



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 used.
20 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 **ARTICLE I. - INCORPORATION; CITY POWERS**

28 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 Volume
38 8, Page 16, Map Records of Harris County, Texas, and as modified by subsequent annexations
39 and disannexations.

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

41 42 1.03. - Modification of city boundaries.

43 The city council shall have power by ordinance to fix the boundary limits of the city and to
44 provide by ordinance for the extension of said boundary limits, by the annexation of additional
45 territory lying adjacent to the city, the disannexation of territory within the city, and the exchange
46 of territory with other cities and towns, in accordance with the laws and Constitution of the State
47 of Texas. Any area of the City may be disannexed pursuant to rules and procedures established
48 under state law and whenever, in the opinion of the City Council, there exists within the
49 corporate limits of the City a territory not suitable or necessary for City purposes. The City Council
50 may discontinue said territory as part of the City by ordinance after conducting a public hearing
51 on the matter.~~The city council shall have power by ordinance to fix the boundary limits of the city~~
52 ~~and to provide by ordinance for the extension of said boundary limits, by the annexation of~~
53 ~~additional territory lying adjacent to the city, the disannexation of territory within the city and~~
54 ~~the exchange of territory with other cities and towns, all with or without the consent of the~~
55 ~~inhabitants in such territory or the owners thereof; provided that the foregoing powers shall be~~
56 ~~exercised by the council in a manner consistent with, and the council shall comply with, the~~
57 ~~procedural rules, requirements and limitations prescribed by any law applicable to cities~~

58 ~~operating under charters adopted or amended pursuant to Article XI, Section 5 of the~~
59 ~~Constitution of the State of Texas, otherwise known as home rule cities, including V.T.C.A., Local~~
60 ~~Government Code §§ 42.001 et seq., §§ 43.001 et seq. (Municipal Annexation Act).~~

61
62 The following methods of annexation may be used:

63 (a) ~~Petition. The residents of any land contiguous and adjacent to the city may request the~~
64 ~~annexation of such land. Such request shall be made by a petition in writing which is~~
65 ~~signed by a majority of the residents of such land, addressed to city council and filed~~
66 ~~with the city secretary. City council shall hear the petition and any arguments for or~~
67 ~~against it and shall accept or refuse the petition as council sees fit, as prescribed by state~~
68 ~~law. If the petition is accepted, council shall by proper ordinance annex such land.~~

69
70 (b) ~~Otherwise. The city may annex territory by use of any of the means provided in V.T.C.A.,~~
71 ~~Local Government Code § 43.021 et seq. (Municipal Annexation Act).~~

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

73 ~~State Law reference — Annexations, V.T.C.A., Local Government Code § 43.021 et seq.~~

74
75 1.04. - Form of government.

76 The governing body of the city shall be a council composed of the mayor and eight (8)
77 councilpersons, to be known as the city council of the City of La Porte, hereinafter called city
78 council. The members of city council shall be elected from the city in the manner prescribed
79 elsewhere in this Charter.

80 State Law reference— Form of government in home rule cities, V.T.C.A., Local Government Code
81 § 26.001 et seq.

82
83 1.05. - Powers of the city.

84 a. Generally. The city shall have all the powers granted to municipal corporations and to cities
85 by the Constitution and laws of the State of Texas together with all the implied powers
86 necessary to carry into execution the powers granted. The city may acquire property within
87 or without its corporate limits for any city purpose in fee-simple title or any lesser interest
88 or estate by purchase, gift, devise, lease or condemnation and may sell, lease, exchange,
89 mortgage, hold, manage and control such property as its interest may require; and, except
90 as prohibited by the Constitution of this state or restricted by the Charter, the city may
91 exercise all municipal powers, functions, rights, privileges and immunities of every name and
92 nature whatsoever. The city may use a corporate seal; may sue and be sued; may contract;
93 may implead and be impleaded in all courts concerning all matters; may cooperate with the
94 government of the United States and of the State of Texas or any agency or political
95 subdivision thereof to accomplish any lawful purpose; and may pass such ordinances as may
96 be expedient for maintaining the city's peace and welfare and for the performance of its
97 functions.

98
99 b. Enumerated powers. Without limitation of the foregoing powers, the following are
100 enumerated for greater certainty:

- 101 1. Eminent domain. The city shall have the full power and right to exercise the power of
102 eminent domain when necessary or desirable to carry out any of the powers conferred
103 upon it by this Charter or by the Constitution and laws of the State of Texas. This power
104 shall include the power to acquire any public utility operating with or without a franchise
105 and furnishing a public service. The city may exercise its condemnation power in any
106 manner authorized or permitted by the constitution and laws of this state. The power
107 of eminent domain hereby conferred shall include the right of the city to take fee-simple
108 title in land so condemned and such power and authority shall include the right to
109 condemn property for such purposes. The city shall have and possess the power of
110 condemnation for any municipal or public purposes even though not specifically
111 enumerated in this Charter.
112
- 113 2. Streets.
- 114 (a) Powers. The city shall have the power to lay out, establish, open, alter, widen,
115 lower, extend, grade, abandon, discontinue, abolish, close, care for, pave,
116 supervise, maintain and improve streets, alleys, sidewalks, parks, squares, public
117 places and bridges; and regulate the use thereof and require the removal from
118 streets, sidewalks, alleys and other public property or places of all obstructions and
119 all vendors, showcases and encroachments of every nature or character upon any
120 of said streets and sidewalks.
- 121 (b) Improvements. The city shall have exclusive dominion, control and jurisdiction in,
122 upon and over and under the public streets, avenues, alleys and highways of the
123 city, and may provide for the improvement thereof of paving, repaving, raising,
124 draining or otherwise. The provisions of V.T.C.A., Transportation Code § 313.001, et
125 seq., are expressly adopted and made a part of this Charter. Such exclusive
126 dominion, control and jurisdiction in, upon, over and under the public streets,
127 avenues, alleys and highways of the city shall also include, but not be limited to, the
128 right to regulate, locate, relocate, remove, or prohibit the location of all utility pipes,
129 lines, wires or other property.
130
- 131 3. Sanitary sewer system. The city shall have the power to provide for a sanitary sewer
132 system and to require property owners to connect their premises with such sewer
133 system, to provide for fixing penalties for failure to make sanitary sewer connections;
134 and shall further have the right to fix charges and compensation to be charged by the
135 city for sewerage service, providing rules and regulations for the collection thereof, and
136 to provide for rendering a lien against any property owner's premises who fails or refuses
137 to make sanitary sewer connections after due notice and to charge a cost against said
138 owner and make it a personal liability.
139
- 140 4. Garbage disposal. City council shall by ordinance adopt and prescribe rules and
141 regulations for the handling and disposition of all garbage, trash and ~~rubbish~~ other waste
142 within the city and shall fix charges and compensation to be charged by the city for the
143 removal of garbage, trash and rubbish, providing rules and regulations of the collection
144 thereof.

145
146 5. Nuisances, etc. The city shall have the power to define all nuisances and prohibit the
147 same within the city and outside the city limits for a distance of five thousand (5,000)
148 feet; have power to police all parks or grounds, speedways, or boulevards owned by said
149 city and lying outside of said city, to prohibit the pollution of any stream, drain or
150 tributaries thereof, which may constitute the source of water supply of any city and to
151 provide for policing the same as well as to provide for the protection of any watersheds
152 and the policing of same, ~~to inspect dairies, slaughter pens, and slaughterhouses inside~~
153 ~~and outside the limits of the city, from which meat or milk is furnished to the inhabitants~~
154 ~~of the city.~~

155
156 c. General powers adopted. The enumeration of the particular powers in this Charter shall not
157 be held or deemed to be exclusive but in addition to the powers enumerated herein or
158 implied hereby or appropriate to the exercise of such powers; the city shall have and may
159 exercise all power of local self-government and all other powers which, under the
160 Constitution and laws of the State of Texas, it would be competent for this Charter
161 specifically to enumerate. The city shall have and may exercise all the powers enumerated
162 in V.T.C.A., Health and Safety Code § 122.006; V.T.C.A., Local Government Code §§ 26.021,
163 26.041, 43.021, 43.142, 51.072, 51.074—51.077, 54.004, 101.022, 101.023, 141.044,
164 211.003, 211.005, 211.013, 214.001, 214.013, 214.901, 215.072—215.075, 216.901,
165 217.042, 251.001, 341.003, 341.903, 342.011, 342.012, 401.002, 402.002, 402.017; V.T.C.A.,
166 Tax Code §§ 302.001, 302.002, 302.102; V.T.C.A., Transportation Code §§ 311.001, 311.004,
167 311.005, 311.007, 311.091—311.094, 311.904; and Vernon's Ann. Civ. St. art. 1175.
168 (Ord. No. 2013-3482, § 4, 5-14-13)

169
170 1.06. - Special provisions for damage suits.
171 Before the city shall be liable to damage claim or suit for personal injury or death or damage
172 to property, the person who is injured or whose property is damaged or someone in his or her
173 behalf or his or her personal representative in cases of death shall give the city secretary notice
174 in writing within one hundred eighty (180) days after the occurring of the alleged injury, death or
175 damage stating specifically in such notice when, where and how the injury, death or damage was
176 sustained and setting forth the extent of the injury or damage as accurately as possible, and giving
177 the names and addresses of all witnesses upon whose testimony such person is relying to
178 establish the injury, death or damage. No action at law for damage shall be brought against the
179 city for personal injury, death or damage to property prior to the expiration of sixty (60) days
180 after the notice hereinabove described has been filed with the city secretary. After the expiration
181 of sixty (60) days aforementioned, the complainant may then have two (2) years in which to bring
182 an action of law.

183 (Ord. No. 2013-3482, § 6, 5-14-13)
184 State Law reference— Tort claims, notice, V.T.C.A., Civil Practices and Remedies Code §101.101.

185 **ARTICLE II. - CITY COUNCIL**

186
187
188 State Law reference— Form of government, V.T.C.A., Local Government Code § 26.001 et seq.

- 189
190 2.01. - Composition of city council.
191 a. Members of council. City council shall be composed of a mayor and eight (8) councilpersons.
192 The positions of councilpersons shall be designated as follows:
193 Councilperson—District 1
194 Councilperson—District 2
195 Councilperson—District 3
196 Councilperson—District 4
197 Councilperson—District 5
198 Councilperson—District 6
199 Councilperson-at-large—Position A
200 Councilperson-at-large—Position B.

201
202 The mayor and the two (2) councilpersons-at-large shall be elected by a majority vote of the
203 city at large. The city shall be divided, as described below in subsection b, into six (6) districts,
204 Districts 1, 2, 3, 4, 5 and 6, and one councilperson shall be elected from each district by majority
205 vote of the resident voters of such district.

- 206
207 b. Formation of districts. City council shall divide the city into six (6) districts which are
208 reasonably compact, contiguous and of as nearly equal population as practicable.

209
210 It shall be the duty of city council to establish the boundaries of six (6) districts covering the
211 entire city for the purpose of electing district councilpersons. Such boundaries shall be
212 established by ordinance, which shall be final for purposes of this Charter. The first such
213 establishment shall be made as soon as practicable prior to the first city election following
214 adoption of this section. Any subsequent establishment shall be made when required by this
215 Charter.

216
217 Promptly following the addition of territory to the city by a boundary change, the city council
218 shall, by ordinance, add such territory to an adjacent district or districts.

219
220 Following the publication of the decennial federal census, city council shall conduct an
221 investigation and determine the population of the city and the population of each of the
222 districts from which district councilpersons are to be elected. Each such determination shall
223 be based upon the best available data, including, but not limited to, the most recent federal
224 census. Each such determination shall be expressed in an ordinance, which shall be a final
225 determination for purposes of this Charter.

226
227 After any such determination, if the distribution of population among the various districts is
228 determined by city council to be materially unbalanced, the city council shall establish new
229 boundaries for the election of district councilpersons.

230

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

234
235 Any candidate for office receiving a majority of all the votes cast for the office for which he
236 or she is a candidate shall be elected to such office. Candidates in a runoff election are the
237 candidates who receive the highest and second highest number of votes in the main election
238 or who tie for the highest number of votes. In the event any candidate for any office fails to
239 receive a majority of votes cast for all the candidates for such office, the city council shall call
240 a run-off election to be held in accordance with state law. Tie votes shall be resolved in
241 accordance with state law.

242
243 d. Term of office. The mayor and councilpersons shall each hold their respective offices for a
244 term of three (3) years and until their successors shall have been elected and duly qualified.
245 (Ord. No. 2013-3482, § 7, 5-14-13)

246
247 2.02. - Qualifications.

248 a. Enumerated. The mayor and councilpersons shall have been qualified voter residents of the
249 city for twelve (12) months immediately preceding election day, and continuously during
250 their term of office. A district councilperson shall also be a resident of his or her district for
251 twelve (12) months immediately preceding election day and continuously during his or her
252 term of office. In addition thereto, each candidate for public office must be a qualified voter
253 of the city, must file a sworn application with the city secretary in accordance with state law,
254 and file for only one city office.

255
256 b. Council to be judge of members' qualifications. City council shall be the judge of the election
257 and qualifications of its members and for such purpose shall have power to subpoena
258 witnesses and require the production of records, but the decision of council in any such case
259 shall be subject to review by the courts. If a member of the Council is charged with any
260 grounds for forfeiture and/or removal of office under this Charter, a hearing shall be set not
261 less than ten (10) days nor more than thirty (30) days from the date on which the written
262 charges are presented at a meeting of the city council. A written charge must be sworn, and
263 is eligible to be filed only by three (3) members of the city council. At such hearing, the
264 accused shall have the right to present evidence in his or her defense, but he or she shall be
265 disqualified from voting as to his or her innocence or guilt. At the conclusion of the evidence,
266 a vote shall be taken, and upon an affirmative vote of five (5) or more members of the city
267 council, the accused member shall be removed from office and his or her seat declared
268 vacant.

269 (Ord. No. 2018-3706, § 7, 5-5-18)

270
271 2.03. - Conduct of elections.

272 a. Regulations. All city elections shall be governed by the laws of the State of Texas. In the event
273 there should be any failure of the general laws or this Charter to provide for some feature of
274 the city elections, city council shall have the power to provide for such deficiency, making all

275 regulations it considers desirable, not inconsistent with the laws of the State of Texas, for
276 the prevention of fraud in such elections and for the recount of ballots in case of doubt or
277 fraud.

278
279 Municipal elections shall be conducted by the appointed election authorities, who shall also
280 have power to make such regulations not inconsistent with this Charter, with any regulations
281 made by council or the laws of the State of Texas.

282
283 No informalities in conducting a city election shall invalidate the same, if it be conducted
284 fairly and in substantial compliance with the general laws, where applicable, and the Charter
285 and ordinances of the city.

286
287 b. Official ballots. Official ballots shall be prepared in accordance with state law.

288
289 c. Canvassing elections. Election returns shall be canvassed in accordance with state law.

290
291 d. Schedule.

292 1. Regular election. The regular election for choice of members of council shall be held
293 annually on a uniform election date as determined by state law and as ordered by city
294 council.

295
296 2. Special election. Council may by ordinance or resolution order a special election, fix the
297 time for holding same and provide necessary means.

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

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

300
301
302

303 ~~2.04. Vacancies in city council.~~

304 ~~a-2.04 Vacancies, forfeiture, and resignation~~

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305 (a) Vacancies. The Office of a Councilmember or of the Mayor shall become vacant upon
306 his or her death, resignation, forfeiture of his or her office, or removal from office.

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307 (b) Forfeiture of office. A Councilmember or the Mayor shall forfeit his or her office if he
308 or she:

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309 (1) Lacks at any time during his or her term of office any qualification for the office
310 prescribed by this Charter or by law;

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311 (2) Willfully violates any express prohibition of this Charter;

312 (3) Is convicted of a crime involving moral turpitude; or

313 (4) Fails to attend three consecutive regular Council meetings without being excused
314 by the Council.

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

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

329 ~~— Candidacy elsewhere. If the mayor or any councilperson shall announce his candidacy, or~~
330 ~~shall in fact become a candidate, in any general, special or primary election for any office of~~
331 ~~profit or trust under this Charter or the laws of Texas or the United States, other than the~~
332 ~~office he has held, at any time when the unexpired term of the office then held shall exceed~~
333 ~~one year and thirty (30) days, such announcement or such candidacy shall constitute an~~
334 ~~automatic resignation of the office then held.~~

335
336 ~~b. — Procedure. When a vacancy occurs for any reason in the office of mayor or councilperson,~~
337 ~~council shall call a special election within one hundred twenty (120) days. At said election~~
338 ~~the vacant office or offices shall be filled under the provisions of this Charter.~~

339 ~~e. — Filing for office. Each candidate for public office must:~~

341 ~~1. — Have been a resident of the City of La Porte for at least twelve (12) months immediately~~
342 ~~preceding filing for office, and be a qualified voter in the city.~~

343 ~~2. — File sworn application with the city secretary in accordance with state law.~~

344 ~~3. — File for only one city office.~~

Commented [WL1]: Moved to add to 2.02.a.

345
346 ~~d. — Official ballots. Official ballots shall be prepared in accordance with state law.~~

347
348 ~~e. — Canvassing elections. Election returns shall be canvassed in accordance with state law.~~
349 ~~(Ord. No. 2013-3482, § 6, 5-14-13)~~

Commented [WL2]: Moved to insert between current 2.03.a. and b., to become 2.03.b. and c.

350
351 2.05. - Compensation.

352 Each councilperson and the mayor shall receive for his or her services a salary in an amount
353 determined by the council, not to exceed the sum of forty-eight hundred dollars (\$4,800.00) per
354 year for the mayor, and twenty-four hundred dollars (\$2,400.00) per year for each councilperson.
355 (Ord. No. 2013-3482, § 8, 5-14-13)

356
357 2.06. - First meeting of council after canvass.

358 As soon as practicable after each City election and in accordance with state law, the city
359 council shall meet and newly elected members of the city council shall qualify and assume the
360 duties of office. On the first Monday next following the canvassing of an election, or as soon
361 thereafter as practicable, city council shall meet at the usual place for holding meetings, and the
362 newly elected members shall qualify and assume the duties of office.
363 ~~(Ord. No. 2013-3482, § 9, 5-14-13)~~

364
365 2.07. - Meetings.

366 a. Frequency. City council shall meet regularly at such times as may be prescribed by its rules
367 but not less frequently than once each month. All meetings of council shall be open to the
368 public except as allowed by state law; special meetings shall be called by the Mayor, the City
369 Manager, or at the written request of any three (3) members of the City Council.~~city~~
370 ~~secretary upon request of the mayor or three (3) councilpersons.~~

371
372 b. Rules. City council shall determine its own rules and order of business.

373
374 c. Minutes. Minutes of all open meetings of the council shall be recorded as a public record.

375 (Ord. No. 2013-3482, § 10, 5-14-13)

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

377
378 2.08. - Duties of mayor and mayor pro tem.

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

386
387 A mayor pro tem shall be a council member and be elected by the council at the first meeting
388 of council after canvassing the general and any run-off election, who shall serve for a one-year
389 term or until his or her successor is appointed and has qualified. If a vacancy occurs in the office
390 of mayor or in the case of his or her absence or disability, the mayor pro tem shall act as mayor
391 until a successor is elected and has qualified or until the mayor is again able to assume his or her
392 duties of office.

393 (Ord. No. 2013-3482, § 11, 5-14-13)

394
395 2.09. - Powers of council.

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

- 400
- 401 a. Adopt budget of the city.
- 402
- 403 b. Authorize the issuance of bonds by a bond ordinance.
- 404
- 405 c. Inquire into the conduct of any office, department, agency or officer of the city and
406 make investigations as to municipal affairs, and for that purpose may subpoena
407 witnesses, administer oaths, and compel the production of books, papers and other
408 evidence. Failure to obey such subpoena or to produce books, papers or other evidence
409 as ordered under the provisions of this section shall constitute a misdemeanor and shall
410 be punishable by fine. Council shall enact an ordinance to enforce this provision.
- 411
- 412 d. Establish and appoint the members of the planning and zoning commission.
- 413
- 414 e. Adopt plats.
- 415
- 416 f. Adopt and modify the official map of the city.
- 417
- 418 g. Adopt, modify and carry out plans proposed by the planning and zoning commission for
419 the clearance and rehabilitation of blighted areas.
- 420
- 421 h. Adopt, modify and carry out plans proposed by the planning and zoning commission for
422 the replanning, improvement and redevelopment of neighborhoods and for the
423 replanning, reconstruction or redevelopment of any area or district which may have
424 been destroyed in whole or in part by disaster.
- 425
- 426 i. Provide for the establishment and designation of fire limits and to prescribe the kind
427 and character of buildings or structures or improvements to be erected therein, and to
428 provide for the erection of fireproof buildings within certain limits, and to provide for
429 the condemnation of dangerous structures or buildings or dilapidated buildings
430 calculated to increase the fire hazard and the manner of their removal or destruction.
- 431
- 432 j. Approve assessment-certified appraisal rolls as returned to it by the appraisal district
433 and adopt same as the assessment-certified appraisal rolls to be used for the collection
434 of taxes for the current year.
- 435
- 436 k. ~~Control and distribute all contingent appropriations. Expenditures from a contingent~~
437 ~~appropriation shall require prior approval of council. A contingent appropriation shall~~
438 ~~be disbursed only by transfer to a departmental appropriation, the spending of which~~
439 ~~shall be charged to the department or activity for which the appropriation is made.~~

440
441
442 i. Neither the Council nor any of its committees or members shall direct or request the
443 appointment of any person to, or his or her removal from, office by the City Manager or
444 any of his or her subordinates; or, except as is or may be otherwise provided under the
445 terms of this Charter, in any manner take part in the appointment or removal of officers
446 and employees in the administrative service of the City. Except for the purpose of
447 inquiry, the Council and its members shall deal with the administrative service solely
448 through the Manager, and neither the Council nor any member thereof shall give orders
449 to any subordinate of the City Manager either publicly or privately.

(Ord. No. 2013-3482, § 12, 5-14-13)

450
451 2.10. - Additional discretionary powers.

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

454
455 a. Public library. Council shall have the authority to establish and maintain a free public
456 library within the city and to cooperate with any person, firm, association or corporation
457 under such terms as council may prescribe for the establishment of such free public
458 library. For budget purposes, the library may be considered as a department of the city
459 and the appropriations therefor shall comply with all the budgetary requirements as
460 outlined in this Charter and as may be prescribed from time to time by council.

461
462 b. ~~Hospital.~~
463 ~~1.— Operation. The city shall have the authority to acquire, establish and own, either by~~
464 ~~purchase, donations, bequest or otherwise, all property that may be useful or necessary~~
465 ~~for the purpose of establishing and maintaining a municipal hospital. Upon~~
466 ~~establishment of such hospital, council shall create a hospital board with membership~~
467 ~~and compensation deemed appropriate by council, which shall operate the hospital~~
468 ~~subject only to such direction and supervision as shall be contained in any ordinance or~~
469 ~~ordinances enacted by council.~~

470
471 ~~2.— Finances. All funds belonging to said hospital, whether classed as funds received in~~
472 ~~course of operation, or otherwise, shall be kept in a separate hospital fund to be used~~
473 ~~only for the operation and maintenance of said hospital, except that such funds may be~~
474 ~~used by the city for general operating purposes with the express consent of the hospital~~
475 ~~board.~~

476
477 ~~The hospital board shall submit a quarterly operating statement to council, and an annual~~
478 ~~audit to coincide with the fiscal year of the city.~~

479
480 c. Planning and Zoning.
481 1. Power. For the purposes of promoting the health, safety, morals or general welfare
482 of the city, council may by ordinance regulate the location, height, bulk and size of
483 buildings and other structures, the size of yards, courts and other open spaces, the

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484 density of population and the uses of buildings, structures and land for trade,
485 industry, business, residence and other purposes.

486
487 2. Procedure. Should council enact regulations under subsection 1. above, it shall
488 establish a zoning commission and may establish a zoning board of adjustment.

489 (a) Zoning commission.

491 (1) The commission shall recommend to council the location of zoning districts
492 and restrictions therein, and shall hold public meetings on such
493 recommendations.

494 (2) Commission members shall receive such compensation as council may
495 deem appropriate.

496 (3) Council may combine the duties of said commission with the duties of the
497 planning commission, as provided in section 2.09e through j, to form a
498 planning and zoning commission.

499 (b) Zoning board of adjustment.

501 (1) The zoning board of adjustment may, in appropriate cases and subject to
502 appropriate conditions and safeguards, make special exceptions to the
503 terms of a zoning ordinance in harmony with its general purpose and
504 intent and in accordance with general or specific rules therein contained.

505 (2) Board members shall receive such compensation as council may deem
506 appropriate.

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

510 d. Housing authority. Council may create a housing authority of such number, terms and
511 compensation of members as council may determine and may delegate to the housing
512 authority such powers relating to the planning, construction, reconstruction, alteration,
513 repair, maintenance or operation of housing projects and housing accommodations as
514 council may determine.

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

516

517 2.11. - Ordinances.

518 a. Passage.

519 1. Procedure. Every ordinance shall be introduced in written or printed form, and, upon
520 passage, shall take effect at the time indicated therein; provided that any ordinance
521 imposing a penalty, fine or forfeiture for a violation of its provisions shall become
522 effective not less than ten (10) days from the date of its passage. The city secretary shall
523 give notice of the passage of every ordinance imposing a penalty, fine or forfeiture for
524 a violation of the provisions thereof, by causing the caption or title, including the
525 penalty, of any such ordinance to be published in the official newspaper in the city at
526 least once within ten (10) days of its passage according to the provisions of state law.
527

528 He or she shall note on every ordinance, the caption of which is hereby required to be
529 published, and on the record thereof, the fact that same has been published as required
530 by the Charter, and the date of such publication and promulgation of such ordinance;
531 provided, that the provisions of this section shall not apply to the correction,
532 amendment, revision and modification of the ordinances of the city for publication in
533 book or pamphlet form. Except as otherwise provided in Article VII of this Charter, it
534 shall not be necessary to the validity of any ordinance that it shall be read more than
535 one time or considered at more than one session of city council. Every ordinance shall
536 be authenticated by the signature of the mayor and city secretary and shall be
537 systematically recorded in an ordinance book in a manner approved by council. It shall
538 only be necessary to record the caption or title of ordinances in the official minutes of
539 council meetings.

540
541 2. Codifications. Council shall have power to cause the ordinances of the city to be
542 corrected, amended, revised, codified and printed in code form as often as council
543 deems advisable. Such printed code, when adopted by council, shall be in full force and
544 effect without the necessity of publishing the same or any part thereof in a newspaper
545 and shall be admitted in evidence in all courts and places without further proof.

546
547 b. Enacting clause. The enacting clause of all ordinances shall be "BE IT ORDAINED BY THE CITY
548 COUNCIL OF THE CITY OF LA PORTE."

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

550 **ARTICLE III. - ADMINISTRATION**

551
552 3.01. - City manager.

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

557
558
559 b. Term and salary. The city manager may be appointed and removed at the will and pleasure
560 of city council by a vote of the majority of the entire city council. The action of city council in
561 suspending or removing the city manager shall be final, it being the intention of this Charter
562 to vest all authority and fix all responsibility of such action in city council. Council shall set a
563 salary for the city manager as it deems appropriate.

564
565 c. Duties. Except as provided elsewhere in this Charter, the city manager shall be the chief
566 executive officer and head of the administrative branch of the city government. He or she
567 shall be responsible to the council for the proper administration of all affairs of the city and
568 to that end he or she shall have power and be required to:

- 569 1. Devote all his or her working time and attention to the affairs of the city.
- 570 2. Appoint and, when necessary for the good of the city, remove all city officers and
571 employees except those for which this Charter provides otherwise. He or she may

572 authorize the head of a department to appoint and remove subordinates in such
573 department.

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

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

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

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

582
583 d. Provisions for absence. Within thirty (30) days after taking office, the city manager shall
584 designate by letter filed with the city secretary a qualified administrative officer of the city
585 to perform his or her duties during his or her temporary absence or disability. Upon receipt
586 of said letter, the city secretary shall advise council of its contents. Said letter shall be in force
587 and effect for the duration of the city manager's employ or until he or she files another such
588 letter. In the event of failure of the Manager to make such designation, the Council may by
589 resolution appoint an officer of the City to perform the duties of the City Manager until the
590 City Manager returns or his or her disability shall cease.

591
592 3.02. - Administrative departments.

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

595
596 Council may by ordinance create or abolish offices, departments or agencies other than the
597 offices, departments or agencies established by this Charter.

598
599 b. Consolidation. Council may consolidate or redesignate any of the offices, departments and
600 agencies.

601
602 c. Directors. The city manager shall appoint a director to supervise and control each
603 department. When necessary for the good of the city, the city manager may remove any
604 such director. Such director shall be an officer of the city and shall have supervision and
605 control of his or her department, subject to the supervision of the city manager. Two (2) or
606 more departments may be headed by the same individual, and directors of departments may
607 also serve as chiefs of divisions. The city manager may head one or more departments.

608
609 d. Divisions. The work of each administrative department may be distributed among divisions.
610 (Ord. No. 2013-3482, § 14, 5-14-13)

611
612 3.03. - City secretary.

613 City council shall appoint a city secretary. The city secretary shall be appointed and removed
614 at the will and pleasure of city council by a vote of the majority of the entire city council. The city
615 secretary shall be provided space in the City Hall sufficient to maintain the records entrusted to

616 the care of the city secretary, and shall be entitled to a seat at the council table at all official
617 meetings. The city secretary shall:

- 618
- 619 a. Give notice of council meetings.
 - 620
 - 621 b. Authenticate by his or her signature and record in full in a book kept and indexed for the
622 purpose all ordinances and resolutions.
 - 623
 - 624 c. Be the custodian of all municipal records. Recommend to the council rules and
625 regulations to be adopted by ordinances to protect the safety and security of all
626 municipal records.
 - 627
 - 628 d. Hold and maintain the City Seal and affix to all instruments requiring such seal.
 - 629
 - 630 e. Administer oaths in any matter pertaining to municipal affairs and in accordance with
631 state law.
 - 632
 - 633 f. The council shall set the compensation of the city secretary.
 - 634
 - 635 g. Perform such other duties as may be assigned by council, state law or elsewhere in this
636 Charter.

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

638

639 3.04. - Municipal court.

- 640
- 641 a. Establishment. There shall be established and maintained a municipal court with all powers
642 and duties as are now, or may hereafter be, prescribed by the laws of the State of Texas for
643 municipal courts.
 - 644
 - 645 b. Municipal judge. City council shall appoint a competent attorney, duly licensed by the State
646 of Texas, to be judge of the municipal court. The municipal judge shall be appointed and
647 removed at the will and pleasure of city council by a vote of the majority of the entire city
648 council. He or she shall serve at the pleasure of council and shall receive compensation as
649 may be fixed by council.
 - 650
 - 651 c. Alternate municipal judge. Council shall have the power to create and appoint additional
652 judges as provided by law.
 - 653
 - 654 d. Court clerk. Subject to the approval of the municipal judge, the city manager shall appoint a
655 municipal court clerk and deputy clerks. Said clerk or clerks shall have the power to
656 administer oaths and affidavits, make certificates, affix the seal of said court thereto and
657 generally do and perform any and all acts usual and necessary by clerks of court in conducting
658 the business thereof.
 - 659

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

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

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

665

666 3.05. - City attorney.

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

671

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

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

677

678

ARTICLE IV. - BUDGET

679

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

681

682 4.01. - Preparation and submission of budget.

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

690

691 a. Contents of budget. The budget shall provide a complete financial plan for the fiscal
692 year. It shall contain the following:

693

694

695

696

697

698

699

700

701

702

703

1. A consolidated statement of receipts-revenues and expenditures for all funds.
2. An analysis of property valuations.
3. An analysis of tax rate.
4. Tax levies and tax collections by years for at least ten (10) years or for a number of years for which records are available.
5. A detailed listing of the resources of each fund.
6. A summary of proposed expenditures within such funds by department, function and classification.
7. A revenue and expense statement for all outstanding bonded debt.
8. A schedule of principal and interest on each issue of outstanding bonds showing rate of interest, maturity dates and amount outstanding.

- 704 9. The appropriation ordinance.
705 10. The tax-levying ordinance.
706
707 b. Attachments to budget.
708 1. Budget message. The city manager shall prepare a budget message which shall be
709 submitted with the budget. It shall contain an outline of the proposed financial
710 policies of the city for the fiscal year and describe in connection therewith the
711 important features of the budget plan. It shall set forth the reasons for salient
712 changes from the previous years in expenditures and revenue items and shall
713 explain any major changes in financial policy.
714
715 2. Supporting schedules. Attached to the budget shall be such supporting schedules,
716 exhibits and other explanatory material, in respect to both current operations and
717 capital outlays, as the city manager shall believe useful to council.
718
719 3. Comparison tables. The city manager may prepare tables in which various items
720 may be compared with those of previous years and shall attach such to the budget.
721 (a) Anticipated revenues. In parallel columns opposite the several items of
722 revenue, there shall be placed the actual amount of such item for the first six
723 (6) months of the current year, the budgeted amount for the current fiscal year,
724 and the proposed amount for the ensuing fiscal year.
725 (b) Proposed expenditures. The proposed expenditures for the administration,
726 operation, maintenance and capital outlay of each office, department or
727 agency of the city shall be itemized by character and object. In parallel columns
728 opposite the various items of expenditures, there shall be placed the actual
729 amount of such items of expenditures for the last completed fiscal year, the
730 estimated amount for the current fiscal year and the proposed amount for the
731 ensuing fiscal year.
732
733 c. Balanced budget. The total estimated expenditures of the general fund and debt service
734 fund shall not exceed the total estimated resources of each fund (prospective income
735 plus cash on hand). The classification of revenue and expenditure accounts shall
736 conform to the uniform classification as promulgated by the Governmental Accounting
737 Standards Board and Generally Accepted Accounting Principles.

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

739
740 4.02. - Availability of proposed budget.
741 The proposed budget and all attachments shall be a public record in the office of the city
742 secretary, open to public inspection. ~~The city manager shall cause sufficient copies of such to be~~
743 ~~prepared for distribution to interested persons.~~
744

745 4.03. - Budget adoption.

746 a. Publication of notice of public hearing. At the meeting of city council at which the budget
747 and attachments are submitted, council shall determine the place and time of the public

748 hearing on the budget, and shall cause to be published a notice of the place and time, not
749 less than ten (10) days after date of publication, at which council will hold a public hearing.

750
751 b. Public hearing. At the time and place so advertised, or at any time and place to which such
752 public hearing shall from time to time be adjourned, city council shall hold a public hearing
753 on the budget as submitted, at which all interested persons shall be given an opportunity to
754 be heard, for or against the estimates or any item thereof.

755
756 c. Vote required for adoption. The budget shall be adopted by the favorable votes of at least a
757 majority of all members of the whole council.

758
759 d. Adoption. The budget shall be finally adopted not later than the last day of the fiscal year.
760 Should council take no final action on or prior to such day, the budget as submitted by the
761 city manager shall be deemed to have been finally adopted by council.
762 Upon final adoption, the budget shall be in effect for the fiscal year.
763 (Ord. No. 2013-3482, § 17, 5-14-13)

764
765 4.04. - Public record.

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

767
768 b. Availability. The final budget shall be printed, ~~mimeographed~~ or otherwise reproduced and
769 sufficient copies shall be made available for the use of offices, departments and agencies,
770 and for the use of interested persons and civic organizations.

771
772 4.05. - Effect of approved budget.

773 From the effective date of the budget:

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

776
777 b. The amount stated therein as the amount to be raised by property tax shall constitute a
778 determination of the amount of the levy for the purposes of the city, in the
779 corresponding tax year.

780
781 4.06. - Fiscal year defined.

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

785 State Law reference— Fiscal year, authority to establish, V.T.C.A., Local Government Code §
786 101.022.

787
788 **ARTICLE V. - FINANCE ADMINISTRATION**

789
790 State Law reference— Financial matters, V.T.C.A., Local Government Code § 101.001 et seq.
791

792 5.01. - Division of taxation.

793 There shall be established in the department of finance a division of taxation, ~~the head of~~
794 ~~which shall be the city tax assessor collector.~~

795
796 a. Property subject to tax; method of assessment. All real and personal property within the
797 city not expressly exempted by law shall be subject to annual taxation at its true market
798 value.

799
800 Each person, partnership and corporation owning property within the limits of the city
801 shall on the first day of January render an inventory of property possessed or controlled
802 by him, her, or them to the appraisal district as set forth in the Property Tax Code.

803
804 b. Payment of taxes.

805 1. When due and payable. All taxes due the city may be paid at any time after the tax
806 rolls for the year have been completed and approved, which shall be not later than
807 October 15. Taxes shall be paid before the first day of February (or the next business
808 day if the thirty-first day of January is a Saturday, Sunday, or legal holiday) following
809 the year for which the tax was levied, and all such taxes not paid prior to such date
810 shall be deemed delinquent and shall be subject to such penalty and interest as
811 provided by the Texas Property Tax Code. ~~All taxes due the city shall be payable at~~
812 ~~the office of the assessor collector and may be paid at any time after the tax rolls~~
813 ~~for the year have been completed and approved, which shall be not later than~~
814 ~~October 15. Taxes shall be paid before February first following the year for which~~
815 ~~the tax was levied, and all such taxes not paid prior to such date shall be deemed~~
816 ~~delinquent and shall be subject to such penalty and interest as provided by the~~
817 ~~Texas Property Tax Code.~~

818
819 2. Tax liens. The tax levied by the city is hereby declared to be a lien, charge or
820 encumbrance upon the property upon which tax is due, which lien, charge or
821 encumbrance the city is entitled to enforce and foreclose in any court having
822 jurisdiction over the same, and the lien, charge and encumbrance on the property
823 in favor of the city, for the amount of taxes, penalties and interest due on such
824 property, is such as to give the state courts jurisdiction to enforce and foreclose said
825 lien on the property on which the taxes, penalties and interest is due, not only as
826 against any resident of this state or person whose residence is unknown, but also
827 as against nonresidents. All taxes upon real estate shall especially be a lien and a
828 charge upon the property upon which the taxes, penalties and interest are due,
829 which lien may be foreclosed in any court having jurisdiction.

830 (Ord. No. 2013-3482, § 18, 5-14-13)

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

833

834 5.02. - Purchase procedure.

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

848 (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.
849 2013-3482, § 19, 5-14-13)

850
851 Editor's note—The city has exercised the option under V.T.C.A., Local Government Code §
852 252.002 to have the requirements in V.T.C.A., Local Government Code § 252.021 which increased
853 the requirements for competitive sealed bids or proposals to expenditures of more than
854 \$15,000.00.

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

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

857

858 5.03. - Alterations in contracts.

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

861 (Ord. No. 2013-3482, § 20, 5-14-13)

862

863 5.04. - Fees shall be paid to city.

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

867

868 ~~5.05.—Borrowing.~~

869 ~~a.—Negotiable notes. In any fiscal year, city council may by resolution authorize borrowing by~~
870 ~~the issuance and sale of negotiable notes of the city which shall mature and be payable not~~
871 ~~later than the end of the fiscal year in which the original notes have been issued. All such~~
872 ~~notes may be sold at not less than par and accrued interest at private sale by the director of~~
873 ~~the finance department without previous advertisement, but such sale shall be authorized~~
874 ~~by council. Such notes shall be in anticipation of either of the following:~~

875

876 ~~1.—Property taxes. Notes authorized in anticipation of the collection of property taxes in a~~
877 ~~fiscal year shall be designated "tax anticipation note for the year~~
878 ~~_____/_____/_____" (stating the fiscal year).~~

879 ~~2. Other revenues. Notes authorized in anticipation of the collection or receipt of other~~
880 ~~revenues shall be designated "special revenue note for the year~~
881 ~~_____ / _____ / _____" (stating the fiscal year).~~
882

883 ~~b. Capital improvements.~~

884 ~~1. Power and authority to incur indebtedness. The city shall have the power and authority,~~
885 ~~by ordinance duly adopted, to borrow money on the credit of the city for permanent~~
886 ~~public improvements and to issue its general obligation bonds, revenue bonds,~~
887 ~~refunding bonds, certificates of indebtedness, notes, warrants, or other forms of~~
888 ~~indebtedness pursuant to and in accordance with the present or hereinafter adopted or~~
889 ~~amended general and special laws of this state applicable to home rule cities, except as~~
890 ~~such power and authority is expressly limited or denied by this Charter, or any~~
891 ~~amendments hereto.~~

892 ~~(Ord. No. 2013-3482, § 21, 5-14-13)~~
893

894 5.06. - Disbursement of funds.

895 All checks, vouchers or warrants for the withdrawal of funds from the city depository shall
896 be executed in accord with the provisions of this Charter and shall be signed by the city manager
897 or his or her deputy and counter-signed by a member of city council.
898

899 5.07. - Independent audit.

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

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

912 State Law reference— Audit, V.T.C.A., Local Government Code § 103.001 et seq.
913

914 5.08. - Appropriations lapse at end of year.

915 All appropriations shall lapse at the end of the budget year to the extent that they shall not
916 have been expended or lawfully encumbered.
917

918 **ARTICLE VI. - INITIATIVE, REFERENDUM AND RECALL**

919 6.01. - Power of initiative.

920 The registered voters of the city shall have power to propose ordinances to the council and,
921 if the council fails to adopt an ordinance so proposed without any change in substance, to adopt
922

923 ~~or reject such ordinance at a city election, such power known as the initiative, but such power~~
924 ~~shall not extend to the budget or capital program, granting of franchises, or any ordinance~~
925 ~~relating to appropriation of money, levy of taxes or salaries of city officers or employees, or in~~
926 ~~conflict with this Charter, or the Constitution and laws of the State of Texas. The qualified voters~~
927 ~~shall have the power to propose any ordinance except an ordinance appropriating money or~~
928 ~~authorizing the levy of taxes, and to adopt or reject the same at the polls, such power known as~~
929 ~~the initiative.~~

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

931

932 6.02. - Power of referendum.

933 ~~The qualified voters shall have power to approve or reject at the polls any ordinance passed~~
934 ~~by council, or submitted by council to a vote of the qualified voters, such power being known as~~
935 ~~the referendum, but such power shall not extend to the budget, capital program, granting of~~
936 ~~franchises, or ordinance relating to appropriation of money or levying of taxes, or the~~
937 ~~preservation of public peace, health, or safety under emergency conditions. Ordinances~~
938 ~~submitted to council by initiative petition and passed by council without change shall be subject~~
939 ~~to the referendum in the same manner as the other ordinances. The qualified voters shall have~~
940 ~~power to approve or reject at the polls any ordinance passed by council, or submitted by council~~
941 ~~to a vote of the qualified voters, except as provided in section 5.05, such power being known as~~
942 ~~the referendum. Ordinances submitted to council by initiative petition and passed by council~~
943 ~~without change shall be subject to the referendum in the same manner as the other ordinances.~~

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

945

946 6.03. - Procedure for initiative or referendum petition.

947 a. Form of petition.

948 1. Text. ~~Initiative petition signature pages shall contain the full caption of the proposed~~
949 ~~ordinance. The full text of the proposed ordinance shall be attached to the petition~~
950 ~~signature pages in order that it may be inspected before the petition is signed. Initiative~~
951 ~~petition papers shall contain the full text of the proposed ordinance.~~

952

953 2. Signatures.

954 (a) The signatures to initiative or referendum petitions need not all be appended to
955 one paper, but to each separate petition there shall be attached a statement of the
956 circulator thereof as provided by this section. Each signer of any petition paper shall
957 sign his or her name ~~in ink or indelible pencil~~ and shall indicate after his or her name
958 his or her place of residence by street and number, or other description sufficient
959 to identify the place.

960 (b) ~~The petition shall be signed by a minimum of five hundred (500) registered voters~~
961 ~~of the city. The petition shall be signed by qualified voters of the city equal in number~~
962 ~~to at least fifty (50) percent of the number of votes cast in the last regular municipal~~
963 ~~election.~~

964

965 ~~3. Circulators. There shall appear on each petition the names and addresses of five (5)~~
966 ~~qualified voters, who, as circulators, shall be regarded as responsible for the circulation~~
967 ~~and filing of the petition.~~

968
969 4. Affidavit. Attached to each separate petition paper there shall be an affidavit of the
970 circulator thereof that he or she, and he or she only, personally circulated the foregoing
971 paper, that it bears a stated number of signatures, that all signatures appended thereto
972 were made in his or her presence, and that he or she believes them to be genuine
973 signatures of the persons whose names they purport to be.

974 b. Submission of petition.

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

977
978 2. Examination. Within twenty (20) days after a petition is filed, the city secretary shall
979 determine whether each paper of the petition has a proper statement of the circulator
980 and whether the petition is signed by a sufficient number of qualified voters. The city
981 secretary shall declare any petition paper entirely invalid which does not have attached
982 thereto an affidavit signed by the circulator thereof. If a petition paper is found to be
983 signed by more persons than the number of signatures certified by the circulator, the
984 last signatures in excess of the number certified shall be disregarded. If a petition paper
985 is found to be signed by fewer persons than the number certified, the signatures present
986 shall be accepted unless void on other grounds.

987
988 3. Certification.

989 (a) Procedure. After completing his or her examination of the petition, the city
990 secretary shall certify the result thereof to city council at its next regular meeting.
991 If he or she shall certify that the petition is insufficient, he or she shall set forth in
992 his or her certificate the particulars in which it is defective and shall at once notify
993 the circulators of his or her findings.

994 (b) Effect. When a referendum petition or amended petition has been certified as
995 sufficient by the city secretary, the ordinance specified in the petition shall not go
996 into effect, or further action thereunder shall be suspended if it shall have gone into
997 effect, until and unless approved by the electorsvoters, as hereinafter provided.

998
999 c. Amendment of petition. An initiative or referendum petition may be amended at any time
1000 within ten (10) days after the notification of insufficiency has been sent by the city secretary,
1001 by filing a supplementary petition upon additional papers signed and filed as provided in
1002 case of an original petition. The city secretary shall, within five (5) days after such an
1003 amendment is filed, make examination of the amended petition and, if the petition be still
1004 insufficient, he or she shall file his or her certificate to that effect in his or her office and
1005 notify the circulators of his or her findings and no further action shall be had on such
1006 insufficient petition.
1007
1008

1009 d. Refiling not prejudiced. The finding of the insufficiency of a petition shall not prejudice the
1010 filing of a new petition for the same purpose.

1011 (Ord. No. 2013-3482, § 23, 5-14-13)

1012

1013 6.04. - Consideration of referendum or initiative by council.

1014 Whenever city council receives a certified initiative or referendum petition from the city
1015 secretary, it shall proceed at once to consider such petition and shall take final action on it within
1016 sixty (60) days after the date on which it was submitted to council.

1017

1018 a. Initiative. A proposed initiative ordinance shall be read and provision made for a public
1019 hearing on such before the time set for final action.

1020

1021 b. Referendum. A referred ordinance shall be considered by council and its final vote upon
1022 such reconsideration shall be upon the question, "Shall the ordinance in the referendum
1023 petition be repealed?"

1024

1025 6.05. - Election on referendum or initiative.

1026

1027 a. Submission to qualified voters. If council shall fail to pass an ordinance proposed by initiative
1028 petition or shall pass it in a form different from that set forth in the petition therefor, or if
1029 council fails to repeal a referred ordinance, the proposed or referred ordinance shall be
1030 submitted to the qualified voters on the next election day as established by the laws of the
1031 State of Texas. Council may, in its discretion, and if no regular election is to be held on such
1032 day shall, provide for a special election.

1033

1034 b. Form of ballot. Ordinances submitted to vote of electors in accordance with this article shall
1035 be submitted by ballot title, which shall be prepared in all cases by the city attorney. The
1036 ballot title may be different from the legal title of any such initiated or referred ordinance
1037 and shall be a clear, concise statement, without argument or prejudice, descriptive of the
1038 substance of such ordinance. Below the ballot title shall appear the following propositions,
1039 one preceding the other, in the order indicated: "FOR THE ORDINANCE" and "AGAINST THE
1040 ORDINANCE."

1041

1042 Any number of ordinances may be voted on at the same election and may be submitted on
1043 the same ballot, but any paper ballot used for voting thereon shall be for that purpose only.

1044

1045 c. Results. If a majority of the qualified voters voting on a proposed initiative ordinance shall
1046 vote in favor thereof, it shall thereupon be an ordinance of the city. A referred ordinance
1047 which is not approved by a majority of the electors voting thereon shall thereupon be
1048 deemed repealed. If conflicting ordinances are approved by the electors at the same
1049 election, the one receiving the greatest number of affirmative votes shall prevail to the
1050 extent of such conflict.

1051 (Ord. No. 2013-3482, § 23, 5-14-13)

1052

1053 6.06. - Amendment of initiative or referendum ordinances.
1054 Initiative and referendum ordinances adopted or approved by the ~~electors-voters~~ shall be
1055 published, and may be amended or repealed by council, as in the case of other ordinances.
1056

1057 6.07. - Power of recall.

1058 The mayor or any councilperson may be removed from office by recall.
1059

1060 No recall petition shall be filed against the mayor or a councilperson within six (6) months
1061 after he or she takes office nor in respect to an officer subjected to a recall election and not
1062 removed thereby, until at least six (6) months after such election.
1063

1064 6.08. - Procedure for recall petition.

1065 a. Affidavit. Any qualified voter of the city may make and file with the city secretary an affidavit
1066 containing the name or names of the officer or officers whose removal is sought and a
1067 statement of the grounds for removal. For the recall of a district councilperson, the voter
1068 filing the affidavit must reside in that councilperson's district.
1069

1070 b. Petition blanks. Upon receipt of said affidavit, the city secretary shall deliver to said qualified
1071 voter copies of petition blanks demanding such removal. The city secretary shall keep a
1072 sufficient number of printed petition blanks on hand for distribution. Such blanks when
1073 issued shall:

- 1074 1. Be signed by the city secretary.
- 1075 2. Be addressed to city council.
- 1076 3. Be numbered and dated.
- 1077 4. Indicate the name of the person to whom issued.
- 1078 5. Indicate the name of the officer whose removal is sought.
- 1079 6. Indicate the number of such blanks issued.

1080 The city secretary shall enter in a record to be kept in his or her office the name of the
1081 qualified voter to whom the petition blanks were issued and the number issued to said
1082 person.
1083

1084
1085 c. Return of petition. To be effective, the recall petition must:

- 1086 1. For the recall of the Mayor or a Councilperson elected at large, the petition must be
1087 signed by a minimum of one thousand (1,000) registered voters of the city. For the recall
1088 of a district councilperson, the petition must be signed by a minimum of two hundred
1089 fifty (250) registered voters of that councilperson's district.~~Be signed by qualified voters~~
1090 ~~of the city equal in number to at least fifty (50) percent of those who were qualified~~
1091 ~~voters and voted on the date of the last regular municipal election, and at least one-half~~
1092 ~~of the qualified voters constituting such fifty (50) percent signing the petition shall make~~
1093 ~~affidavit, to be filed with the petition, to the effect that they voted for the person whose~~
1094 ~~recall is sought, in the election at which he was last elected.~~
1095

1096 2. Be returned and filed with the city secretary within thirty (30) days after the filing of the
1097 affidavit required in section 6.08a.

1098 (Ord. No. 2013-3482, § 23, 5-14-13)

1099

1100 6.09. - Recall election.

1101 a. Submission. The city secretary shall at once examine the recall petition and, if he or she finds
1102 it sufficient and in compliance with the provisions of this article, he or she shall within five
1103 (5) days submit it to city council with his or her certificate to that effect and notify the officer
1104 sought to be recalled of such action. If the officer whose removal is sought does not resign
1105 within five (5) days after such notice, council shall thereupon order and fix a date for holding
1106 a recall election. Any such election shall be held at the next election day as established by
1107 the laws of the State of Texas.

1108

1109 b. Ballots used at recall elections shall conform to the following requirements:

1110 1. With respect to each person whose removal is sought the question shall be submitted
1111 "Shall (name of person) be removed from the office of (name of office) by recall?"

1112

1113 2. Immediately below each such question there shall be printed the two (2) following
1114 propositions, one above the other, in the order indicated:

1115 "For the recall of (name of person)"

1116 "Against the recall of (name of person)."

1117

1118 c. Results. If a majority of the votes cast at a recall election shall be against the recall of the
1119 officer named on the ballot, he or she shall continue in office for the remainder of his or her
1120 unexpired term, subject to recall as before. If a majority of the votes at such an election be
1121 for the recall of the officer named on the ballot, he or she shall, regardless of any technical
1122 defects in the recall petition, be deemed removed from office and the vacancy shall be filled
1123 as in other vacancies.

1124

1125 6.10. - Should city council fail or refuse to order any of the elections as provided for in this article,
1126 when all the requirements for such election have been complied with by the petitioning voters
1127 in conformity with this article of the Charter, then judicial relief may be sought with the
1128 appropriate court for issuance of a writ of mandamus to compel compliance with the provisions
1129 of this article. District judge may order election.

1130 ~~Should city council fail or refuse to order any of the elections as provided for in this article, when~~
1131 ~~all the requirements for such election have been complied with by the petitioning electors in~~
1132 ~~conformity with this article of the Charter, then it shall be the duty of any one of the district~~
1133 ~~judges of Harris County, Texas, upon proper application being made therefor, to order such~~
1134 ~~elections and to enforce the carrying into effect of the provisions of this article of the Charter.~~

1135

1136 ARTICLE VII. - FRANCHISES AND PUBLIC UTILITIES

1137

1138 State Law reference— Franchises, Vernon's Ann. Civ. St. art. 1175; franchise to use streets,
1139 V.T.C.A., Transportation Code § 311.071 et seq.

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1140
1141 7.01. - Enfranchisement.
1142 a. Power of council. City council shall have power by ordinance to grant, amend, renew and
1143 extend all franchises of all public utilities of every character operating within the city. All
1144 ordinances granting, amending, renewing or extending franchises for public utilities shall not
1145 be finally passed until thirty (30) days after the first reading; and no such ordinance shall take
1146 effect until sixty (60) days after its final passage; and pending such time, the notice and
1147 caption of such ordinance, noting the place where the full text may be examined by the
1148 public, shall be published once each week for four (4) consecutive weeks in the official
1149 newspaper of the city, and the expense of such publication [is] to be borne by the proponent
1150 of the franchise. No public utility franchise shall be transferable except with the approval of
1151 council expressed by ordinance.
1152
1153 b. Extensions. All extensions of public utilities within the city limits shall become a part of the
1154 aggregate property of the public utilities, shall be operated as such, and shall be subject to
1155 all the obligations and reserved rights contained in this Charter and in any original grant
1156 hereafter made. The right to use and maintain any extension shall terminate with the original
1157 grant and shall be terminable as provided in section 7.02a. In case of an extension of a public
1158 utility operated under a franchise hereafter granted, such right shall be terminable at the
1159 same time and under the same conditions as the original grant.
1160
1161 c. Other conditions. All franchises heretofore granted are recognized as contracts between the
1162 city and the grantee, and the contractual right as contained in any such franchises shall not
1163 be impaired by the provisions of this Charter, except that the power of the city to exercise
1164 the right of eminent domain in the acquisition of any utility property is in all things reserved,
1165 and except the general power of the city heretofore existing and herein provided for to
1166 regulate the rates and services of the grantee which shall include the right to require proper
1167 and adequate extension of plant and service and the maintenance of the plant and fixtures
1168 at the highest reasonable standard of efficiency.
1169
1170 Every public utility franchise hereafter granted shall be held subject to all the terms and
1171 conditions contained in the various sections of this article whether or not such terms are
1172 specifically mentioned in the franchise.
1173
1174 When the city chooses to exercise its power of eminent domain to acquire any public utility,
1175 the procedure to be used in such acquisition shall be as set forth in V.T.C.A., Property Code
1176 §§ 21.011 to 21.065, inclusive. In valuing the property, the measure of damages shall be the
1177 fair market value of the physical properties taken together as one system. This power shall
1178 be in addition to and cumulative of any other powers of acquisition granted to or reserved
1179 by the city in a franchise ordinance.
1180
1181 Prior to the purchase of any existing franchised utility system, either according to the terms
1182 of the franchise or by eminent domain, city council shall submit the question of purchase to
1183 the voters of the city, and such must be approved by a majority of those voting.

1184
1185 Nothing in this Charter shall operate to limit in any way, as specifically stated, the discretion
1186 of council or the electors of the city in imposing terms and conditions as may be reasonable
1187 in connection with any franchise grant.

1188 (Ord. No. 2013-3482, § 4, 5-14-13)

1189

1190 7.02. - Regulation.

1191 a. Right of regulation. All grants, renewals, extensions or amendments of public utility
1192 franchises, whether it be so provided in the ordinance or not, shall be subject to the right of
1193 the city:

1194

1195 1. To repeal the same by ordinance at any time for failure to begin construction or
1196 operation within the time prescribed or otherwise to comply with the terms of the
1197 franchise, such power to be exercised only after due notice and hearing.

1198

1199 2. To require an adequate extension of plant and service, and the maintenance of the plant
1200 and fixtures at the highest reasonable standard of efficiency.

1201

1202 3. To establish reasonable standards of service and quality of products and prevent unjust
1203 discrimination in service of rates.

1204

1205 4. To prescribe the form of accounts kept by such utility. If the franchise does not prescribe
1206 the form of accounts kept by a utility, then it shall keep its accounts in accordance with
1207 the utility system of accounts for said utility prescribed by the appropriate state and
1208 federal utility regulatory agencies.

1209

1210 5. To examine and audit the accounts and other records of any such utility at any time and
1211 to require annual and other reports, including reports on local operations by each such
1212 public utility.

1213

1214 6. To impose such reasonable regulations and restrictions as may be deemed desirable or
1215 conducive to the safety, welfare and accommodation of the public.

1216

1217 7. To at any time require such compensation and rental as may be permitted by the laws
1218 of the State of Texas.

1219

1220 b. Regulation of rates and service. Council shall have full power, after due notice and hearing,
1221 to regulate by ordinance the rates and service of every public utility operating within the
1222 city. Such power shall be subject to the exercise of power in each area of each utility by the
1223 appropriate agencies of state and federal government.

1224

1225 7.03. - Franchise records.

1226 Within six (6) months after this Charter takes effect, every public utility and every owner of
1227 a public utility franchise shall file with the city, as may be prescribed by ordinance, certified copies
1228 of all franchises owned or claimed, or under which such utility is operated in the city.
1229

1230 The city shall compile and maintain a public record of public utility franchises.
1231

1232 7.04. - Accounts of municipality-owned utilities.

1233 Accounts shall be kept for each public utility owned or operated by the city, in such manner
1234 as to show the true and complete financial results of such city ownership and operation, including
1235 all assets, appropriately subdivided into different classes, all liabilities subdivided by classes,
1236 depreciation, reserve, other reserves and surplus, also revenues, operating expenses, including
1237 depreciation, interest payments, rental and other disposition of annual income. The accounts
1238 shall show the actual capital cost to the city of each public utility owned, also the cost of all
1239 extensions, additions and improvements, and the source of the funds expended for such capital
1240 purposes. They shall show as nearly as possible the cost of any service furnished to or rendered
1241 by any such utility to any other city or governmental department. City council shall annually cause
1242 to be made by a licensed certified public accountant and shall publish a report showing the
1243 financial results of such city ownership and operation, giving the information specified in this
1244 section or such data as council shall deem expedient, in accordance with section 5.08.
1245

1246 7.05. - Franchise value disallowed.

1247 The value of the franchise granted by the city shall not be included in fixing reasonable rates
1248 and charges for utility service within the city or in determining the just compensation to be paid
1249 by the city for public utility property which may be acquired by eminent domain or otherwise.
1250

1251

1252

1253 7.06. - Consent of property owners.

1254 The consent of abutting and adjacent property owners shall not be required for the
1255 construction, extension, maintenance or operation of any public utility; but nothing in this
1256 Charter or in any franchise granted thereunder shall be construed to deprive any such property
1257 owner of any rights of action for damage or injury to his or her property as now or hereafter
1258 provided by law.
1259

1260 **ARTICLE VIII. - GENERAL PROVISIONS**

1261

1262 8.01. - Publicity of records.

1263 The public records of the City shall be available to the public subject to the procedures and
1264 applicable exceptions established in the Texas Public Information Act. The City Council may adopt
1265 regulations for the enforcement of this provision, as necessary.~~All records and accounts of every~~
1266 ~~office, department or agency of the city shall be open to inspection by any person, any~~
1267 ~~representative of a citizen's organization or any representative of the press during normal~~
1268 ~~business hours, as provided in the Texas Public Information Act, V.T.C.A., Government Code §~~
1269 ~~552.001 et seq.~~

1270 ~~(Ord. No. 2013-3482, § 4, 5-14-13)~~
1271 ~~State Law reference — Public records act, V.T.C.A., Government Code § 552.001 et seq.~~

1272
1273 8.02. - Employers and officers.

1274
1275 a. ~~Personal financial interest. All members of the City Council, and all officers and employees~~
1276 ~~of the City, having a financial interest in any contract or sale to the city of land, material,~~
1277 ~~supplies or services shall be subject to and shall comply with applicable state law governing~~
1278 ~~conflicts of interest, including but not limited to Texas Local Government Code Chapters 171~~
1279 ~~and 176. The City Council may adopt regulations for the enforcement of this provision, as~~
1280 ~~necessary. No member of city council or any officer or employee of the city shall have a~~
1281 ~~financial interest, direct or indirect or by reason of ownership of stock in any corporation, in~~
1282 ~~any contract or in the sale to the city, or to a contractor supplying the city, of any lands or~~
1283 ~~rights of interests in any land, material, supplies or service. Any willful violation of this section~~
1284 ~~shall constitute malfeasance in office, and any officer or employee of the city found guilty~~
1285 ~~thereof shall thereby forfeit his office or position. Any violation of this section with the~~
1286 ~~knowledge expressed or implied of the person or corporation contracting with the city shall~~
1287 ~~render the contract voidable by council.~~

1288
1289 b. ~~Employment interest. No one who has been elected to city office shall be employed in a~~
1290 ~~nonelective office by the city within the term for which he or she was elected or for one year~~
1291 ~~thereafter.~~

1292
1293 c. ~~Nepotism. No person related, within the second degree by affinity or within the third degree~~
1294 ~~by consanguinity, to the mayor or any councilperson or to the city manager, shall be~~
1295 ~~employed in any office, position or clerkship of the city. This prohibition shall not apply to or~~
1296 ~~prevent the appointment, voting for, or confirmation of any person who shall have been~~
1297 ~~continuously employed in any office, position, or clerkship for the following period prior to~~
1298 ~~the election or appointment, as applicable, of the city council member or city manager~~
1299 ~~related to such employee in the prohibited degree: 1) at least 30 days, if related to the city~~
1300 ~~manager; or 2) at least six months, if related to a member of city council. No person related,~~
1301 ~~within the second degree by affinity or within the third degree by consanguinity, to the~~
1302 ~~mayor or any councilperson or to the city manager shall be employed or appointed to any~~
1303 ~~office, position or clerkship of the city. This prohibition shall not apply, however, to any~~
1304 ~~person who shall have been employed for two (2) years or more by the city at the time of~~
1305 ~~the election or appointment of the officer to whom he is related.~~

1306
1307 d. ~~Bonds. Council may by general ordinance require bonds of any municipal officers and~~
1308 ~~employees who receive or pay out any monies of the city. The amount of such bonds shall~~
1309 ~~be determined by council and the cost thereof borne by the city. Council shall require bonds~~
1310 ~~of all municipal officers and employees who receive or pay out any monies of the city. The~~
1311 ~~amount of such bonds shall be determined by council and the cost thereof borne by the city.~~
1312 ~~Council shall set the bond amount for the city manager and the director of finance at an~~
1313 ~~amount not less than ten thousand dollars (\$10,000.00).~~

1314
1315 e. Oath of office.
1316 Elected and appointed officers. All officers of the city shall, before entering upon the duties
1317 of their respective offices, take and subscribe to the official oath prescribed in the
1318 Constitution of the State of Texas.

1319
1320 f. Discharge. Council shall be authorized to discharge at any time, with or without a hearing, as
1321 council may elect, any officer, employee or clerk which it appoints.
1322 The city manager shall be authorized to discharge at any time, with or without a hearing, as
1323 the city manager may elect, any officer, employee or clerk which he or she appoints.

1324
1325 g. Injuries; insurance. City council shall have authority to provide the rules and regulations for
1326 maintaining employees when injured and disabled while performing their duties, and it may
1327 provide for such plan of insurance as it deems proper.

1328
1329 h. Pensions. City council may establish a pension plan for any employee ~~who has been~~
1330 ~~employed by the city for twenty (20) years and who shall have reached the age of fifty-five~~
1331 ~~(55)~~, or may adopt in lieu thereof any pension system available to cities under state law.
1332 (Ord. No. 2013-3482, § 24, 5-14-13)

1333
1334 8.03. - Assignment, execution and garnishment of city property.
1335 The property, real and personal, belonging to the city shall not be liable to be sold or
1336 appropriated under any writ of execution or cost bill. The funds belonging to the city, in the hands
1337 of any person, firm or corporation, shall not be liable to garnishment, attachment or
1338 sequestration; nor shall the city be liable to garnishment on account of any debt it may owe or
1339 funds or property it may have on hand or owing to any person. Neither the city nor any of its
1340 officers or agents shall be required to answer any such writ of garnishment on any account
1341 whatever. The city shall not be obligated to recognize any assignment of wages or funds by its
1342 employees, agents or contractors.

1343
1344 8.04. - City not required to give security or execute bond.
1345 It shall not be necessary in any action, suit or proceeding in which the city is a party for any
1346 bond, undertaking or security to be demanded or executed by or on behalf of said city in any
1347 court, but in all such actions, suits, appeals or proceedings, same shall be conducted in the same
1348 manner as if such bond, undertaking or security had been given as required by law, and said city
1349 shall be as liable as if security of bond had been duly executed.

1350
1351 8.05. - Effect of this Charter on existing law.
1352 All ordinances, resolutions, rules and regulations now in force under the city government of
1353 the city and not in conflict with the provisions of this Charter shall remain in force under this
1354 Charter until altered, amended or repealed by city council after this Charter takes effect; and all
1355 rights of the city under existing franchises and contracts are preserved in full force and effect to
1356 the city, and any unissued bonds and revenue bonds, or installments thereof, heretofore
1357 authorized at an election held in said city shall not be affected by the adoption of this Charter,

1358 but the right to sell, issue and deliver same, in whole or in part, in keeping with the provisions of
1359 the laws under which they were voted is hereby expressly reserved.

1360
1361 8.06. - Amending this Charter.

1362
1363 a. This Charter shall be the subject of a mandatory review at least every ten (10) years.
1364 Amendments to the Charter may be proposed and submitted to the qualified voters of the
1365 City in the manner provided in state law.~~This Charter shall be the subject of a mandatory~~
1366 ~~review every ten (10) years. Amendments may be proposed and submitted to the electors~~
1367 ~~of the city by ordinance passed by a majority vote of the full membership of city council or~~
1368 ~~by a petition signed by qualified voters of the city in number not less than five (5) per cent~~
1369 ~~thereof or twenty thousand (20,000) signatures, whichever is less. Such petition shall in all~~
1370 ~~other respects conform to the provisions of Article VI.~~

1371
1372 ~~When a properly drawn petition has been duly filed, council shall provide by ordinance for~~
1373 ~~submitting such proposed amendments to a vote of the qualified voters at an election to be~~
1374 ~~held in accordance with the Texas Election Code. If the next regular municipal election is to~~
1375 ~~be held during said period, the submission of said amendment or amendments shall be at~~
1376 ~~such election. Otherwise, a special election shall be called for the purpose. Notice of the~~
1377 ~~election shall be given in accordance with the Texas Election Code.~~

1378
1379 Each amendment submitted shall contain only one subject and shall be printed separately
1380 on the ballot, each proposed amendment being followed by designations for the voter to
1381 vote for the amendment or against the amendment.

1382
1383 Each proposed amendment, if approved by the majority of the qualified voters voting at said
1384 election, shall become a part of the Charter. The city secretary shall enter notice into the
1385 records of the city declaring the same adopted.

1386
1387 b. This section is subject to the provisions of V.T.C.A., Local Government Code §§ 9.04 and 9.05,
1388 and V.T.C.A., Election Code § 41.001 et seq.
1389 (Ord. No. 2013-3482, § 4, 23, 25, 5-14-13)

1390
1391 8.07. - Severability clause.

1392 If any section or part of section of this Charter shall be held invalid by a court of competent
1393 jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which
1394 such section or part of section so held invalid may appear, except to the extent that an entire
1395 section or part of section may be inseparably connected in meaning and effect with the section
1396 or part of section to which such holding shall directly apply.

1397
1398 8.08. - References to laws.

1399 All references within this Charter to laws of the State of Texas or of the United States are to
1400 be construed as meaning such laws as now or hereafter amended or superseded.

1401

1402

1403

1404 8.09. - Approval of this Charter.

1405

1406 a. Copies to electors. In not less than thirty (30) days prior to the election provided in
1407 subsection b., the city commission shall cause the city clerk to mail a copy of this Charter to
1408 each qualified voter of the city, as listed on the current voter registration list.

1409

1410 b. Submission of Charter to electors. The charter committee in preparing this comprehensive
1411 Charter amendment finds and decides that it is impracticable to segregate each subject so
1412 as to permit a vote of "yes" or "no" on the same, for the reason that the Charter is so
1413 constructed that in order to enable it to work and function, it is necessary that the
1414 comprehensive amendment be adopted in its entirety. For these reasons the charter
1415 committee directs that said amended Charter be voted upon as a whole and that it shall be
1416 submitted to the qualified voters of the city at an election to be held for that purpose on the
1417 9th day of August, 1980.

1418 The form of ballot to be used in such election shall be as follows:

1419 FOR THE ADOPTION OF THE AMENDED CHARTER.

1420 AGAINST THE ADOPTION OF THE AMENDED CHARTER.

1421

1422 c. Results of vote for adoption. If a majority of the qualified electors voting in such election
1423 shall vote in favor of the adoption of the Charter, and after the returns have been canvassed,
1424 the city clerk shall file an official copy of the Charter with the records of the city. The city
1425 commission shall at its next meeting declare this Charter adopted. The clerk shall furnish the
1426 mayor a copy of said Charter, which copy of the Charter so adopted, authenticated and
1427 certified by his or her signature and the seal of the city, shall be forwarded by the mayor to
1428 the Secretary of State of the State of Texas and shall show the approval of such Charter by
1429 majority vote of the qualified voters voting at such election.

1430

1431 8.10. - Provisions for transition.

1432

1433 a. Tenure of officers during transition. From and after the date of the adoption of this Charter
1434 and until the completion of the first election under this Charter to be held on the first
1435 Saturday in April, 1981, and the qualification of the councilpersons therein elected, the
1436 present qualified and acting commissioners and mayor shall constitute city council. Such city
1437 council shall possess all the powers provided by this Charter.

1438

1439 After said election and until the election to be held on the first Saturday in April, 1982, and
1440 the qualification of the councilpersons and mayor therein elected, the present qualified and
1441 acting commissioner—Position 2 shall serve as councilperson-at-large—Position A; the
1442 present qualified and acting commissioner—Position 4 shall serve as councilperson-at-
1443 large—Position B; and the present qualified and acting mayor shall serve as mayor. These
1444 councilpersons and mayor, along with the councilpersons elected and qualified as provided

1445 in subsection b, below, shall, for the duration of their terms of office, compose city council
1446 and shall possess all the powers provided by this Charter.

1447
1448 b. Original election of mayor and councilpersons. Councilpersons representing districts shall be
1449 elected at the election to be held on the first Saturday in April, 1981, for terms of office as
1450 follows:

- 1451 Councilperson—District 1, three-year term
- 1452 Councilperson—District 2, one-year term
- 1453 Councilperson—District 3, one-year term
- 1454 Councilperson—District 4, two-year term
- 1455 Councilperson—District 5, two-year term
- 1456 Councilperson—District 6, three-year term.

1457
1458 Councilpersons-at-large and the mayor shall be elected at the election to be held on the first
1459 Saturday in April, 1982, for terms of offices as follows:

- 1460 Councilperson-at-large—Position A, one-year term
- 1461 Councilperson-at-large—Position B, two-year term
- 1462 Mayor, three-year term.

1463
1464 Following these terms of office, all councilpersons and the mayor shall be elected to three-
1465 year terms, according to the provisions of Article II of this Charter.

- 1466
1467 _____
1468 Charter amended by election in 1959
1469 Failed amendment elections 1971 and 1975
1470 Amended by election May 21, 1980
1471 Amended by election May 5, 1990
1472 Amended by election May 11, 2013
1473 Amended by election May 5, 2018

1474

1475
1476
1477

CHARTER COMPARATIVE TABLE

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

