



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 1, 2021

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

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CHARTER COMPARATIVE TABLE

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

8
9 Editor's note—A special [election] held May 11, 2013, adopted amendments to §§ 1.03, 1.05,
10 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,
11 8.01, 8.02, 8.06 of the Charter as set forth in Ord. No. 2013-3482, §§ 4—25, adopted May 14,
12 2013.

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

14 15 **ARTICLE I. - INCORPORATION; CITY POWERS**

16 17 1.01. - Incorporation.

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

21 22 1.02. - City boundaries.

23 The boundaries and limits of the city shall be the same as have heretofore been established
24 and now exist, which boundaries and limits were originally shown on the map recorded in Volume
25 8, Page 16, Map Records of Harris County, Texas, and as modified by subsequent annexations
26 and disannexations.

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

28 29 1.03. - Modification of city boundaries.

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

39 40 1.04. - Form of government.

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

45 State Law reference— Form of government in home rule cities, V.T.C.A., Local Government Code
46 § 26.001 et seq.

47

48 1.05. - Powers of the city.

49 a. Generally. The city shall have all the powers granted to municipal corporations and to cities
50 by the Constitution and laws of the State of Texas together with all the implied powers
51 necessary to carry into execution the powers granted. The city may acquire property within
52 or without its corporate limits for any city purpose in fee-simple title or any lesser interest
53 or estate by purchase, gift, devise, lease or condemnation and may sell, lease, exchange,
54 mortgage, hold, manage and control such property as its interest may require; and, except
55 as prohibited by the Constitution of this state or restricted by the Charter, the city may
56 exercise all municipal powers, functions, rights, privileges and immunities of every name and
57 nature whatsoever. The city may use a corporate seal; may sue and be sued; may contract;
58 may implead and be impleaded in all courts concerning all matters; may cooperate with the
59 government of the United States and of the State of Texas or any agency or political
60 subdivision thereof to accomplish any lawful purpose; and may pass such ordinances as may
61 be expedient for maintaining the city's peace and welfare and for the performance of its
62 functions.

63

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

66 1. Eminent domain. The city shall have the full power and right to exercise the power of
67 eminent domain when necessary or desirable to carry out any of the powers conferred
68 upon it by this Charter or by the Constitution and laws of the State of Texas. This power
69 shall include the power to acquire any public utility operating with or without a franchise
70 and furnishing a public service. The city may exercise its condemnation power in any
71 manner authorized or permitted by the constitution and laws of this state. The power
72 of eminent domain hereby conferred shall include the right of the city to take fee-simple
73 title in land so condemned and such power and authority shall include the right to
74 condemn property for such purposes. The city shall have and possess the power of
75 condemnation for any municipal or public purposes even though not specifically
76 enumerated in this Charter.

77

78 2. Streets.

79 (a) Powers. The city shall have the power to lay out, establish, open, alter, widen,
80 lower, extend, grade, abandon, discontinue, abolish, close, care for, pave,
81 supervise, maintain and improve streets, alleys, sidewalks, parks, squares, public
82 places and bridges; and regulate the use thereof and require the removal from
83 streets, sidewalks, alleys and other public property or places of all obstructions and
84 all vendors, showcases and encroachments of every nature or character upon any
85 of said streets and sidewalks.

86 (b) Improvements. The city shall have exclusive dominion, control and jurisdiction in,
87 upon and over and under the public streets, avenues, alleys and highways of the
88 city, and may provide for the improvement thereof of paving, repaving, raising,

89 draining or otherwise. The provisions of V.T.C.A., Transportation Code § 313.001, et
90 seq., are expressly adopted and made a part of this Charter. Such exclusive
91 dominion, control and jurisdiction in, upon, over and under the public streets,
92 avenues, alleys and highways of the city shall also include, but not be limited to, the
93 right to regulate, locate, relocate, remove, or prohibit the location of all utility pipes,
94 lines, wires or other property.

95
96 3. Sanitary sewer system. The city shall have the power to provide for a sanitary sewer
97 system and to require property owners to connect their premises with such sewer
98 system, to provide for fixing penalties for failure to make sanitary sewer connections;
99 and shall further have the right to fix charges and compensation to be charged by the
100 city for sewerage service, providing rules and regulations for the collection thereof, and
101 to provide for rendering a lien against any property owner's premises who fails or refuses
102 to make sanitary sewer connections after due notice and to charge a cost against said
103 owner and make it a personal liability.

104
105 4. Garbage disposal. City council shall by ordinance adopt and prescribe rules and
106 regulations for the handling and disposition of all garbage, trash, and other waste within
107 the city and shall fix charges and compensation to be charged by the city for the removal
108 of garbage, trash and rubbish, providing rules and regulations of the collection thereof.

109
110 5. Nuisances, etc. The city shall have the power to define all nuisances and prohibit the
111 same within the city and outside the city limits for a distance of five thousand (5,000)
112 feet; have power to police all parks or grounds, speedways, or boulevards owned by said
113 city and lying outside of said city, to prohibit the pollution of any stream, drain or
114 tributaries thereof, which may constitute the source of water supply of any city and to
115 provide for policing the same as well as to provide for the protection of any watersheds
116 and the policing of same.

117
118 c. General powers adopted. The enumeration of the particular powers in this Charter shall not
119 be held or deemed to be exclusive but in addition to the powers enumerated herein or
120 implied hereby or appropriate to the exercise of such powers; the city shall have and may
121 exercise all power of local self-government and all other powers which, under the
122 Constitution and laws of the State of Texas, it would be competent for this Charter
123 specifically to enumerate. The city shall have and may exercise all the powers enumerated
124 in V.T.C.A., Health and Safety Code § 122.006; V.T.C.A., Local Government Code §§ 26.021,
125 26.041, 43.021, 43.142, 51.072, 51.074—51.077, 54.004, 101.022, 101.023, 141.044,
126 211.003, 211.005, 211.013, 214.001, 214.013, 214.901, 215.072—215.075, 216.901,
127 217.042, 251.001, 341.003, 341.903, 342.011, 342.012, 401.002, 402.002, 402.017; V.T.C.A.,
128 Tax Code §§ 302.001, 302.002, 302.102; V.T.C.A., Transportation Code §§ 311.001, 311.004,
129 311.005, 311.007, 311.091—311.094, 311.904; and Vernon's Ann. Civ. St. art. 1175.

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

133 1.06. - Special provisions for damage suits.

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

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

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

148

149 **ARTICLE II. - CITY COUNCIL**

150

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

152

153 2.01. - Composition of city council.

154 a. Members of council. City council shall be composed of a mayor and eight (8) councilpersons.

155 The positions of councilpersons shall be designated as follows:

156 Councilperson—District 1

157 Councilperson—District 2

158 Councilperson—District 3

159 Councilperson—District 4

160 Councilperson—District 5

161 Councilperson—District 6

162 Councilperson-at-large—Position A

163 Councilperson-at-large—Position B.

164

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

169

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

172

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

177 adoption of this section. Any subsequent establishment shall be made when required by this
178 Charter.

179
180 Promptly following the addition of territory to the city by a boundary change, the city council
181 shall, by ordinance, add such territory to an adjacent district or districts.

182
183 Following the publication of the decennial federal census, city council shall conduct an
184 investigation and determine the population of the city and the population of each of the
185 districts from which district councilpersons are to be elected. Each such determination shall
186 be based upon the best available data, including, but not limited to, the most recent federal
187 census. Each such determination shall be expressed in an ordinance, which shall be a final
188 determination for purposes of this Charter.

189
190 After any such determination, if the distribution of population among the various districts is
191 determined by city council to be materially unbalanced, the city council shall establish new
192 boundaries for the election of district councilpersons.

193
194 c. Election. All candidates for city council shall be voted on and elected separately for positions
195 and districts on said city council, and each candidate shall be designated on the official ballot
196 according to the title of such position or district to which he or she seeks election.

197
198 Any candidate for office receiving a majority of all the votes cast for the office for which he
199 or she is a candidate shall be elected to such office. Candidates in a runoff election are the
200 candidates who receive the highest and second highest number of votes in the main election
201 or who tie for the highest number of votes. In the event any candidate for any office fails to
202 receive a majority of votes cast for all the candidates for such office, the city council shall call
203 a run-off election to be held in accordance with state law. Tie votes shall be resolved in
204 accordance with state law.

205
206 d. Term of office. The mayor and councilpersons shall each hold their respective offices for a
207 term of three (3) years and until their successors shall have been elected and duly qualified.
208 (Ord. No. 2013-3482, § 7, 5-14-13)

209
210 2.02. - Qualifications.

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

218
219 b. Council to be judge of members' qualifications. City council shall be the judge of the election
220 and qualifications of its members and for such purpose shall have power to subpoena

221 witnesses and require the production of records, but the decision of council in any such case
222 shall be subject to review by the courts. If a member of the Council is charged with any
223 grounds for forfeiture and/or removal of office under this Charter, a hearing shall be set not
224 less than ten (10) days nor more than thirty (30) days from the date on which the written
225 charges are presented at a meeting of the city council. A written charge must be sworn, and
226 is eligible to be filed only by three (3) members of the city council. At such hearing, the
227 accused shall have the right to present evidence in his or her defense, but he or she shall be
228 disqualified from voting as to his or her innocence or guilt. At the conclusion of the evidence,
229 a vote shall be taken, and upon an affirmative vote of five (5) or more members of the city
230 council, the accused member shall be removed from office and his or her seat declared
231 vacant.

232 (Ord. No. 2018-3706, § 7, 5-5-18)

233

234 2.03. - Conduct of elections.

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

241

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

245

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

249

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

251

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

253

254 d. Schedule.

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

258

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

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

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

263

264

- 265 2.04 - Vacancies, forfeiture, and resignation
266 a. Vacancies. The office of a Councilmember or of the Mayor shall become vacant upon his or
267 her death, resignation, forfeiture of his or her office, or removal from office.
268
269 b. Forfeiture of office. A Councilmember or the Mayor shall forfeit his or her office if he or she:
270 1. Lacks at any time during his or her term of office any qualification for the office
271 prescribed by this Charter or by law;
272 2. Willfully violates any express prohibition of this Charter;
273 3. Is convicted of a crime involving moral turpitude; or
274 4. Fails to attend three consecutive regular Council meetings without being excused by the
275 Council.
276 c. Resignation. The Mayor or a member of City Council may resign by submitting a statement
277 in writing to the City Secretary. If the mayor or any councilperson shall announce his or her
278 candidacy, or shall in fact become a candidate, in any general, special or primary election for
279 any office of profit or trust under this Charter or the laws of Texas or the United States, other
280 than the office he or she has held, at any time when the unexpired term of the office then
281 held shall exceed one year and thirty (30) days, such announcement or such candidacy shall
282 constitute an automatic resignation of the office then held.
283
284 d. Filling vacancies. When a vacancy shall develop, the City Council shall provide for the filling
285 of such vacancy by calling a special election to be held within 120 days, in the manner
286 provided by law; provided, however, that if the remainder of the unexpired term of the
287 vacated office is twelve (12) months or less at the time the vacancy occurs, the City Council
288 is authorized to fill the unexpired term by appointment, upon an affirmative vote of five (5)
289 or more members of City Council.

290
291 2.05. - Compensation.

292 Each councilperson and the mayor shall receive for his or her services a salary in an amount
293 determined by the council, not to exceed the sum of forty-eight hundred dollars (\$4,800.00) per
294 year for the mayor, and twenty-four hundred dollars (\$2,400.00) per year for each councilperson.
295 (Ord. No. 2013-3482, § 8, 5-14-13)
296

297 2.06. - First meeting of council after canvass.

298 As soon as practicable after each City election and in accordance with state law, the city council
299 shall meet and newly elected members of the city council shall qualify and assume the duties of
300 office.
301

302 2.07. - Meetings.

303 a. Frequency. City council shall meet regularly at such times as may be prescribed by its rules
304 but not less frequently than once each month. All meetings of council shall be open to the
305 public except as allowed by state law; special meetings shall be called by the Mayor, the City
306 Manager, or at the written request of any three (3) members of the City Council.
307

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

309 c. Minutes. Minutes of all open meetings of the council shall be recorded as a public record.
310 (Ord. No. 2013-3482, § 10, 5-14-13)
311 State Law reference— Public meetings, V.T.C.A., Government Code § 551.001 et seq.
312

313 2.08. - Duties of mayor and mayor pro tem.

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

321
322 A mayor pro tem shall be a council member and be elected by the council at the first meeting
323 of council after canvassing the general and any run-off election, who shall serve for a one-year
324 term or until his or her successor is appointed and has qualified. If a vacancy occurs in the office
325 of mayor or in the case of his or her absence or disability, the mayor pro tem shall act as mayor
326 until a successor is elected and has qualified or until the mayor is again able to assume his or her
327 duties of office.

328 (Ord. No. 2013-3482, § 11, 5-14-13)
329

330 2.09. - Powers of council.

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

- 335 a. Adopt budget of the city.
336
- 337 b. Authorize the issuance of bonds by a bond ordinance.
338
- 339 c. Inquire into the conduct of any office, department, agency or officer of the city and make
340 investigations as to municipal affairs, and for that purpose may subpoena witnesses,
341 administer oaths, and compel the production of books, papers and other evidence. Failure
342 to obey such subpoena or to produce books, papers or other evidence as ordered under the
343 provisions of this section shall constitute a misdemeanor and shall be punishable by fine.
344 Council shall enact an ordinance to enforce this provision.
345
- 346 d. Establish and appoint the members of the planning and zoning commission.
347
- 348 e. Adopt plats.
349
- 350 f. Adopt and modify the official map of the city.
351

- 352 g. Adopt, modify and carry out plans proposed by the planning and zoning commission for the
353 clearance and rehabilitation of blighted areas.
354
- 355 h. Adopt, modify and carry out plans proposed by the planning and zoning commission for the
356 replanning, improvement and redevelopment of neighborhoods and for the replanning,
357 reconstruction or redevelopment of any area or district which may have been destroyed in
358 whole or in part by disaster.
359
- 360 i. Provide for the establishment and designation of fire limits and to prescribe the kind and
361 character of buildings or structures or improvements to be erected therein, and to provide
362 for the erection of fireproof buildings within certain limits, and to provide for the
363 condemnation of dangerous structures or buildings or dilapidated buildings calculated to
364 increase the fire hazard and the manner of their removal or destruction.
365
- 366 j. Approve certified appraisal rolls as returned to it by the appraisal district and adopt same as
367 the certified appraisal rolls to be used for the collection of taxes for the current year.
368
- 369 k. Neither the Council nor any of its committees or members shall direct or request the
370 appointment of any person to, or his or her removal from, office by the City Manager or any
371 of his or her subordinates; or, except as is or may be otherwise provided under the terms of
372 this Charter, in any manner take part in the appointment or removal of officers and
373 employees in the administrative service of the City. Except for the purpose of inquiry, the
374 Council and its members shall deal with the administrative service solely through the
375 Manager, and neither the Council nor any member thereof shall give orders to any
376 subordinate of the City Manager either publicly or privately.

377 (Ord. No. 2013-3482, § 12, 5-14-13)
378

379 2.10. - Additional discretionary powers.

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

- 382 a. Public library. Council shall have the authority to establish and maintain a free public library
383 within the city and to cooperate with any person, firm, association or corporation under such
384 terms as council may prescribe for the establishment of such free public library. For budget
385 purposes, the library may be considered as a department of the city and the appropriations
386 therefor shall comply with all the budgetary requirements as outlined in this Charter and as
387 may be prescribed from time to time by council.
388

389 b. Planning and Zoning.

- 390 1. Power. For the purposes of promoting the health, safety, morals or general welfare of
391 the city, council may by ordinance regulate the location, height, bulk and size of
392 buildings and other structures, the size of yards, courts and other open spaces, the
393 density of population and the uses of buildings, structures and land for trade, industry,
394 business, residence and other purposes.
395

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

398
399 (a) Zoning commission.

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

403 (2) Commission members shall receive such compensation as council may deem
404 appropriate.

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

408
409 (b) Zoning board of adjustment.

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

414 (2) Board members shall receive such compensation as council may deem
415 appropriate.

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

419
420 d. Housing authority. Council may create a housing authority of such number, terms and
421 compensation of members as council may determine and may delegate to the housing
422 authority such powers relating to the planning, construction, reconstruction, alteration,
423 repair, maintenance or operation of housing projects and housing accommodations as
424 council may determine.

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

426
427 2.11. - Ordinances.

428 a. Passage.

429 1. Procedure. Every ordinance shall be introduced in written or printed form, and, upon
430 passage, shall take effect at the time indicated therein; provided that any ordinance
431 imposing a penalty, fine or forfeiture for a violation of its provisions shall become
432 effective not less than ten (10) days from the date of its passage. The city secretary shall
433 give notice of the passage of every ordinance imposing a penalty, fine or forfeiture for
434 a violation of the provisions thereof, by causing the caption or title, including the
435 penalty, of any such ordinance to be published in the official newspaper in the city at
436 least once within ten (10) days of its passage according to the provisions of state law.
437 He or she shall note on every ordinance, the caption of which is hereby required to be
438 published, and on the record thereof, the fact that same has been published as required
439 by the Charter, and the date of such publication and promulgation of such ordinance;

440 provided, that the provisions of this section shall not apply to the correction,
441 amendment, revision and modification of the ordinances of the city for publication in
442 book or pamphlet form. Except as otherwise provided in Article VII of this Charter, it
443 shall not be necessary to the validity of any ordinance that it shall be read more than
444 one time or considered at more than one session of city council. Every ordinance shall
445 be authenticated by the signature of the mayor and city secretary and shall be
446 systematically recorded in an ordinance book in a manner approved by council. It shall
447 only be necessary to record the caption or title of ordinances in the official minutes of
448 council meetings.

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

456 b. Enacting clause. The enacting clause of all ordinances shall be "BE IT ORDAINED BY THE CITY
457 COUNCIL OF THE CITY OF LA PORTE."
458 (Ord. No. 2013-3482, § 13, 5-14-13)

460 **ARTICLE III. - ADMINISTRATION**

461 3.01. - City manager.

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

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

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

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

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

- 483 3. Prepare the budget annually, submit it to council and be responsible for its
484 administration after adoption.
485 4. Prepare and submit to council, as of the end of the fiscal year, a complete report on the
486 finances and administrative activities of the city for the preceding year.
487 5. Keep council advised of the financial condition and future needs of the city and make
488 such recommendations as may seem to him or her desirable.
489 6. Perform such other duties as may be prescribed by this Charter or required of him or
490 her by the council, not inconsistent with this Charter.

491
492 d. Provisions for absence. Within thirty (30) days after taking office, the city manager shall
493 designate by letter filed with the city secretary a qualified administrative officer of the city
494 to perform his or her duties during his or her temporary absence or disability. Upon receipt
495 of said letter, the city secretary shall advise council of its contents. Said letter shall be in force
496 and effect for the duration of the city manager's employ or until he or she files another such
497 letter. In the event of failure of the Manager to make such designation, the Council may by
498 resolution appoint an officer of the City to perform the duties of the City Manager until the
499 City Manager returns or his or her disability shall cease.

500
501 3.02. - Administrative departments.

502 a. Creation. There are hereby created the following administrative departments: Finance,
503 police, fire, law, public works, health, parks and recreation, planning, and water and sewer.
504

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

507
508 b. Consolidation. Council may consolidate or redesignate any of the offices, departments and
509 agencies.
510

511 c. Directors. The city manager shall appoint a director to supervise and control each
512 department. When necessary for the good of the city, the city manager may remove any
513 such director. Such director shall be an officer of the city and shall have supervision and
514 control of his or her department, subject to the supervision of the city manager. Two (2) or
515 more departments may be headed by the same individual, and directors of departments may
516 also serve as chiefs of divisions. The city manager may head one or more departments.
517

518 d. Divisions. The work of each administrative department may be distributed among divisions.
519 (Ord. No. 2013-3482, § 14, 5-14-13)
520

521 3.03. - City secretary.

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

- 527 a. Give notice of council meetings.
528
529 b. Authenticate by his or her signature and record in full in a book kept and indexed for the
530 purpose all ordinances and resolutions.
531
532 c. Be the custodian of all municipal records. Recommend to the council rules and regulations
533 to be adopted by ordinances to protect the safety and security of all municipal records.
534
535 d. Hold and maintain the City Seal and affix to all instruments requiring such seal.
536
537 e. Administer oaths in any matter pertaining to municipal affairs and in accordance with state
538 law.
539
540 f. The council shall set the compensation of the city secretary.
541
542 g. Perform such other duties as may be assigned by council, state law or elsewhere in this
543 Charter.

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

545

546 3.04. - Municipal court.

547

- 548 a. Establishment. There shall be established and maintained a municipal court with all powers
549 and duties as are now, or may hereafter be, prescribed by the laws of the State of Texas for
550 municipal courts.
551
552 b. Municipal judge. City council shall appoint a competent attorney, duly licensed by the State
553 of Texas, to be judge of the municipal court. The municipal judge shall be appointed and
554 removed at the will and pleasure of city council by a vote of the majority of the entire city
555 council. He or she shall serve at the pleasure of council and shall receive compensation as
556 may be fixed by council.
557
558 c. Alternate municipal judge. Council shall have the power to create and appoint additional
559 judges as provided by law.
560
561 d. Court clerk. Subject to the approval of the municipal judge, the city manager shall appoint a
562 municipal court clerk and deputy clerks. Said clerk or clerks shall have the power to
563 administer oaths and affidavits, make certificates, affix the seal of said court thereto and
564 generally do and perform any and all acts usual and necessary by clerks of court in conducting
565 the business thereof.
566
567 e. Costs and fines. All costs and fines imposed by the municipal court, or any court in cases
568 appealed from its judgments, less those designated for the State of Texas, shall be paid into
569 the city treasury for the use and benefit of the city.

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

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

572

573 3.05. - City attorney.

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

578

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

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

584

585 **ARTICLE IV. - BUDGET**

586

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

588

589 4.01. - Preparation and submission of budget.

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

597

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

600 1. A consolidated statement of revenues and expenditures for all funds.

601 2. An analysis of property valuations.

602 3. An analysis of tax rate.

603 4. Tax levies and tax collections by years for at least ten (10) years or for a number of years
604 for which records are available.

605 5. A detailed listing of the resources of each fund.

606 6. A summary of proposed expenditures within such funds by department, function and
607 classification.

608 7. A revenue and expense statement for all outstanding bonded debt.

609 8. A schedule of principal and interest on each issue of outstanding bonds showing rate of
610 interest, maturity dates and amount outstanding.

611 9. The appropriation ordinance.

612 10. The tax-levying ordinance.

613

614 b. Attachments to budget.

- 615 1. Budget message. The city manager shall prepare a budget message which shall be
616 submitted with the budget. It shall contain an outline of the proposed financial policies
617 of the city for the fiscal year and describe in connection therewith the important
618 features of the budget plan. It shall set forth the reasons for salient changes from the
619 previous years in expenditures and revenue items and shall explain any major changes
620 in financial policy.
621
- 622 2. Supporting schedules. Attached to the budget shall be such supporting schedules,
623 exhibits and other explanatory material, in respect to both current operations and
624 capital outlays, as the city manager shall believe useful to council.
625
- 626 3. Comparison tables. The city manager may prepare tables in which various items may be
627 compared with those of previous years and shall attach such to the budget.
628 (a) Anticipated revenues. In parallel columns opposite the several items of revenue,
629 there shall be placed the actual amount of such item for the first six (6) months of
630 the current year, the budgeted amount for the current fiscal year, and the
631 proposed amount for the ensuing fiscal year.
632 (b) Proposed expenditures. The proposed expenditures for the administration,
633 operation, maintenance and capital outlay of each office, department or agency of
634 the city shall be itemized by character and object. In parallel columns opposite the
635 various items of expenditures, there shall be placed the actual amount of such
636 items of expenditures for the last completed fiscal year, the estimated amount for
637 the current fiscal year and the proposed amount for the ensuing fiscal year.
638
- 639 c. Balanced budget. The total estimated expenditures of the general fund and debt service
640 fund shall not exceed the total estimated resources of each fund (prospective income plus
641 cash on hand). The classification of revenue and expenditure accounts shall conform to the
642 uniform classification as promulgated by the Governmental Accounting Standards Board and
643 Generally Accepted Accounting Principles.
644 (Ord. No. 2013-3482, § 16, 5-14-13)
645
- 646 4.02. - Availability of proposed budget.
647 The proposed budget and all attachments shall be a public record in the office of the city
648 secretary, open to public inspection.
649
- 650 4.03. - Budget adoption.
- 651 a. Publication of notice of public hearing. At the meeting of city council at which the budget
652 and attachments are submitted, council shall determine the place and time of the public
653 hearing on the budget, and shall cause to be published a notice of the place and time, not
654 less than ten (10) days after date of publication, at which council will hold a public hearing.
655
- 656 b. Public hearing. At the time and place so advertised, or at any time and place to which such
657 public hearing shall from time to time be adjourned, city council shall hold a public hearing

658 on the budget as submitted, at which all interested persons shall be given an opportunity to
659 be heard, for or against the estimates or any item thereof.

660
661 c. Vote required for adoption. The budget shall be adopted by the favorable votes of at least a
662 majority of all members of the whole council.

663
664 d. Adoption. The budget shall be finally adopted not later than the last day of the fiscal year.
665 Should council take no final action on or prior to such day, the budget as submitted by the
666 city manager shall be deemed to have been finally adopted by council.

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

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

669
670 4.04. - Public record.

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

672
673 b. Availability. The final budget shall be printed or otherwise reproduced and sufficient copies
674 shall be made available for the use of offices, departments and agencies, and for the use of
675 interested persons and civic organizations.

676
677 4.05. - Effect of approved budget. From the effective date of the budget:

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

680
681 b. The amount stated therein as the amount to be raised by property tax shall constitute a
682 determination of the amount of the levy for the purposes of the city, in the corresponding
683 tax year.

684
685 4.06. - Fiscal year defined.

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

689 State Law reference— Fiscal year, authority to establish, V.T.C.A., Local Government Code §
690 101.022.

691
692 **ARTICLE V. - FINANCE ADMINISTRATION**

693
694 State Law reference— Financial matters, V.T.C.A., Local Government Code § 101.001 et seq.

695
696 5.01. - Division of taxation.

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

698
699 a. Property subject to tax; method of assessment. All real and personal property within the city
700 not expressly exempted by law shall be subject to annual taxation at its true market value.

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

b. Payment of taxes.

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

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

(Ord. No. 2013-3482, § 18, 5-14-13)

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

5.02. - Purchase procedure.

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

745 (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.
746 2013-3482, § 19, 5-14-13)

747
748 Editor's note—The city has exercised the option under V.T.C.A., Local Government Code §
749 252.002 to have the requirements in V.T.C.A., Local Government Code § 252.021 which increased
750 the requirements for competitive sealed bids or proposals to expenditures of more than
751 \$15,000.00.

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

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

754

755 5.03. - Alterations in contracts.

756 Procedures for making change orders or alterations in contracts shall be governed by the
757 provisions established in V.T.C.A. Texas Local Government Code for municipal purchasing.
758 (Ord. No. 2013-3482, § 20, 5-14-13)

759

760 5.04. - Fees shall be paid to city.

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

764

765 5.05. - Disbursement of funds.

766 All checks, vouchers or warrants for the withdrawal of funds from the city depository shall
767 be executed in accord with the provisions of this Charter and shall be signed by the city manager
768 or his or her deputy and countersigned by a member of city council.

769

770 5.06. - Independent audit.

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

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

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

784

785 5.07. - Appropriations lapse at end of year.

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

788

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

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6.01. - Power of initiative.

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

6.02. - Power of referendum.

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

6.03. - Procedure for initiative or referendum petition.

a. Form of petition.

1. Text. Initiative petition signature pages shall contain the full caption of the proposed ordinance. The full text of the proposed ordinance shall be attached to the petition signature pages in order that it may be inspected before the petition is signed.
2. Signatures.
 - (a) The signatures to initiative or referendum petitions need not all be appended to one paper, but to each separate petition there shall be attached a statement of the circulator thereof as provided by this section. Each signer of any petition paper shall sign his or her name and shall indicate after his or her name his or her place of residence by street and number, or other description sufficient to identify the place.
 - (b) The petition shall be signed by a minimum of five hundred (500) registered voters of the city.
3. Affidavit. Attached to each separate petition paper there shall be an affidavit of the circulator thereof that he or she, and he or she only, personally circulated the foregoing paper, that it bears a stated number of signatures, that all signatures appended thereto were made in his or her presence, and that he or she believes them to be genuine signatures of the persons whose names they purport to be.

b. Submission of petition.

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

833 2. Examination. Within twenty (20) days after a petition is filed, the city secretary shall
834 determine whether each paper of the petition has a proper statement of the circulator
835 and whether the petition is signed by a sufficient number of qualified voters. The city
836 secretary shall declare any petition paper entirely invalid which does not have attached
837 thereto an affidavit signed by the circulator thereof. If a petition paper is found to be
838 signed by more persons than the number of signatures certified by the circulator, the
839 last signatures in excess of the number certified shall be disregarded. If a petition paper
840 is found to be signed by fewer persons than the number certified, the signatures present
841 shall be accepted unless void on other grounds.

842
843 3. Certification.
844 (a) Procedure. After completing his or her examination of the petition, the city
845 secretary shall certify the result thereof to city council at its next regular meeting.
846 If he or she shall certify that the petition is insufficient, he or she shall set forth in
847 his or her certificate the particulars in which it is defective and shall at once notify
848 the circulators of his or her findings.
849 (b) Effect. When a referendum petition or amended petition has been certified as
850 sufficient by the city secretary, the ordinance specified in the petition shall not go
851 into effect, or further action thereunder shall be suspended if it shall have gone into
852 effect, until and unless approved by the voters, as hereinafter provided.

853
854 c. Amendment of petition. An initiative or referendum petition may be amended at any time
855 within ten (10) days after the notification of insufficiency has been sent by the city secretary,
856 by filing a supplementary petition upon additional papers signed and filed as provided in
857 case of an original petition. The city secretary shall, within five (5) days after such an
858 amendment is filed, make examination of the amended petition and, if the petition be still
859 insufficient, he or she shall file his or her certificate to that effect in his or her office and
860 notify the circulators of his or her findings and no further action shall be had on such
861 insufficient petition.

862
863 d. Refiling not prejudiced. The finding of the insufficiency of a petition shall not prejudice the
864 filing of a new petition for the same purpose.

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

866
867 6.04. - Consideration of referendum or initiative by council.
868 Whenever city council receives a certified initiative or referendum petition from the city
869 secretary, it shall proceed at once to consider such petition and shall take final action on it within
870 sixty (60) days after the date on which it was submitted to council.

871
872 a. Initiative. A proposed initiative ordinance shall be read and provision made for a public
873 hearing on such before the time set for final action.

874

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

878

879 6.05. - Election on referendum or initiative.

880

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

887

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

895

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

898

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

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

906

907 6.06. - Amendment of initiative or referendum ordinances.

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

910

911 6.07. - Power of recall.

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

913

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

917

918

919 6.08. - Procedure for recall petition.

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

924
925 b. Petition blanks. Upon receipt of said affidavit, the city secretary shall deliver to said qualified
926 voter copies of petition blanks demanding such removal. The city secretary shall keep a
927 sufficient number of printed petition blanks on hand for distribution. Such blanks when
928 issued shall:

- 929 1. Be signed by the city secretary.
- 930 2. Be addressed to city council.
- 931 3. Be numbered and dated.
- 932 4. Indicate the name of the person to whom issued.
- 933 5. Indicate the name of the officer whose removal is sought.
- 934 6. Indicate the number of such blanks issued.

935
936 The city secretary shall enter in a record to be kept in his or her office the name of the
937 qualified voter to whom the petition blanks were issued and the number issued to said
938 person.

939
940 c. Return of petition. To be effective, the recall petition must:

- 941 1. For the recall of the Mayor or a Councilperson elected at large, the petition must be
942 signed by a minimum of one thousand (1,000) registered voters of the city. For the recall
943 of a district councilperson, the petition must be signed by a minimum of two hundred
944 fifty (250) registered voters of that councilperson's district.
- 945
946 2. Be returned and filed with the city secretary within thirty (30) days after the filing of the
947 affidavit required in section 6.08a.

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

949
950 6.09. - Recall election.

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

958
959 b. Ballots. Ballots used at recall elections shall conform to the following requirements:

- 960 1. With respect to each person whose removal is sought the question shall be submitted
961 "Shall (name of person) be removed from the office of (name of office) by recall?"
962

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

965 "For the recall of (name of person)"
966 "Against the recall of (name of person)."

967
968 c. Results. If a majority of the votes cast at a recall election shall be against the recall of the
969 officer named on the ballot, he or she shall continue in office for the remainder of his or her
970 unexpired term, subject to recall as before. If a majority of the votes at such an election be
971 for the recall of the officer named on the ballot, he or she shall, regardless of any technical
972 defects in the recall petition, be deemed removed from office and the vacancy shall be filled
973 as in other vacancies.

974
975 6.10. - Should city council fail or refuse to order any of the elections as provided for in this article,
976 when all the requirements for such election have been complied with by the petitioning voters
977 in conformity with this article of the Charter, then judicial relief may be sought with the
978 appropriate court for issuance of a writ of mandamus to compel compliance with the provisions
979 of this article.

980

981 **ARTICLE VII. - FRANCHISES AND PUBLIC UTILITIES**

982

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

985

986 7.01. - Enfranchisement.

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

997
998 b. Extensions. All extensions of public utilities within the city limits shall become a part of the
999 aggregate property of the public utilities, shall be operated as such, and shall be subject to
1000 all the obligations and reserved rights contained in this Charter and in any original grant
1001 hereafter made. The right to use and maintain any extension shall terminate with the original
1002 grant and shall be terminable as provided in section 7.02a. In case of an extension of a public
1003 utility operated under a franchise hereafter granted, such right shall be terminable at the
1004 same time and under the same conditions as the original grant.

1005

1006 c. Other conditions. All franchises heretofore granted are recognized as contracts between the
1007 city and the grantee, and the contractual right as contained in any such franchises shall not
1008 be impaired by the provisions of this Charter, except that the power of the city to exercise
1009 the right of eminent domain in the acquisition of any utility property is in all things reserved,
1010 and except the general power of the city heretofore existing and herein provided for to
1011 regulate the rates and services of the grantee which shall include the right to require proper
1012 and adequate extension of plant and service and the maintenance of the plant and fixtures
1013 at the highest reasonable standard of efficiency.

1014
1015 Every public utility franchise hereafter granted shall be held subject to all the terms and
1016 conditions contained in the various sections of this article whether or not such terms are
1017 specifically mentioned in the franchise.

1018
1019 When the city chooses to exercise its power of eminent domain to acquire any public utility,
1020 the procedure to be used in such acquisition shall be as set forth in V.T.C.A., Property Code
1021 §§ 21.011 to 21.065, inclusive. In valuing the property, the measure of damages shall be the
1022 fair market value of the physical properties taken together as one system. This power shall
1023 be in addition to and cumulative of any other powers of acquisition granted to or reserved
1024 by the city in a franchise ordinance.

1025
1026 Prior to the purchase of any existing franchised utility system, either according to the terms
1027 of the franchise or by eminent domain, city council shall submit the question of purchase to
1028 the voters of the city, and such must be approved by a majority of those voting.

1029
1030 Nothing in this Charter shall operate to limit in any way, as specifically stated, the discretion
1031 of council or the electors of the city in imposing terms and conditions as may be reasonable
1032 in connection with any franchise grant.

1033 (Ord. No. 2013-3482, § 4, 5-14-13)

1034
1035 7.02. - Regulation.

1036 a. Right of regulation. All grants, renewals, extensions or amendments of public utility
1037 franchises, whether it be so provided in the ordinance or not, shall be subject to the right of
1038 the city:

1039
1040 1. To repeal the same by ordinance at any time for failure to begin construction or
1041 operation within the time prescribed or otherwise to comply with the terms of the
1042 franchise, such power to be exercised only after due notice and hearing.

1043
1044 2. To require an adequate extension of plant and service, and the maintenance of the plant
1045 and fixtures at the highest reasonable standard of efficiency.

1046
1047 3. To establish reasonable standards of service and quality of products and prevent unjust
1048 discrimination in service of rates.

1049

- 1050 4. To prescribe the form of accounts kept by such utility. If the franchise does not prescribe
1051 the form of accounts kept by a utility, then it shall keep its accounts in accordance with
1052 the utility system of accounts for said utility prescribed by the appropriate state and
1053 federal utility regulatory agencies.
1054
- 1055 5. To examine and audit the accounts and other records of any such utility at any time and
1056 to require annual and other reports, including reports on local operations by each such
1057 public utility.
1058
- 1059 6. To impose such reasonable regulations and restrictions as may be deemed desirable or
1060 conducive to the safety, welfare and accommodation of the public.
1061
- 1062 7. To at any time require such compensation and rental as may be permitted by the laws
1063 of the State of Texas.
1064
- 1065 b. Regulation of rates and service. Council shall have full power, after due notice and hearing,
1066 to regulate by ordinance the rates and service of every public utility operating within the
1067 city. Such power shall be subject to the exercise of power in each area of each utility by the
1068 appropriate agencies of state and federal government.
1069

1070 7.03. - Franchise records.

1071 Within six (6) months after this Charter takes effect, every public utility and every owner of
1072 a public utility franchise shall file with the city, as may be prescribed by ordinance, certified copies
1073 of all franchises owned or claimed, or under which such utility is operated in the city.
1074

1075 The city shall compile and maintain a public record of public utility franchises.
1076

1077 7.04. - Accounts of municipality-owned utilities.

1078 Accounts shall be kept for each public utility owned or operated by the city, in such manner
1079 as to show the true and complete financial results of such city ownership and operation, including
1080 all assets, appropriately subdivided into different classes, all liabilities subdivided by classes,
1081 depreciation, reserve, other reserves and surplus, also revenues, operating expenses, including
1082 depreciation, interest payments, rental and other disposition of annual income. The accounts
1083 shall show the actual capital cost to the city of each public utility owned, also the cost of all
1084 extensions, additions and improvements, and the source of the funds expended for such capital
1085 purposes. They shall show as nearly as possible the cost of any service furnished to or rendered
1086 by any such utility to any other city or governmental department. City council shall annually cause
1087 to be made by a licensed certified public accountant and shall publish a report showing the
1088 financial results of such city ownership and operation, giving the information specified in this
1089 section or such data as council shall deem expedient, in accordance with section 5.08.
1090

1091
1092
1093

1094 7.05. - Franchise value disallowed.
1095 The value of the franchise granted by the city shall not be included in fixing reasonable rates
1096 and charges for utility service within the city or in determining the just compensation to be paid
1097 by the city for public utility property which may be acquired by eminent domain or otherwise.
1098

1099 7.06. - Consent of property owners.
1100 The consent of abutting and adjacent property owners shall not be required for the
1101 construction, extension, maintenance or operation of any public utility; but nothing in this
1102 Charter or in any franchise granted thereunder shall be construed to deprive any such property
1103 owner of any rights of action for damage or injury to his or her property as now or hereafter
1104 provided by law.
1105

1106 **ARTICLE VIII. - GENERAL PROVISIONS**
1107

1108 8.01. - Publicity of records.
1109 The public records of the City shall be available to the public subject to the procedures
1110 and applicable exceptions established in the Texas Public Information Act. The City Council may
1111 adopt regulations for the enforcement of this provision, as necessary.
1112

1113 8.02. - Employers and officers.
1114 a. Personal financial interest. All members of the City Council, and all officers and employees
1115 of the City, having a financial interest in any contract or sale to the city of land, material,
1116 supplies or services shall be subject to and shall comply with applicable state law governing
1117 conflicts of interest, including but not limited to Texas Local Government Code Chapters 171
1118 and 176. The City Council may adopt regulations for the enforcement of this provision, as
1119 necessary.
1120

1121 b. Employment interest. No one who has been elected to city office shall be employed in a
1122 nonelective office by the city within the term for which he or she was elected or for one year
1123 thereafter.
1124

1125 c. Nepotism. No person related, within the second degree by affinity or within the third degree
1126 by consanguinity, to the mayor or any councilperson or to the city manager, shall be
1127 employed in any office, position or clerkship of the city. This prohibition shall not apply to or
1128 prevent the appointment, voting for, or confirmation of any person who shall have been
1129 continuously employed in any office, position, or clerkship for the following period prior to
1130 the election or appointment, as applicable, of the city council member or city manager
1131 related to such employee in the prohibited degree: 1) at least 30 days, if related to the city
1132 manager; or 2) at least six months, if related to a member of city council.
1133

1134 d. Bonds. Council may by general ordinance require bonds of any municipal officers and
1135 employees who receive or pay out any monies of the city. The amount of such bonds shall
1136 be determined by council and the cost thereof borne by the city.
1137

1138 e. Oath of office.
1139 Elected and appointed officers. All officers of the city shall, before entering upon the duties
1140 of their respective offices, take and subscribe to the official oath prescribed in the
1141 Constitution of the State of Texas.

1142
1143 f. Discharge. Council shall be authorized to discharge at any time, with or without a hearing, as
1144 council may elect, any officer, employee or clerk which it appoints.

1145
1146 The city manager shall be authorized to discharge at any time, with or without a hearing, as
1147 the city manager may elect, any officer, employee or clerk which he or she appoints.

1148
1149 g. Injuries; insurance. City council shall have authority to provide the rules and regulations for
1150 maintaining employees when injured and disabled while performing their duties, and it may
1151 provide for such plan of insurance as it deems proper.

1152
1153 h. Pensions. City council may establish a pension plan for any employee, or may adopt in lieu
1154 thereof any pension system available to cities under state law.
1155 (Ord. No. 2013-3482, § 24, 5-14-13)

1156
1157 8.03. - Assignment, execution and garnishment of city property.
1158 The property, real and personal, belonging to the city shall not be liable to be sold or
1159 appropriated under any writ of execution or cost bill. The funds belonging to the city, in the hands
1160 of any person, firm or corporation, shall not be liable to garnishment, attachment or
1161 sequestration; nor shall the city be liable to garnishment on account of any debt it may owe or
1162 funds or property it may have on hand or owing to any person. Neither the city nor any of its
1163 officers or agents shall be required to answer any such writ of garnishment on any account
1164 whatever. The city shall not be obligated to recognize any assignment of wages or funds by its
1165 employees, agents or contractors.

1166
1167 8.04. - City not required to give security or execute bond.
1168 It shall not be necessary in any action, suit or proceeding in which the city is a party for any
1169 bond, undertaking or security to be demanded or executed by or on behalf of said city in any
1170 court, but in all such actions, suits, appeals or proceedings, same shall be conducted in the same
1171 manner as if such bond, undertaking or security had been given as required by law, and said city
1172 shall be as liable as if security of bond had been duly executed.

1173
1174 8.05. - Effect of this Charter on existing law.
1175 All ordinances, resolutions, rules and regulations now in force under the city government of
1176 the city and not in conflict with the provisions of this Charter shall remain in force under this
1177 Charter until altered, amended or repealed by city council after this Charter takes effect; and all
1178 rights of the city under existing franchises and contracts are preserved in full force and effect to
1179 the city, and any unissued bonds and revenue bonds, or installments thereof, heretofore
1180 authorized at an election held in said city shall not be affected by the adoption of this Charter,

1181 but the right to sell, issue and deliver same, in whole or in part, in keeping with the provisions of
1182 the laws under which they were voted is hereby expressly reserved.

1183

1184 8.06. - Amending this Charter.

1185

1186 a. This Charter shall be the subject of a mandatory review at least every ten (10) years.
1187 Amendments to the Charter may be proposed and submitted to the qualified voters of the
1188 City in the manner provided in state law.

1189

1190 Each amendment submitted shall contain only one subject and shall be printed separately
1191 on the ballot, each proposed amendment being followed by designations for the voter to
1192 vote for the amendment or against the amendment.

1193

1194 Each proposed amendment, if approved by the majority of the qualified voters voting at said
1195 election, shall become a part of the Charter. The city secretary shall enter notice into the
1196 records of the city declaring the same adopted.

1197

1198 b. This section is subject to the provisions of V.T.C.A., Local Government Code §§ 9.04 and 9.05,
1199 and V.T.C.A., Election Code § 41.001 et seq.

1200 (Ord. No. 2013-3482, § 4, 23, 25, 5-14-13)

1201

1202 8.07. - Severability clause.

1203 If any section or part of section of this Charter shall be held invalid by a court of competent
1204 jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which
1205 such section or part of section so held invalid may appear, except to the extent that an entire
1206 section or part of section may be inseparably connected in meaning and effect with the section
1207 or part of section to which such holding shall directly apply.

1208

1209 8.08. - References to laws.

1210 All references within this Charter to laws of the State of Texas or of the United States are to
1211 be construed as meaning such laws as now or hereafter amended or superseded.

1212

1213 8.09. - Approval of this Charter.

1214

1215 a. Copies to electors. In not less than thirty (30) days prior to the election provided in
1216 subsection b., the city commission shall cause the city clerk to mail a copy of this Charter to
1217 each qualified voter of the city, as listed on the current voter registration list.

1218

1219 b. Submission of Charter to electors. The charter committee in preparing this comprehensive
1220 Charter amendment finds and decides that it is impracticable to segregate each subject so
1221 as to permit a vote of "yes" or "no" on the same, for the reason that the Charter is so
1222 constructed that in order to enable it to work and function, it is necessary that the
1223 comprehensive amendment be adopted in its entirety. For these reasons the charter
1224 committee directs that said amended Charter be voted upon as a whole and that it shall be

1225 submitted to the qualified voters of the city at an election to be held for that purpose on the
1226 9th day of August, 1980.

1227 The form of ballot to be used in such election shall be as follows:

1228 FOR THE ADOPTION OF THE AMENDED CHARTER.

1229 AGAINST THE ADOPTION OF THE AMENDED CHARTER.

1230

1231 c. Results of vote for adoption. If a majority of the qualified electors voting in such election
1232 shall vote in favor of the adoption of the Charter, and after the returns have been canvassed,
1233 the city clerk shall file an official copy of the Charter with the records of the city. The city
1234 commission shall at its next meeting declare this Charter adopted. The clerk shall furnish the
1235 mayor a copy of said Charter, which copy of the Charter so adopted, authenticated and
1236 certified by his or her signature and the seal of the city, shall be forwarded by the mayor to
1237 the Secretary of State of the State of Texas and shall show the approval of such Charter by
1238 majority vote of the qualified voters voting at such election.

1239

1240 8.10. - Provisions for transition.

1241

1242 a. Tenure of officers during transition. From and after the date of the adoption of this Charter
1243 and until the completion of the first election under this Charter to be held on the first
1244 Saturday in April, 1981, and the qualification of the councilpersons therein elected, the
1245 present qualified and acting commissioners and mayor shall constitute city council. Such city
1246 council shall possess all the powers provided by this Charter.

1247

1248 After said election and until the election to be held on the first Saturday in April, 1982, and
1249 the qualification of the councilpersons and mayor therein elected, the present qualified and
1250 acting commissioner—Position 2 shall serve as councilperson-at-large—Position A; the
1251 present qualified and acting commissioner—Position 4 shall serve as councilperson-at-
1252 large—Position B; and the present qualified and acting mayor shall serve as mayor. These
1253 councilpersons and mayor, along with the councilpersons elected and qualified as provided
1254 in subsection b, below, shall, for the duration of their terms of office, compose city council
1255 and shall possess all the powers provided by this Charter.

1256

1257 b. Original election of mayor and councilpersons. Councilpersons representing districts shall be
1258 elected at the election to be held on the first Saturday in April, 1981, for terms of office as
1259 follows:

1260 Councilperson—District 1, three-year term

1261 Councilperson—District 2, one-year term

1262 Councilperson—District 3, one-year term

1263 Councilperson—District 4, two-year term

1264 Councilperson—District 5, two-year term

1265 Councilperson—District 6, three-year term.

1266

1267 Councilpersons-at-large and the mayor shall be elected at the election to be held on the first
1268 Saturday in April, 1982, for terms of offices as follows:

1269 Councilperson-at-large—Position A, one-year term
1270 Councilperson-at-large—Position B, two-year term
1271 Mayor, three-year term.

1272
1273 Following these terms of office, all councilpersons and the mayor shall be elected to three-
1274 year terms, according to the provisions of Article II of this Charter.

1275
1276 _____
1277 Charter amended by election in 1959
1278 Failed amendment elections 1971 and 1975
1279 Amended by election May 21, 1980
1280 Amended by election May 5, 1990
1281 Amended by election May 11, 2013
1282 Amended by election May 5, 2018, by Ord. 2018-3696
1283 Amended by election May 1, 2021, by Ord. 2021-3827

1284
1285
1286

CHARTER COMPARATIVE TABLE

This table provides the location of the sections of the 1949 Charter and any amendments.

Ordinance Number	Adoption Date	Election Date	1949 Section	Section(s) Amendmend in 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
2021-3827	5/10/2021	5/1/2021	4	1.03, 1.05.b.4. & 1.05.b.5.
			5	1.03
			6	1.06, 2.02, 2.04
2018-3696		5/5/2018	6	2.02(a)
2021-3827	5/10/2021	5/1/2021	6	2.02.a. & b., 2.03, 2.04
			7	2.01, 2.03
			8	2.05
2021-3827	5/10/2021	5/1/2021	9	2.06
2021-3827	5/10/2021	5/1/2021	10	2.07
			11	2.08
2021-3827	5/10/2021	5/1/2021	12	2.09.k. & 2.10.b. struck
			13	2.11
2021-3827	5/10/2021	5/1/2021	14	3.01.d.
			14	3.02, 3.04, 3.05
2021-3827	5/10/2021	5/1/2021	14	3.04.b.
2021-3827	5/10/2021	5/1/2021	15	3.03

2021-3827	5/10/2021	5/1/2021	16	4.01
2021-3827	5/10/2021	5/1/2021		4.02, 4.04
			17	4.03
2021-3827	5/10/2021	5/1/2021	18	5.01 & 5.01.b.
2021-3827	5/10/2021	5/1/2021	19	5.02
			20	5.03
2021-3827	5/10/2021	5/1/2021	21	5.05 struck
			22	5.07
2021-3827	5/10/2021	5/1/2021	23	6.01, 6.02, 6.03.a. & b., 6.08.a. & c.
			23	6.01—6.03, 6.05, 6.08, 8.06
2021-3827	5/10/2021	5/1/2021	23	6.10
2021-3827	5/10/2021	5/1/2021	23	8.01
2021-3827	5/10/2021	5/1/2021	24	8.02.a., c., d., & h.
2021-3827	5/10/2021	5/1/2021	25	8.06
2021-3827	5/10/2021	5/1/2021		Conforming amendment for gender neutrality throughout, by replacing references to “his”, “him”, or “he” with “his or her”, “him or her”, or “he or she”

1287