such election shall be
1007 held at the next election day as established by the laws of the State of Texas.

1008
1009 b. Ballots. Ballots used at recall elections shall conform to the following requirements:
1010 1. With respect to each person whose removal is sought the question shall be
1011 submitted "Shall (name of person) be removed from the office of (name of office)
1012 by recall?"
1013
1014 2. Immediately below each such question there shall be printed the two (2) following
1015 propositions, one above the other, in the order indicated:

1016
1017 "For the recall of (name of person)"
1018 "Against the recall of (name of person)."
1019

1020 c. Results. If a majority of the votes cast at a recall election shall be against the recall of
1021 the officer named on the ballot, he or she shall continue in office for the remainder of
1022 his or her unexpired term, subject to recall as before. If a majority of the votes at such
1023 an election be for the recall of the officer named on the ballot, he or she shall,
1024 regardless of any technical defects in the recall petition, be deemed removed from
1025 office and the vacancy shall be filled as in other vacancies.
1026

1027 6.10. - Should city council fail or refuse to order any of the elections as provided for in this
1028 article, when all the requirements for such election have been complied with by the petitioning
1029 voters in conformity with this article of the Charter, then judicial relief may be sought with the
1030 appropriate court for issuance of a writ of mandamus to compel compliance with the provisions
1031 of this article.
1032

1033 **ARTICLE VII. - FRANCHISES AND PUBLIC UTILITIES**
1034

1035 State Law reference— Franchises, Vernon's Ann. Civ. St. art. 1175; franchise to use streets,
1036 V.T.C.A., Transportation Code § 311.071 et seq.
1037

1038 7.01. - Enfranchisement.

1039 a. Power of council. City council shall have power by ordinance to grant, amend, renew
1040 and extend all franchises of all public utilities of every character operating within the
1041 city. All ordinances granting, amending, renewing or extending franchises for public
1042 utilities shall not be finally passed until thirty (30) days after the first reading; and no
1043 such ordinance shall take effect until sixty (60) days after its final passage; and
1044 pending such time, the notice and caption of such ordinance, noting the place where
1045 the full text may be examined by the public, shall be published once each week for
1046 four (4) consecutive weeks in the official newspaper of the city, and the expense of
1047 such publication [is] to be borne by the proponent of the franchise. No public utility
1048 franchise shall be transferable except with the approval of council expressed by
1049 ordinance.
1050

1051 b. Extensions. All extensions of public utilities within the city limits shall become a part of
1052 the aggregate property of the public utilities, shall be operated as such, and shall be
1053 subject to all the obligations and reserved rights contained in this Charter and in any
1054 original grant hereafter made. The right to use and maintain any extension shall
1055 terminate with the original grant and shall be terminable as provided in section 7.02a.
1056 In case of an extension of a public utility operated under a franchise hereafter
1057 granted, such right shall be terminable at the same time and under the same
1058 conditions as the original grant.
1059

1060 c. Other conditions. All franchises heretofore granted are recognized as contracts
1061 between the city and the grantee, and the contractual right as contained in any such
1062 franchises shall not be impaired by the provisions of this Charter, except that the
1063 power of the city to exercise the right of eminent domain in the acquisition of any

1064 utility property is in all things reserved, and except the general power of the city
1065 heretofore existing and herein provided for to regulate the rates and services of the
1066 grantee which shall include the right to require proper and adequate extension of
1067 plant and service and the maintenance of the plant and fixtures at the highest
1068 reasonable standard of efficiency.

1069
1070 Every public utility franchise hereafter granted shall be held subject to all the terms
1071 and conditions contained in the various sections of this article whether or not such
1072 terms are specifically mentioned in the franchise.

1073
1074 When the city chooses to exercise its power of eminent domain to acquire any public
1075 utility, the procedure to be used in such acquisition shall be as set forth in V.T.C.A.,
1076 Property Code §§ 21.011 to 21.065, inclusive. In valuing the property, the measure of
1077 damages shall be the fair market value of the physical properties taken together as
1078 one system. This power shall be in addition to and cumulative of any other powers of
1079 acquisition granted to or reserved by the city in a franchise ordinance.

1080
1081 Prior to the purchase of any existing franchised utility system, either according to the
1082 terms of the franchise or by eminent domain, city council shall submit the question of
1083 purchase to the voters of the city, and such must be approved by a majority of those
1084 voting.

1085
1086 Nothing in this Charter shall operate to limit in any way, as specifically stated, the
1087 discretion of council or the electors of the city in imposing terms and conditions as
1088 may be reasonable in connection with any franchise grant.

1089 (Ord. No. 2013-3482, § 4, 5-14-13)

1090
1091 7.02. - Regulation.

1092 a. Right of regulation. All grants, renewals, extensions or amendments of public utility
1093 franchises, whether it be so provided in the ordinance or not, shall be subject to the
1094 right of the city:

1095
1096 1. To repeal the same by ordinance at any time for failure to begin construction or
1097 operation within the time prescribed or otherwise to comply with the terms of the
1098 franchise, such power to be exercised only after due notice and hearing.

1099
1100 2. To require an adequate extension of plant and service, and the maintenance of the
1101 plant and fixtures at the highest reasonable standard of efficiency.

1102
1103 3. To establish reasonable standards of service and quality of products and prevent
1104 unjust discrimination in service of rates.

1105
1106 4. To prescribe the form of accounts kept by such utility. If the franchise does not
1107 prescribe the form of accounts kept by a utility, then it shall keep its accounts in
1108

1109 accordance with the utility system of accounts for said utility prescribed by the
1110 appropriate state and federal utility regulatory agencies.

1111
1112 5. To examine and audit the accounts and other records of any such utility at any
1113 time and to require annual and other reports, including reports on local operations
1114 by each such public utility.

1115
1116 6. To impose such reasonable regulations and restrictions as may be deemed
1117 desirable or conducive to the safety, welfare and accommodation of the public.

1118
1119 7. To at any time require such compensation and rental as may be permitted by the
1120 laws of the State of Texas.

1121
1122 b. Regulation of rates and service. Council shall have full power, after due notice and
1123 hearing, to regulate by ordinance the rates and service of every public utility operating
1124 within the city. Such power shall be subject to the exercise of power in each area of
1125 each utility by the appropriate agencies of state and federal government.

1126
1127 7.03. - Franchise records.
1128 Within six (6) months after this Charter takes effect, every public utility and every owner of
1129 a public utility franchise shall file with the city, as may be prescribed by ordinance, certified
1130 copies of all franchises owned or claimed, or under which such utility is operated in the city.

1131
1132 The city shall compile and maintain a public record of public utility franchises.

1133
1134 7.04. - Accounts of municipality-owned utilities.
1135 Accounts shall be kept for each public utility owned or operated by the city, in such manner
1136 as to show the true and complete financial results of such city ownership and operation,
1137 including all assets, appropriately subdivided into different classes, all liabilities subdivided by
1138 classes, depreciation, reserve, other reserves and surplus, also revenues, operating expenses,
1139 including depreciation, interest payments, rental and other disposition of annual income. The
1140 accounts shall show the actual capital cost to the city of each public utility owned, also the cost
1141 of all extensions, additions and improvements, and the source of the funds expended for such
1142 capital purposes. They shall show as nearly as possible the cost of any service furnished to or
1143 rendered by any such utility to any other city or governmental department. City council shall
1144 annually cause to be made by a licensed certified public accountant and shall publish a report
1145 showing the financial results of such city ownership and operation, giving the information
1146 specified in this section or such data as council shall deem expedient, in accordance with
1147 section 5.08.

1148
1149 7.05. - Franchise value disallowed.
1150 The value of the franchise granted by the city shall not be included in fixing reasonable
1151 rates and charges for utility service within the city or in determining the just compensation to

1152 be paid by the city for public utility property which may be acquired by eminent domain or
1153 otherwise.

1154
1155 7.06. - Consent of property owners.

1156 The consent of abutting and adjacent property owners shall not be required for the
1157 construction, extension, maintenance or operation of any public utility; but nothing in this
1158 Charter or in any franchise granted thereunder shall be construed to deprive any such property
1159 owner of any rights of action for damage or injury to his or her property as now or hereafter
1160 provided by law.

1161
1162
1163
1164

1165 **ARTICLE VIII. - GENERAL PROVISIONS**

1166
1167 8.01. - Publicity of records.

1168 The public records of the City shall be available to the public subject to the procedures
1169 and applicable exceptions established in the Texas Public Information Act. The City Council may
1170 adopt regulations for the enforcement of this provision, as necessary.

1171 8.02. - Employers and officers.

1172
1173 a. Personal financial interest. All members of the City Council, and all officers and
1174 employees of the City, having a financial interest in any contract or sale to the city of
1175 land, material, supplies or services shall be subject to and shall comply with applicable
1176 state law governing conflicts of interest, including but not limited to Texas Local
1177 Government Code Chapters 171 and 176. The City Council may adopt regulations for
1178 the enforcement of this provision, as necessary.

1179
1180 b. Employment interest. No one who has been elected to city office shall be employed in
1181 a nonelective office by the city within the term for which he or she was elected or for
1182 one year thereafter.

1183
1184 c. Nepotism. No person related, within the second degree by affinity or within the third
1185 degree by consanguinity, to the mayor or any councilperson or to the city manager,
1186 shall be employed in any office, position or clerkship of the city. This prohibition shall
1187 not apply to or prevent the appointment, voting for, or confirmation of any person
1188 who shall have been continuously employed in any office, position, or clerkship for the
1189 following period prior to the election or appointment, as applicable, of the city council
1190 member or city manager related to such employee in the prohibited degree: 1) at
1191 least 30 days, if related to the city manager; or 2) at least six months, if related to a
1192 member of city council.

1193

1194 d. Bonds. Council may by general ordinance require bonds of any municipal officers and
1195 employees who receive or pay out any monies of the city. The amount of such bonds
1196 shall be determined by council and the cost thereof borne by the city.
1197

1198 e. Oath of office. Elected and appointed officers. All officers of the city shall, before
1199 entering upon the duties of their respective offices, take and subscribe to the official
1200 oath prescribed in the Constitution of the State of Texas.
1201

1202 f. Discharge. Council shall be authorized to discharge at any time, with or without a
1203 hearing, as council may elect, any officer, employee or clerk which it appoints.
1204

1205 The city manager shall be authorized to discharge at any time, with or without a
1206 hearing, as the city manager may elect, any officer, employee or clerk which he or she
1207 appoints.
1208

1209 g. Injuries; insurance. City council shall have authority to provide the rules and
1210 regulations for maintaining employees when injured and disabled while performing
1211 their duties, and it may provide for such plan of insurance as it deems proper.
1212

1213 h. Pensions. City council may establish a pension plan for any employee, or may adopt in
1214 lieu thereof any pension system available to cities under state law.

1215 (Ord. No. 2013-3482, § 24, 5-14-13)
1216

1217 8.03. - Assignment, execution and garnishment of city property.

1218 The property, real and personal, belonging to the city shall not be liable to be sold or
1219 appropriated under any writ of execution or cost bill. The funds belonging to the city, in the
1220 hands of any person, firm or corporation, shall not be liable to garnishment, attachment or
1221 sequestration; nor shall the city be liable to garnishment on account of any debt it may owe or
1222 funds or property it may have on hand or owing to any person. Neither the city nor any of its
1223 officers or agents shall be required to answer any such writ of garnishment on any account
1224 whatever. The city shall not be obligated to recognize any assignment of wages or funds by its
1225 employees, agents or contractors.
1226

1227 8.04. - City not required to give security or execute bond.

1228 It shall not be necessary in any action, suit or proceeding in which the city is a party for any
1229 bond, undertaking or security to be demanded or executed by or on behalf of said city in any
1230 court, but in all such actions, suits, appeals or proceedings, same shall be conducted in the
1231 same manner as if such bond, undertaking or security had been given as required by law, and
1232 said city shall be as liable as if security of bond had been duly executed.
1233

1234 8.05. - Effect of this Charter on existing law.

1235 All ordinances, resolutions, rules and regulations now in force under the city government
1236 of the city and not in conflict with the provisions of this Charter shall remain in force under this
1237 Charter until altered, amended or repealed by city council after this Charter takes effect; and all

1238 rights of the city under existing franchises and contracts are preserved in full force and effect to
1239 the city, and any unissued bonds and revenue bonds, or installments thereof, heretofore
1240 authorized at an election held in said city shall not be affected by the adoption of this Charter,
1241 but the right to sell, issue and deliver same, in whole or in part, in keeping with the provisions
1242 of the laws under which they were voted is hereby expressly reserved.

1243
1244 8.06. - Amending this Charter.

1245
1246 a. This Charter shall be the subject of a mandatory review at least every ten (10) years.
1247 Amendments to the Charter may be proposed and submitted to the qualified voters of the
1248 City in the manner provided in state law.

1249 Each amendment submitted shall contain only one subject and shall be printed separately
1250 on the ballot, each proposed amendment being followed by designations for the voter to
1251 vote for the amendment or against the amendment.

1252
1253 Each proposed amendment, if approved by the majority of the qualified voters voting at
1254 said election, shall become a part of the Charter. The city secretary shall enter notice into
1255 the records of the city declaring the same adopted.

1256
1257 b. This section is subject to the provisions of V.T.C.A., Local Government Code §§ 9.04 and
1258 9.05, and V.T.C.A., Election Code § 41.001 et seq.

1259 (Ord. No. 2013-3482, § 4, 23, 25, 5-14-13)

1260
1261 8.07. - Severability clause.

1262 If any section or part of section of this Charter shall be held invalid by a court of competent
1263 jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which
1264 such section or part of section so held invalid may appear, except to the extent that an entire
1265 section or part of section may be inseparably connected in meaning and effect with the section
1266 or part of section to which such holding shall directly apply.

1267
1268 8.08. - References to laws.

1269 All references within this Charter to laws of the State of Texas or of the United States are to
1270 be construed as meaning such laws as now or hereafter amended or superseded.

1271
1272 8.09. - Approval of this Charter.

1273 a. Copies to electors. In not less than thirty (30) days prior to the election provided in
1274 subsection b., the city commission shall cause the city clerk to mail a copy of this
1275 Charter to each qualified voter of the city, as listed on the current voter registration
1276 list.

1277
1278 b. Submission of Charter to electors. The charter committee in preparing this
1279 comprehensive Charter amendment finds and decides that it is impracticable to
1280 segregate each subject so as to permit a vote of "yes" or "no" on the same, for the
1281 reason that the Charter is so constructed that in order to enable it to work and

1282 function, it is necessary that the comprehensive amendment be adopted in its
1283 entirety. For these reasons the charter committee directs that said amended Charter
1284 be voted upon as a whole and that it shall be submitted to the qualified voters of the
1285 city at an election to be held for that purpose on the 9th day of August, 1980.

1286
1287 The form of ballot to be used in such election shall be as follows:
1288 FOR THE ADOPTION OF THE AMENDED CHARTER.
1289 AGAINST THE ADOPTION OF THE AMENDED CHARTER.

1290
1291 c. Results of vote for adoption. If a majority of the qualified electors voting in such
1292 election shall vote in favor of the adoption of the Charter, and after the returns have
1293 been canvassed, the city clerk shall file an official copy of the Charter with the records
1294 of the city. The city commission shall at its next meeting declare this Charter adopted.
1295 The clerk shall furnish the mayor a copy of said Charter, which copy of the Charter so
1296 adopted, authenticated and certified by his or her signature and the seal of the city,
1297 shall be forwarded by the mayor to the Secretary of State of the State of Texas and
1298 shall show the approval of such Charter by majority vote of the qualified voters voting
1299 at such election.

1300
1301 8.10. - Provisions for transition.

1302 a. Tenure of officers during transition. From and after the date of the adoption of this
1303 Charter and until the completion of the first election under this Charter to be held on
1304 the first Saturday in April, 1981, and the qualification of the councilpersons therein
1305 elected, the present qualified and acting commissioners and mayor shall constitute
1306 city council. Such city council shall possess all the powers provided by this Charter.

1307
1308 After said election and until the election to be held on the first Saturday in April, 1982,
1309 and the qualification of the councilpersons and mayor therein elected, the present
1310 qualified and acting commissioner—Position 2 shall serve as councilperson-at-
1311 large—Position A; the present qualified and acting commissioner—Position 4 shall
1312 serve as councilperson-at-large—Position B; and the present qualified and acting
1313 mayor shall serve as mayor. These councilpersons and mayor, along with the
1314 councilpersons elected and qualified as provided in subsection b, below, shall, for the
1315 duration of their terms of office, compose city council and shall possess all the powers
1316 provided by this Charter.

1317
1318 b. Original election of mayor and councilpersons. Councilpersons representing districts
1319 shall be elected at the election to be held on the first Saturday in April, 1981, for terms
1320 of office as follows:

1321 Councilperson—District 1, three-year term
1322 Councilperson—District 2, one-year term
1323 Councilperson—District 3, one-year term
1324 Councilperson—District 4, two-year term
1325 Councilperson—District 5, two-year term

1326 Councilperson—District 6, three-year term.

1327

1328 Councilpersons-at-large and the mayor shall be elected at the election to be held on the
1329 first Saturday in April, 1982, for terms of offices as follows:

1330 Councilperson-at-large—Position A, one-year term

1331 Councilperson-at-large—Position B, two-year term

1332 Mayor, three-year term.

1333

1334 Following these terms of office, all councilpersons and the mayor shall be elected to three-
1335 year terms, according to the provisions of Article II of this Charter.

1336

1337 Charter amended by election in 1959

1338 Failed amendment elections 1971 and 1975

1339 Amended by election May 21, 1980

1340 Amended by election May 5, 1990

1341 Amended by election May 11, 2013

1342 Amended by election May 5, 2018

1343 **CHARTER COMPARATIVE TABLE (to be updated)**

1344

1345 This table shows the location of the sections of the basic [1949] Charter and any amendments.

Ordinance Number	Adoption Date	Election Date	Section	Section this Charter
1216	5/21/80	8/9/80	1	Arts. I—VIII
1676	2/12/90	5/5/90	1A	5.02
1699	5/7/90		1	5.02
1700	5/7/90		1	5.02
2013-3482	5/14/13	5/11/13	4	1.03, 1.05, 2.10, 7.01, 8.01, 8.06
			5	1.03
			6	1.06, 2.02, 2.04
2018-3696		5/5/2018		2.02(a)
			7	2.01, 2.03
			8	2.05
			9	2.06
			10	2.07
			11	2.08
			12	2.09, 2.10
			13	2.11
			14	3.02, 3.04, 3.05

			15	3.03
			16	4.01
			17	4.03
			18	5.01
			19	5.02
			20	5.03
			21	5.05
			22	5.07
			23	6.01—6.03, 6.05, 6.08, 8.06
			24	8.02
			25	8.06