

**HOME RULE CHARTER
FOR
CITY OF RICHMOND,
TEXAS**



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- **PREAMBLE**

- We, the citizens of the City of Richmond, Texas, in order to establish a Home Rule municipal government, provide for the future growth and progress of our City, obtain more fully the benefits of local self-government and provide for the public welfare do adopt this Home Rule Charter, in accordance with the laws and statutes of the State of Texas; and we do declare the residents of the City of Richmond, in Fort Bend County, Texas, living within the legally established boundaries of said City, to be a political subdivision of the State of Texas,

incorporated in perpetuity under the name and style of "City of Richmond" with such powers, rights, privileges, authorities, duties and immunities as are provided in this Charter.

- ARTICLE I. - FORM OF GOVERNMENT AND BOUNDARIES

- Sec. 1.01. - Form of Government.
- Sec. 1.02. - Boundaries.

- **ARTICLE I. - FORM OF GOVERNMENT AND BOUNDARIES**

- **Sec. 1.01. - Form of Government.**

The municipal government provided for by this Charter shall be known as the "Commission-Manager" form of government. Pursuant to its provisions, and subject only to the limitations imposed by the Constitution, laws and statutes of the State of Texas and by this Charter, all powers of the City of Richmond (referred to as the City) shall be vested in an elected City Commission (referred to as the City Commission) which shall enact local legislation, adopt budgets, determine policies and appoint a City Manager, who in turn, will be held responsible to the City Commission for the execution of the laws and the administration of the government of the City. All powers of the City shall be exercised in the manner prescribed by this Charter, or if the manner not be prescribed, then in such manner as may be prescribed by the United States Constitution, Texas Constitution, laws or statutes of the State of Texas, and ordinances adopted by the City of Richmond.

- **Sec. 1.02. - Boundaries.**

The boundaries of the City of Richmond shall be the same as have heretofore been established and as they existed on the day of ratification of this Charter. An official map shall be maintained and posted in City Hall so that it is accessible to the citizens. The map shall be updated at least annually.

- ARTICLE II. - POWERS OF THE CITY

- Sec. 2.01. - Local Self-Government.
- Sec. 2.02. - Public Improvements.
- Sec. 2.03. - Intergovernmental Relations.
- Sec. 2.04. - General Enumeration of Powers.

- **ARTICLE II. - POWERS OF THE CITY**

- **Sec. 2.01. - Local Self-Government.**

The City shall have perpetual succession as a body politic and corporate; may use a seal; may sue and, in cases where its sovereign immunity has been waived, may be sued; may enter into contracts for any public purpose; may acquire and hold, in fee simple or any lesser estate or in trust, by gift, deed, bequest, right of eminent domain, purchase, lease, exchange, or otherwise, and may alienate any character of property, real or personal, within and outside the City limits. The City may exercise all powers of local self-government not inconsistent with the Constitution or the laws of this State or by special limitations in this Charter, and has all powers and authority possible for a city to have under the Constitution and laws of this State, as fully and completely as though all such powers and authority were specifically enumerated in this Charter.

- **Sec. 2.02. - Public Improvements.**

The City shall have the power to, among others, construct and maintain, or require the construction and maintenance, within or outside its corporate limits, streets, flood control and sanitary facilities, water and storm drainage facilities in, over, under or upon all public property or easements granted for that purpose and to levy assessments for the costs of such improvements. The City shall have the power to collect attorney's fees for the collection of paving assessments in foreclosure cases as allowed under state law. It shall have the power to cause liens to be established for the purpose of securing the payment of such levies and shall have the power to compel the use of such improvements by the citizens of the City.

- **Sec. 2.03. - Intergovernmental Relations.**

The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or any state civil division or agency, or the United States or any of its agencies, and any other county or any other political subdivisions in the State of Texas.

- **Sec. 2.04. - General Enumeration of Powers.**

It being intended by this Charter to grant and bestow upon the City and its inhabitants full power of local government to accomplish any public purpose, and by all powers of municipal government, not inconsistent with this Charter or the Constitution or general laws of the State of Texas, giving and granting to the City and its inhabitants all powers that are or may be later granted to municipalities of any class by the Constitution or laws of the State of Texas and all such powers, whether expressed or implied shall include, but not limited to the following:

- (1) To enact and to enforce all ordinances and take other action as necessary to protect life, health, property and the public welfare, and to accomplish any public purpose;

- (2) To prevent and summarily abate and remove nuisances;
- (3) To preserve and promote good government, order, security, amusement, recreation, trade and economic development, peace, prosperity and the general welfare of said City and its inhabitants;
- (4) To exercise any and all municipal powers necessary to the complete and efficient management and control of municipal property and the affairs of said City;
- (5) To exercise all powers that may be conducive to the public welfare, happiness, prosperity and to accomplish any public purpose of the City and its inhabitants and to enact and enforce any and all ordinances upon any subject, provided that no such ordinance shall be enacted inconsistent with the provisions of this Charter or the Constitution or laws of the State of Texas; and
- (6) To provide further that the specification of particular powers shall never be construed as a limitation upon the general powers granted by this Charter.

In addition to the express or implied powers enumerated in this Charter, the City may have and may exercise in the manner provided by this Charter all other powers necessary or useful to accomplish any public purpose, that are not inconsistent with the Constitution and laws of the State of Texas, and that it would have been competent for this Charter to specifically enumerate.

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- **ARTICLE III. - CITY COMMISSION**

- **Sec. 3.01. - Composition.**

The "City Commission" shall be composed of a "Mayor" and four (4) "Commissioners." The Mayor and each Commissioner shall be elected at large, and unless sooner removed under the provisions of this Charter, shall serve for a term of three (3) years and until their successor has been elected and duly qualified. The Commissioner positions shall be numbered 1, 2, 3 and 4. Commissioner positions 1 and 3 shall be elected in the same year. Commissioner positions 2 and 4 shall be elected in the same year. Except in the event of an election to fill a vacant position, the Mayor and any Commissioner shall not face election in the same year.

Transition provision: If this amendment is adopted, it is the intention of the City Commission to call the election for the two new Commissioner positions not later than May 2017 election.

- **Sec. 3.02. - Qualifications of City Commission.**

The Mayor and each Commission Member shall meet the qualifications set forth in and prescribed by the Texas Election Code.

- **Sec. 3.03. - Compensation.**

Compensation of the City Commission shall be Seventy-Five Dollars (\$75.00) per month and the compensation for the Mayor shall be Seventy-Five Dollars (\$75.00) per month. Any subsequent increases shall be determined and approved by a vote of the citizens at a regular election to amend this Charter. No increase in such compensation shall take effect until the beginning of the terms of Mayor and/or Commission Members elected at the next general election. The City Commission and Mayor shall also be entitled to reimbursement for actual expenses incurred in the performance of official duties with the approval of the City Commission at a public meeting.

- **Sec. 3.04. - Mayor and Mayor Pro Tem.**

(1) The Mayor occupies the highest elective office in the City and shall preside at meetings of the City Commission. The Mayor shall be recognized as head of the City government for all ceremonial purposes, and by the Governor for purposes of military law, but shall have no regular administrative duties. The Mayor may participate in the discussion of all matters coming before the City Commission and may second any motion that comes before the Commission. The Mayor shall not be entitled to vote as a member of the Commission, on legislative or other matters, except in case of a tie when the Mayor shall cast the deciding vote or in the absence of a Commissioner to meet the requirement of [Section 3.09](#).

(2) Before an Ordinance or Resolution adopted by the City Commission may take effect, the Ordinance or Resolution must be signed by the Mayor. On any Ordinance or Resolution adopted by the Commission to which the Mayor does not execute within one week after Commission approval, the Ordinance or Resolution shall take effect. If the Mayor files objections with the City Secretary within one week after Commission approved the Ordinance or Resolution, the action by the Mayor shall be deemed a veto of the original Commission action. Mayor's objections must be filed within one week of Commission approval, and must state the Mayor's reason for this filing. The City Secretary will forward copies to each Commissioner along with notice that the original item will be added to the next Commission agenda for consideration by the full Commission. If the Commission adopts the Ordinance or Resolution, the Ordinance or Resolution shall become effective and executed by the Mayor Pro Tem. In the event that a full Commission is not present, the item shall be carried forward to the first meeting with a full Commission.

(3) The Mayor has authority to execute contracts on behalf of the City as authorized by the approved annual City budget or any other contract approved by the Commission.

(4) The Mayor Pro Tem shall be a Commission Member appointed by the Mayor at the first regular meeting after each election of Commission Members and/or Mayor. The Mayor Pro Tem shall act as Mayor during the disability or absence of the Mayor, and in this capacity shall have all the rights conferred upon the Mayor and shall still be entitled to vote as a Commission Member.

- **Sec. 3.05. - Vacancies, Forfeiture and Filling of Vacancies.**

(1) The office of a Commission Member or the Mayor shall become vacant upon his/her death, resignation, forfeiture of, or removal from office by any manner authorized by law or this Charter.

(2) If the Mayor or any member of the City Commission is absent from three (3) consecutive regular meetings without explanation acceptable to a majority of the remaining Commission Members, his/her office shall be declared vacant at the next regular meeting of the City Commission by resolution. Mayor may vote on this Resolution only to obtain the required two (2) vote minimum per [Section 3.09](#).

(3) Any person on the City Commission who ceases to possess the required qualifications for office or who is convicted of a felony or of a misdemeanor involving moral turpitude or is convicted of violating any state laws or City ordinance regulating conflicts of interest of municipal officers shall forfeit his/her office. Every forfeiture shall be declared by Resolution and enforced by the City Commission.

(4) If there is a vacancy in the office of Mayor, the Mayor Pro Tem will serve as Mayor until the next municipal election at which time a new Mayor shall be elected in accordance with the Texas Election Code. If the Mayor Pro Tem should refuse to serve as Mayor, the remaining City Commission member shall serve as Mayor until the next municipal election at which time a new Mayor shall be elected in accordance with the Texas Election Code. If the remaining Commission Member refuses to serve as Mayor, the Commission may appoint a qualified resident to serve as Mayor for the remainder of the unexpired term. The vacancy created by the Mayor Pro Tem or Commission Member being appointed to Mayor may be filled by selection of a person qualified for the position, as described in this Charter, within thirty (30) days of the occurrence of the vacancy by a majority vote of the remaining Commission Members. This appointee shall serve until the next municipal election at which time a new Commission Member shall be elected in accordance with the Texas Constitution and the Texas Election Code. The Mayor shall appoint a new Mayor Pro Tem at the next regular meeting after the vacancy is filled.

(5) A vacancy in the City Commission where the term is less than one-year, other than that of the Mayor, shall be filled by selection of a person qualified for the position, as described in this Charter, within thirty (30) days of the occurrence of the vacancy by a vote of the remaining Commission Member and the Mayor. This appointee shall serve until the next municipal election at which time a new Commission Member shall be elected in accordance with the Texas Constitution and the Texas Election Code. If the vacancy in the City Commission were to occur and a year or more is left on the term of the vacated place on the Commission, that position must be filled by election in accordance with state law.

(6) All vacancies filled by appointment or election shall be for the remainder of the unexpired term of the office so filled. Specifically, any person elected to a vacancy that occurs in the first or second year of a three-year term shall serve out the remainder of that term.

- **Sec. 3.06. - Powers of the City Commission.**

All powers of the City and the determination of all matters of policy shall be vested in the City Commission. [The] City Manager, except where in conflict with and otherwise expressly provided by this Charter, and the City Commission shall have all powers authorized to be exercised by the Constitution and laws of the United States and the State of Texas and the acts amendatory thereof and supplementary thereto, now or hereafter enacted. Without limitation of the foregoing and among the other powers that may be exercised by the City Commission, the following are hereby enumerated for greater certainty:

- (1) Appoint and remove the City Manager;
- (2) Appoint the Municipal Judge(s) of the Municipal Court;
- (3) Appoint and remove the City Attorney;
- (4) Adopt the budget of the City;
- (5) Collectively inquire into the conduct of any Commission appointed office or agency of the City and make investigations as to municipal affairs;

- (6) Provide for and appoint boards and commissions as deemed necessary, and appoint the members of all such boards and commissions. Such boards and commissions shall have all powers and duties now or hereafter conferred and created by this Charter, by City ordinance or by state law;
- (7) Adopt and modify the official map of the City;
- (8) Adopt, modify and carry out plans for the replanning, improvement and redevelopment of specific areas of the City;
- (9) Adopt, modify and carry out plans for the replanning, reconstruction or redevelopment of any area or district which may have been destroyed, in whole or [in] part, by disaster;
- (10) Regulate, license and fix the charges or fares, or tariffs made by any person owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire on the public streets and alleys of the City;
- (11) Provide for the establishment and designation of fire limits and prescribe the kind and character of buildings or structures or improvements to be erected therein; provide for the erection of fireproof buildings within certain limits; and provide for the condemnation of dangerous or dilapidated structures or buildings, and such buildings or structures calculated to increase the fire hazard, and the manner of their removal or destruction;
- (12) Fix and regulate rates and charges of all utilities and public services and operate municipal utilities;
- (13) Adopt development Master Plans and subdivision plats; and
- (14) Provide for the development and maintenance of a Comprehensive Plan and Capital Improvement Plan.

- **Sec. 3.07. - Prohibitions.**

- (1) Except where authorized by law or by this Charter, no Mayor or Commission Member shall hold any other City office or City employment during his/her term as Mayor or Commission Member. No former Mayor or Commission Member shall hold any compensated appointive office or City employment until two (2) years after the expiration of the term for which they were elected or appointed to the City Commission.
- (2) Members of the City Commission shall not in any way dictate the appointment or removal of the City administrative officers or employees whom the City Manager or any of the City Manager's subordinates are empowered to appoint. The City Commission, at a meeting called for that purpose, may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.
- (3) Except for the purpose of inquiries and investigations as provided by this Charter, the City Commission shall deal with City officers and employees, who are subject to the direction and supervision of the City Manager, solely through the City Manager. The City Commission shall not give orders to any such officer or employee, either publicly or privately, except as otherwise provided in this Charter. Any violations of the foregoing provision by any member of the Commission shall constitute official misconduct, and shall authorize the Commission by a majority

vote to expel such offending member, if found guilty after a public hearing, and declare the office vacant and appoint a successor. [The] Mayor may vote on this expulsion only to obtain the required two vote minimum per [Section 3.09](#).

- **Sec. 3.08. - Meeting of the City Commission.**

(1) The City Commission may hold at least one (1) regular meeting each month and as many additional meetings as it deems necessary to transact the business of the City. The City Commission shall fix, by ordinance, the date and time of the regular meetings.

(2) Special meetings of the City Commission shall be held at the call of the Mayor or a majority of the City Commission Members upon provision of public notice in accordance with Texas Open Meetings Act.

(3) Except as provided by state law, all City Commission meetings shall be open to the public and shall be held and notice given in accordance with the Texas Open Meetings Act.

- **Sec. 3.09. - Quorum.**

A majority of Commission Members shall constitute a quorum for the purpose of transacting business. No action of the City Commission, except as specifically provided in this Charter, shall be valid or binding unless adopted by the affirmative vote of a majority of the City Commission places occupied at the time of the vote. The presence of the Mayor at any Commission meeting shall not count toward a quorum unless a Commissioner is absent, then the Mayor does count toward a quorum and is allowed to vote on all matters during the absence of the Commissioner. No Ordinance, Resolution or action by the City Commission shall be binding unless the matter receives two (2) affirmative votes.

- **Sec. 3.10. - Conflict of Interest.**

Should any Member of the City Commission have a conflict of interest, pursuant to any state laws and/or City ordinances regulating conflicts of interest of municipal officers, with an agenda item then before the City Commission, he/she shall openly declare same before discussion proceeds, and he/she is thereby prohibited from participating in any way with regards to the item, body or voting on the question and upon filing the necessary affidavit, the Member is not considered as present and voting for the purposes of the tally.

Sec. 3.11. - Abstentions.

Should any Member of the City Commission choose to abstain from voting on any question before the City Commission, where no conflict of interest exists, the person's vote shall be recorded as an abstention vote in the official minutes of the meeting and the Commission Member is considered as present and voting for the purposes of the tally.

- **Sec. 3.12. - Rules of Procedure.**

(1) The City Commission and all Commissions and Boards shall conduct business in accordance with rules adopted by the Commission. The City Commission shall provide that the citizens of the City shall have a reasonable opportunity to clearly hear and be heard at all regular meetings and public hearings with regard to specific matters under consideration. The City Commission shall provide for minutes to be taken and recorded for all public meetings as required by law. Such minutes shall be a public record and shall be kept and maintained by the City Secretary. [The] City Commission shall adopt Rules of Procedure consistent with this Charter.

(2) The Mayor or Commission Members by motion at a Commission meeting may place items on the agenda of a future meeting prior to the agenda being posted.

- **Sec. 3.13. - Passage of Ordinances in General.**

(1) The City Commission shall legislate by ordinance, resolution, or order, and the enacting clause of every ordinance shall be "Be it ordained by the City Commission of the City of Richmond, Texas" Each proposed ordinance shall be introduced in the written or printed form required for adoption. No ordinance shall contain more than one (1) subject which shall be clearly expressed in its title. General appropriation ordinances may contain various subjects and accounts for which monies are to be appropriated. After adoption, an ordinance shall not be amended or repealed except by the adoption of another ordinance amending or repealing the original ordinance. Copies of each proposed ordinance, in the form required for adoption, shall be furnished to the City Commission. Copies of the proposed ordinance, in the form required for adoption, shall be available at the City offices and shall be furnished to citizens upon request to the City Secretary from and after the date on which such proposed ordinance is posted as an agenda item for a City Commission meeting and, if amended, shall be available and furnished in amended form for as long as the proposed ordinance is before the City Commission.

(2) A proposed ordinance which has been amended in substance after its placement on the agenda for a City Commission meeting may not be voted on at such meeting. Such amended ordinance shall be placed on the agenda of a subsequent meeting of the City Commission in accordance with the provisions of this Section. All persons interested in whether an ordinance has been amended in substance after its placement on the agenda will be made by the Mayor prior to the vote on the ordinance.

(3) Every ordinance shall become effective upon adoption or at any later time(s) specified in the ordinance, except that every ordinance imposing any penalty, fine or forfeiture shall become

effective only after having been published in summary form or brief description after adoption, in a newspaper designated as the official newspaper of the City.

(4) If a majority of the City Commission present requests that the ordinance title and caption be read or that the ordinance in its entirety be read, it must be read.

- **Sec. 3.14. - Emergency Ordinances.**

(1) The Commission may adopt emergency ordinances only to meet public emergencies affecting life, health, property or the public safety. In particular, such ordinances shall not levy taxes, grant or renew or extend a franchise, or regulate the rate charged by any public utility for its services. Neither shall they authorize the borrowing of money except as provided elsewhere in this Charter.

(2) An emergency ordinance shall be introduced in the form and manner generally prescribed for ordinances, except that they shall be plainly designated in the title as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms.

(3) An emergency ordinance may be introduced at any City Commission meeting and can be adopted with or without amendment or rejected at the meeting at which it is introduced. The affirmative vote of a majority of Commission Members shall be required for adoption.

(4) Emergency ordinances shall become effective upon adoption and shall be published as soon as practicable. Every emergency ordinance so adopted, except one authorizing the borrowing of money as described herein, is automatically repealed as of the sixty-first (61st) day following the day on which it became effective. The ordinance may be re-enacted if the emergency still exists.

- **Sec. 3.15. - Authentication, Recording, Codification Printing and Distribution.**

(1) All ordinances and resolutions adopted by the City Commission shall be authenticated by seal and signature of the person performing the duties of the City Secretary and numbered consecutively as adopted. They shall be properly indexed and available for public inspection. In addition, all City ordinances shall be posted on the City's official website.

(2) The City Commission shall plan and budget for the codification of ordinances of the City. This codification shall be known and cited as the "Richmond Code of Ordinances" and shall be in full force and effect without the necessity of such code or any part thereof being published in any newspaper. The caption, descriptive clause and other formal parts of the ordinances of the City may be omitted without affecting the validity of such ordinances when codified. Every general ordinance, enacted subsequent to such codification, shall be enacted as an amendment to the code. For the purpose of this section, general ordinances shall be deemed to be those ordinances of a permanent or continuing nature which affect the residents of the City at large. Copies of the code shall be furnished to City officers, placed in the City offices and made available for purchase by the public at a reasonable price to be fixed by the City Commission. The initial codification shall be completed within two (2) years of the adoption of this Charter.

(3) The City Commission shall cause all ordinances and amendments to this Charter to be printed promptly following their adoption. A copy of each ordinance and amendment shall be placed in appropriate City offices for public reference. Printed ordinances and Charter amendments shall be sold to the public at a reasonable price in accordance with the Texas Public Information Act.

- **Sec. 3.16. - Investigations by the City Commission.**

The City Commission shall have the power to inquire into the official conduct of any appointed official appointed by the City Commission. For that purpose, the City Commission shall have the power to administer oaths, subpoena witnesses and compel the production of books, papers or other evidence material to the inquiry. The City Commission shall provide, by ordinance procedures on the conduct of investigations, penalties for contempt for failing or refusing to obey any such subpoena or to produce any such books, papers or other evidence and shall have the power to punish any such contempt in the manner provided by the ordinance and/or the laws of the State of Texas.

- **Sec. 3.17. - Bond.**

The City Commission shall require bonds of all municipal officers and employees who receive monies for or pay out any monies of the City. The amount of the bonds shall be determined by state law or the City Commission, the bonds shall be payable to the City of Richmond and conditioned upon the faithful discharge of the duties of such persons and upon the faithful accounting of all monies, credits, and things of value coming into the hands of such persons, and such bonds shall be signed as surety by a corporate surety bond company authorized to do business under the laws of the State of Texas. The premium on such bonds shall be paid by the City, and such bonds must be acceptable to the Commission. The Commission may also require new bonds at any time if, in its opinion, the existing bond on any employee is insufficient.

- [ARTICLE IV. - CITY ADMINISTRATION](#)

- [Sec. 4.01. - City Manager.](#)

- [Sec. 4.02. - City Secretary.](#)

- [Sec. 4.03. - Municipal Court.](#)

- [Sec. 4.04. - City Attorney.](#)

- [Sec. 4.05. - Administrative Departments, Offices, and Agencies.](#)

- [Sec. 4.06. - Personnel System.](#)

- [Sec. 4.07. - Freedom from Interference.](#)

- **ARTICLE IV. - CITY ADMINISTRATION**

- **Sec. 4.01. - City Manager.**

(1) *Appointment.* The City Commission shall appoint and approve a written agreement for [t]he City Manager by the affirmative vote of a majority of the full membership of the City Commission. The City Manager shall serve as Chief Administrative Officer of the City. The City Manager shall be responsible to the City Commission for administration of all the affairs of the City, with only those exceptions that are named in this Charter. The City Manager shall be appointed solely upon the City Manager's executive, administrative and educational qualifications and shall have previous city manager or administrator or assistant city manager experience and/or a degree in a field related to city government. The City Manager need not be a resident of the City when appointed, but shall, within a reasonable time (no more than one year), after such appointment, reside within a radius of ten (10) miles of Richmond City Hall during the balance of the tenure of his/her appointment.

(2) *Exemption.* No Mayor or member of the City Commission shall, during the term to which he/she is elected and for two (2) years thereafter, be appointed City Manager.

(3) *Compensation.* The City Commission shall fix the compensation of the City Manager, and the City Manager's compensation may be amended from time to time, in accordance with the City Manager's experience, qualifications and performance.

(4) *Suspension or Removal.* The City Manager shall be appointed by the affirmative vote of a majority of the full membership of the City Commission, and may be suspended or removed at the discretion of the City Commission by the affirmative vote by a majority of the City Commission. Upon decision to remove the City Manager, notice, in writing, of such decision shall be immediately furnished to him/her and the City Manager shall immediately cease to serve as City Manager.

(A) The City Manager may request in writing the reconsideration of their suspension or termination before the City Commission. This procedure for a review meeting with the City Manager shall not alter the fact that the City Manager serves at the pleasure of the City Commission, and the City Manager shall not have, nor should this procedure be construed to grant to the City Manager, any right to continued employment.

(5) *Acting City Manager.*

(A) In case of a disability or suspension of the City Manager, the City Commission may designate a qualified administrative officer of the City to perform the duties of the office or appoint an acting City Manager.

(B) By letter filed with the City Secretary and copies provided to the Mayor and City Commission, the City Manager shall designate, subject to the approval of the City Commission, a qualified administrative officer to exercise the powers and perform the duties of the City Manager during vacation or any temporary voluntary leave of the City Manager.

The Commission may revoke such designation at any time and appoint another officer of the City to serve until the return of the City Manager.

(6) *Duties and Responsibilities.* The City Manager may:

- (A) Appoint, suspend and remove all City employees and appointive administrative officers provided for in this Charter, except as otherwise provided by law or personnel rules adopted pursuant thereto;
- (B) Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by law of this Charter;
- (C) See that all state laws and City ordinances are effectively enforced;
- (D) Attend or designate a City employee to attend City Commission, Board, and Commission meetings, with the right to take part in discussion, but shall not vote;
- (E) Prepare and accept, or designate an appropriate department head or City employee to prepare and accept, items for inclusion in the official agenda of all City Commission meetings and meetings of all boards and commissions;
- (F) Prepare and recommend to the City Commission the annual budget and capital improvement budgets and administer budgets as adopted by the City Commission;
- (G) Keep the City Commission advised, at least quarterly, as to the financial conditions of the City and make recommendations concerning the affairs of the City;
- (H) Make reports as the City Commission may require concerning the operations of the City departments, offices, or agencies subject to the City Manager's direction or supervision;
- (I) Designate an appropriate department head or City employee to keep a written inventory of all real property and all permanent equipment belonging to the City, said inventory to be subject to annual audit. A system shall be established to control the use and replacement of expendable items;
- (J) Execute all contracts as authorized by resolution or ordinances adopted by the City Commission except as otherwise provided in this Charter; and
- (K) Perform such other duties as are specified in this Charter or may be required by the City Commission, which are consistent with this Charter and state and federal law.

• **Sec. 4.02. - City Secretary.**

(1) The City Manager shall appoint or remove, without cause, the City Secretary.

(2) The City Manager shall fix the compensation of the City Secretary and the City Secretary's compensation may be amended, from time to time, in accordance with the City Secretary's experience, qualifications and performance. The City Secretary shall report to the City Manager. The City Manager shall annually evaluate the performance of the City Secretary.

(3) The City Secretary shall:

- (A) Give notice of all official public meetings of the City Commission, Commissions, and Boards in a manner consistent with this Charter and state laws;

- (B) Attend or designate a City employee to attend public meetings and hearings of the City Commission;
- (C) Keep the minutes of the proceedings of all public official meetings and hearings of the City Commission in a manner prescribed by the City Commission consistent with applicable law;
- (D) Act as a custodian of all official records of the City Commission;
- (E) Hold and maintain the seal of the City and affix this seal to all appropriate documents;
- (F) Authenticate, by signature and seal, and record all ordinances, resolutions and proclamations of the City;
- (G) Act as agent for the purposes of serving civil process;
- (H) Assist the City Manager with the maintenance and public information requests of all records;
- (I) Perform such other duties, as may be required by the City Commission or City Manager, which are consistent with this Charter and state and federal law; and
- (J) Schedule and oversee all City elections in accordance with the Texas Election Code and any other applicable law.

- **Sec. 4.03. - Municipal Court.**

(1) The City Commission shall establish and cause to be maintained a Municipal Court. The Court shall have all the powers and duties as are now, or as may be, prescribed by the laws of the State of Texas.

(2) The City Commission shall appoint, by the affirmative vote of a majority of the membership of the City Commission, such Municipal Judge(s) of the Municipal Court, as may be necessary, all of whom shall be competent, duly qualified attorneys licensed and practicing for at least five (5) years in the State of Texas. In the event a duly qualified attorney is not available, the City Commission shall then select a qualified person to be the Municipal Judge. The Municipal Judge(s) of the Municipal Court(s) shall be appointed to a term of two (2) years and may be appointed to additional consecutive terms upon completion of his/her term(s) of office. The Municipal Judge(s) shall receive compensation as may be determined by the City Commission.

(3) In the event of failure of any Municipal Judge to perform his/her duties, the Mayor shall appoint a Municipal Judge for a term not to exceed three (3) continuous months. In the event of a vacancy, a Municipal Judge shall be appointed by the City Commission in accordance with paragraph 2 of this Section. If the Mayor appoints a Municipal Judge, the Judge shall be compensated at the same salary, if any, as the Municipal Judge for whom the Judge is acting.

(4) [A] Municipal Judge shall have all the power authorized by state law, including but not limited to the authority to punish for contempt to the same extent and under the same circumstance as the Justice of the Peace may punish for contempt of criminal cases.

(5) The Clerk and Deputy Clerks of the Municipal Court(s) shall have the power to administer oaths, certify affidavits, make certificates, affix the seal of the Court and perform all usual and

necessary acts in conducting the business of the Court(s), including but not limited to, the keeping of records and accounts of the Municipal Court(s).

(6) All special expenses and fines imposed by the Municipal Court(s) shall be paid into the City Treasury for the use and benefit of the City, as may be consistent with present and future laws.

- **Sec. 4.04. - City Attorney.**

(1) The City Commission shall appoint, by the affirmative vote of a majority of the City Commission, a competent, duly qualified, licensed and practicing attorney in the State of Texas for at least five (5) years who shall serve as the City Attorney. The City Commission may provide for such services by contract with a duly qualified law firm. The City Attorney designated to provide services must be a member of and be in good standing with the State Bar of Texas.

(2) The City Attorney may:

(A) Serve as the legal advisor to the City Commission and City Manager;

(B) Represent the City in litigation and legal proceedings as directed by the City Commission and the City Manager; and

(C) Review and provide opinions as requested by the City Commission or City Manager on contracts, legal instruments, ordinances of the City and other City business.

(3) The City Commission shall have the right to retain special counsel at any time that it may deem necessary and appropriate.

(4) The City Attorney and Special Counsel shall receive compensation as may be determined by the City.

(5) The City Attorney, with approval of the City Commission, may select additional attorneys to act for him/her and the City in its representation and/or litigation.

(6) The City Attorney may be removed, without cause, by the affirmative vote of a majority of the City Commission.

- **Sec. 4.05. - Administrative Departments, Offices, and Agencies.**

(1) The City Manager may establish, abolish, re-designate and/or combine departments, offices or agencies, in addition to those provided for by this Charter, and may prescribe the functions and duties of such departments, offices and agencies. Any department established, abolished, re-designated and/or combined will be approved by the Commission through the annual City Budget.

(2) Except as provided elsewhere in this Charter, all departments, offices and agencies of the City shall be under the direction and supervision of the City Manager and shall be administered by officers appointed by and subject to the direction and supervision of the City Manager. The City Manager may serve as the head of one (1) or more City departments, offices or agencies.

(3) The City Manager may appoint a City Tax Collector, whose duties and functions shall be those usual to the office and consistent with the laws of the State of Texas, as they may apply to City or

County Tax Collectors. The City Manager may recommend that the City Commission enter into an outside contract for such services.

- **Sec. 4.06. - Personnel System.**

Personnel rules shall be prepared and approved by the City Manager and presented to the City Commission. The rules shall establish the City as an Equal Opportunity Employer and shall govern the equitable administration of the personnel system of the City. The City shall comply with all applicable State and Federal labor laws.

- **Sec. 4.07. - Freedom from Interference.**

It shall be unlawful for the City Commission or any of its members to dictate to the City Manager the appointment of any person to office or employment or interfere in any manner with the City Manager in the performance of the duties of that office as stated in [Section 3.07](#) of this Charter.

- ARTICLE V. - ELECTIONS

- Sec. 5.01. - Notice and Order for Elections.
- Sec. 5.02. - General Elections.
- Sec. 5.03. - Special Elections.
- Sec. 5.04. - Conduct of Elections.
- Sec. 5.05. - Filing for Office.
- Sec. 5.06. - Polling Places.
- Sec. 5.07. - Official Ballots.
- Sec. 5.08. - Voters and Voting.
- Sec. 5.09. - Oath of Office.
- Sec. 5.10. - Canvassing.
- Sec. 5.11. - Term of Office.

- **ARTICLE V. - ELECTIONS**

- **Sec. 5.01. - Notice and Order for Elections.**

City elections shall be ordered and notice thereof given as provided in the Texas Election Code and the Commission shall establish the procedures and order elections except as provided therein. If not otherwise provided for by state law, all elections shall be ordered at least thirty (30) days prior to the date of election and notice shall be given by publication not more than thirty (30) days and not less than twenty (20) days immediately preceding the date of election. Notice of election shall be published in a newspaper published within the City, and if there be no such publication notice, shall be published in a newspaper of general circulation within the City.

- **Sec. 5.02. - General Elections.**

The general City election shall be held annually on the first Saturday in May, or if such not be authorized, the date nearest thereto as may be established by law. The Mayoral or Commission candidate for elective office receiving a plurality, meaning the greatest number of the votes cast shall be declared the winner.

- **Sec. 5.03. - Special Elections.**

The Commission may by ordinance call such special elections as are authorized by this Charter or state law, fix the time of holding such elections, and provide all means for holding such special elections; provided that every special election shall be held on a Saturday, or a uniform election date, unless otherwise provided by law.

- **Sec. 5.04. - Conduct of Elections.**

All elections shall be held in accordance with state law and the ordinances adopted by the Commission for the conduct of elections. The Commission shall appoint the election judges and provide for other election officials. In the absence of state law providing regulations for the conduct of any election, the Commission shall provide such regulations by ordinance.

- **Sec. 5.05. - Filing for Office.**

Candidates for office shall make application for a place on the ballot within the times prescribed by the Texas Election Code. In the absence of a filing deadline established by state law, applications for a place on the ballot shall be filed no later than 5 p.m. of the last business day that is forty-five (45) days before election day. All applications shall designate the position sought. It shall be the duty of

the City Secretary to place the name of all qualified candidates, making timely application, on the official ballot. Each candidate for the Commission or any other elective office shall:

- (1) File for no more than one (1) office or place per election.
- (2) File the application required by the City.

- **Sec. 5.06. - Polling Places.**

The Commission shall establish one or more election precincts and provide polling places as necessary for City elections.

- **Sec. 5.07. - Official Ballots.**

(1) *Names on Ballot.* The name of each qualified candidate for office, except those who withdraw, die or become ineligible ten (10) business days or more prior to the start of early voting, shall be placed on the official ballots without party designation or symbol in the form designated by the candidate. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion, their residence addresses shall be printed with their names on the ballot.

(2) *Order of Listing.* The order on the ballot of the names of the candidates shall be determined by lot in a drawing to be held under the supervision of the City Secretary.

(3) *Early Voting.* Procedures for early voting shall be consistent with the Texas Election Code.

(4) *Ballots on Measures.* Ballots for ordinances, bond issues, and charter amendments shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title but shall be a clear, concise statement, approved by majority of the Commission, describing the substance of the measure without argument or prejudice.

(5) *Write-In Votes.* Procedures for write-in votes shall be consistent with the Texas Election Code.

- **Sec. 5.08. - Voters and Voting.**

Every registered voter who has been a resident of the City for thirty (30) days or more prior to the date of the election shall be entitled to vote in City elections. Early voting and the hours the polls are open shall be as established by state law, or, absent state law providing therefor, as established by ordinance. Write-in votes shall be permitted only in compliance with the Texas Election Code.

- **Sec. 5.09. - Oath of Office.**

Every officer of the City shall, before entering upon the duties of his/her office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the City Secretary:

"I, _____, do solemnly swear (or affirm) that I will faithfully execute the duties of the office of _____ of the City of Richmond, State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and Laws of the United States and of this State and the Charter and ordinances of this City;

and I furthermore solemnly swear (or affirm), that I have not directly nor indirectly paid, offered, or promised to pay, contributed, nor promised to contribute any money, or valuable thing, or promise any public office or employment, as a reward for the giving or withholding a vote at the election at which I was elected, or if the office is one of appointment, to secure my appointment So Help Me God."

- **Sec. 5.10. - Canvassing.**

The returns of every municipal election shall be delivered by the election judges to the City Secretary. The City Commission shall canvass the returns in accordance with the Texas Election Code. The returns of every municipal election shall be recorded in the minutes of the Commission by totals for each candidate, or for and against each issue submitted.

- **Sec. 5.11. - Term of Office.**

The Mayor and each Commission Member shall serve until his or her successor is elected or appointed and qualified to serve. The regular term of office of the Mayor and the Commission Members shall commence at the first Commission meeting following the canvass of the election at which they receive a majority vote. A Member of the Commission elected in a run-off election shall take office at the first Commission meeting following the day on which the votes for the run-off election are canvassed. The remaining term of a Member of Commission elected at a special election shall commence at the first Commission meeting after the canvass of votes for the election at which they receive the most votes cast for the office.

- [ARTICLE VI. - INITIATIVE, REFERENDUM AND RECALL](#)

- [Sec. 6.01. - General.](#)
- [Sec. 6.02. - Initiative.](#)
- [Sec. 6.03. - Referendum.](#)
- [Sec. 6.04. - Conflict.](#)
- [Sec. 6.05. - Signatures.](#)
- [Sec. 6.06. - Commencement of Proceedings.](#)
- [Sec. 6.07. - Examination and Sufficiency.](#)

- [Sec. 6.08. - Referendum; Suspension of Ordinance.](#)
- [Sec. 6.09. - Action on Petition.](#)
- [Sec. 6.10. - Procedure and Results of Election.](#)
- [Sec. 6.11. - Power of Recall.](#)
- [Sec. 6.12. - Recall Election.](#)
- [Sec. 6.13. - Limitation on Recall.](#)
- [Sec. 6.14. - Failure of City Commission to Call an Election.](#)
- [Sec. 6.15. - Effect of Recall.](#)

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

- **Sec. 6.01. - General.**

The citizens reserve the powers of initiative, referendum, and recall which may be exercised in the manner and subject to the limitations provided in this Article.

- **Sec. 6.02. - Initiative.**

Subject only to the limitations provided in this Article, the people of the City shall have the power to propose legislation on any local government issue, except legislation appropriating money, levying taxes, affecting zoning, annexing land, or setting rates, fees or charges, and, if the Commission fails to adopt an ordinance so proposed, to adopt or reject the proposed legislation at an election.

- **Sec. 6.03. - Referendum.**

The people of the City shall have the power to require reconsideration by the Commission of any adopted ordinance regarding any issue that would be a proper subject for an initiative, and if the Commission fails to repeal an ordinance so reconsidered, to approve or reject the ordinance at an election. Such power shall not extend to the budget; capital expenditures; levy of taxes; any bonds, certificates of obligation or any similar obligations; zoning; annexation; or any rates, fees and charges; provided that tax increases shall be subject to petition as provided by state law.

- **Sec. 6.04. - Conflict.**

No initiative or referendum action shall conflict with this Charter, the constitution or any state statute.

- **Sec. 6.05. - Signatures.**

Initiative and referendum petitions must be signed by registered voters residing within the City in number equal to thirty percent (30%) of the number of votes cast at the last general election of the City, or three hundred (300), whichever is greater. The signatures to the initiative or referendum petition need not all be appended to one paper, but each signer shall sign his or her name in ink or indelible pencil and shall add or cause to be added his or her place of residence within the City by street and number, printed name and date of signature. The signatures on a petition section shall not be considered unless there is attached to the petition section a signed, notarized and dated affidavit, executed by a resident of the City who circulated the petition section, which affidavit shall include his or her printed name, the address by street and number within the City, and the date he or she signed the affidavit; stating that he or she circulated each page and section of the attached petition; that each signature thereon was affixed in his or her presence; that each signature thereon is the signature of the person whose name it purports to be; and that to the best of his or her knowledge and belief each person signing the petition section was, at the time of signing, a registered voter residing within the City of Richmond.

- **Sec. 6.06. - Commencement of Proceedings.**

A qualified voter may commence an initiative or referendum proceeding by filing with the City Secretary the complete form of a petition proposed to be circulated, including signature pages, together with a copy of the full text of the initiative ordinance, or the ordinance to be reconsidered. The ordinance set forth with the petition shall be complete and in proper form including the caption.

The City Secretary shall place the time and date on the petition and documents when filed, examine the filing for sufficiency as to form and place the time and date of the certification for circulation on such petition and documents. The City Secretary shall provide a certified copy of such filing as certified for circulation to the person presenting same, the City Manager and the City Attorney, and file a copy of such certified documents and petition in the archives of the City.

The circulated petition must be returned and refiled with the City Secretary within ninety (90) days after the date the petition is certified for circulation. Signatures obtained prior to the date of such certification shall be invalid and a petition returned after the expiration of ninety (90) days shall not be considered.

- **Sec. 6.07. - Examination and Sufficiency.**

The City Secretary shall examine each signature separately and disqualify any signature not having all of the information required, or not found to be that of a qualified voter of the City, determine whether the petition contains the requisite number of valid signatures, and complete a certification as to the sufficiency of the petition signatures within fourteen (14) days following the date the circulated petition is filed with the City Secretary. The petitioner shall be notified by certified mail of the sufficiency of, or any insufficiencies in, the petition.

If the petition is certified as sufficient, the City Secretary shall present a certificate to the City Manager who shall cause the same to be placed on the agenda for the first Commission meeting that is three or more days after the date of the certification.

If the petition is certified as insufficient due to the disqualification or invalidity of signatures, the petitioner shall have fourteen (14) days following the date the number of signatures is found insufficient to file a supplementary petition with additional signatures sufficient in number to equal the required number of signatures. Upon supplementary petitions being timely filed, the City Secretary shall have seven (7) days from the date such supplementary petition is filed to certify the petition as sufficient or insufficient.

- **Sec. 6.08. - Referendum; Suspension of Ordinance.**

When an authorized referendum petition is certified by the City Secretary as sufficient, the ordinance sought to be reconsidered shall be suspended; and such suspension shall continue until the Commission repeals the ordinance or the ordinance is upheld by election.

- **Sec. 6.09. - Action on Petition.**

Within thirty (30) days after the date an initiative petition has been certified to the Commission as sufficient, the Commission shall request a formal legal opinion from the City Attorney on the legality of the proposed ordinance. If the City Attorney issues a written opinion that the proposed ordinance is clearly and facially invalid, the Commission shall not be required to call an election on such initiative. Otherwise, within forty-five (45) days after an initiative or referendum petition has been certified to the Commission as sufficient, the Commission shall:

- (1) Adopt the proposed initiative ordinance without any change in substance; or
- (2) Repeal the referred ordinance; or
- (3) Call an election on the proposed or referred ordinance.

The election on a proposed or referred ordinance shall be held on the next available uniform election date after the date of the Commission's action and for which notice may be timely given in compliance with state law and this Charter. Such election may coincide with a regular City election

should such election fall within the specified time. However, special elections on initiated or referred ordinances shall not be held more frequently than once each six (6) months and no ordinance substantially the same as a defeated initiative ordinance shall be adopted by the Commission or initiated within two (2) years after the date of the election. No referred ordinance repealed at an election may be readopted by the Commission within two (2) years from the date of the election at which such ordinance was repealed. Copies of the proposed or referred ordinances shall be made available at each polling place.

- **Sec. 6.10. - Procedure and Results of Election.**

Not more than thirty (30) and not less than fifteen (15) days prior to the special election, the City Secretary shall cause the proposed or referred ordinance to be published in its entirety at least once in a newspaper of general circulation in the City.

The ballots used when voting upon such proposed and referred ordinances shall set forth the nature of the ordinance sufficiently to identify the ordinance and shall also set forth a proposition as provided in this Charter. If a majority of the qualified voters voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances adopted by the Commission. If conflicting ordinances are approved at the same election, the ordinance receiving the greatest number of affirmative votes shall prevail.

An ordinance adopted by initiative may not be repealed or amended at any time prior to the expiration of two (2) years from the date of its adoption, except at an election held for such purpose or such amendment being approved by the Commission by not less than two (2) affirmative votes.

If a majority of the qualified voters on a referred ordinance vote against the ordinance, it shall be considered repealed upon certification of the election results. If a majority of the qualified voters voting on a referred ordinance vote for the ordinance, it shall be upheld and, in such event, may not again be the subject of a petition within twelve (12) months following the date of such election.

- **Sec. 6.11. - Power of Recall.**

The people of the City reserve the power to recall any elected City officer and may exercise the power by filing with the City Secretary a petition signed by qualified voters of the City equal in number to at least thirty percent (30%) of the number of registered votes cast at the last general election of the City, or three hundred (300), whichever is greater. The petition shall be signed and verified as required for an initiative petition and a separate petition must be filed for each officer being recalled. If the Commission orders a recall election for any member, such election shall be held in the manner provided in this Article.

- **Sec. 6.12. - Recall Election.**

The provisions regulating examination, certification, and amendment of initiative petitions shall apply to recall petitions. If the City Secretary certifies the petition as sufficient, the City Commission shall, at the first meeting for which timely notice may be given, order a special election to be held at the earliest time permitted by this Charter and state law, to determine whether the officer shall be recalled. If a majority of votes cast at a recall election be for the recall of the officer, the office shall be vacant.

- **Sec. 6.13. - Limitation on Recall.**

No recall petition shall be filed against an officer within six (6) months after taking office; no officer shall be subjected to more than three (3) recall elections during the term of office; and no officer shall be recalled at an election held less than three (3) months prior to the expiration of the term of office being served by such officer.

- **Sec. 6.14. - Failure of City Commission to Call an Election.**

If the City Secretary shall certify the petition as sufficient and the City Commission shall fail or refuse to order such recall election, or to discharge any other duty imposed upon the Commission with reference to the recall, then any citizen of the City may file suit in the district courts to compel the Commission to order the election.

- **Sec. 6.15. - Effect of Recall.**

If a recall election is successful in that a Commission member is removed from office, the Mayor shall become eligible to vote in order to meet the two-vote requirement under [Section 3.09](#). If two members of the City Commission are removed, then the remaining elected official will have limited authority to approve any and all matters affecting the immediate health, safety and welfare of the residents and as long as any funds being expended are within the approved City budget.

- **ARTICLE VII. - FINANCIAL PROCEDURES**

- **Sec. 7.01. - Fiscal Year.**

- **Sec. 7.02. - Submission of Budget and Budget Measure.**

- **Sec. 7.03. - Budget Message.**

- **Sec. 7.04. - Budget a Public Record.**

- **Sec. 7.05. - Public Hearing on Budget.**

- [Sec. 7.06. - Proceeding on Adoption of Budget.](#)
- [Sec. 7.07. - Budget Appropriation and Amount to Be Raised By Taxation.](#)
- [Sec. 7.08. - Amending the Budget.](#)
- [Sec. 7.09. - Certification; Copies Made Available.](#)
- [Sec. 7.10. - Capital Program.](#)
- [Sec. 7.11. - Defect Shall Not Invalidate the Tax Levy.](#)
- [Sec. 7.12. - Lapse of Appropriations.](#)
- [Sec. 7.13. - Bonds and Other Evidences of Indebtedness.](#)
- [Sec. 7.14. - Additional Funding.](#)
- [Sec. 7.15. - Purchasing.](#)
- [Sec. 7.16. - Administration of Budget.](#)
- [Sec. 7.17. - Depository.](#)
- [Sec. 7.18. - Independent Audits.](#)
- [Sec. 7.19. - Tax Administration.](#)
- [Sec. 7.20. - Tax Liens, Liabilities and Suits.](#)

- **ARTICLE VII. - FINANCIAL PROCEDURES**

- **Sec. 7.01. - Fiscal Year.**

The fiscal year of [the] City shall begin on the first day of October and end on the last day of September on the next succeeding year. Such fiscal year shall also constitute the budget and accounting year.

- **Sec. 7.02. - Submission of Budget and Budget Measure.**

On or before August 15th of the fiscal year, the City Manager shall submit to the City Commission a budget for the ensuing fiscal year and an accompanying budget message. The proposed budget submitted to Commission for review will be an itemized budget in accordance with state law.

- **Sec. 7.03. - Budget Message.**

The City Manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the City's debt position and include such other material as the City Manager deems desirable.

- **Sec. 7.04. - Budget a Public Record.**

In accordance with state law, the proposed budget and all supporting schedules shall be filed with the person performing the duties of City Secretary when submitted to the City Commission and shall be open to the public inspection by anyone interested. A notice of availability shall be published in the official newspaper within ten (10) days of the budget being presented to City Commission.

- **Sec. 7.05. - Public Hearing on Budget.**

At the City Commission meeting when the budget is submitted, the City Commission shall name the date and place of a public hearing and shall have published in the official newspaper of the City, the time and place, which will be not less than the ten (10) days nor more than thirty (30) days after the date of notice. At this hearing, interested citizens may express their opinions concerning items of expenditures, giving their reasons for wishing to increase or decrease any items of expense.

- **Sec. 7.06. - Proceeding on Adoption of Budget.**

After public hearing, the City Commission shall analyze the budget, making any additions or deletions which they feel appropriate, and shall, at least ten (10) days prior to the beginning of the next fiscal year, adopt the budget by the affirmative vote of a majority of the City Commission. Should the City Commission take no final action on or prior to such day, the current budget shall be in force on a month-to-month basis until a new budget is adopted, but budget must be approved within sixty (60) days of the next fiscal year.

- **Sec. 7.07. - Budget Appropriation and Amount to Be Raised By Taxation.**

On final adoption, the budget shall be in effect for the budget year. Final adoption of the budget by the City Commission shall constitute the official appropriations as proposed by expenditures for the current year and shall constitute the basis of official levy of the property tax as the amount of tax to be assessed and collected for the corresponding tax year. Estimated expenditures will in no case exceed proposed revenue plus cash on hand. Unused appropriations may be transferred back to general funds.

- **Sec. 7.08. - Amending the Budget.**

Under conditions which may arise and which could not reasonably have been foreseen in the normal process of planning the budget, the City Commission may, by the affirmative vote of a majority of the City Commission, amend or change the budget to provide for any additional expense in which the general welfare of the citizenry is involved. These amendments shall be by ordinance and shall become an attachment to the original budget.

- **Sec. 7.09. - Certification; Copies Made Available.**

A copy of the budget, as finally adopted, shall be filed with the person performing the duties of City Secretary and such other places required by state law or as the City Commission shall designate. The final budget shall be printed or otherwise reproduced and sufficient copies shall be made available for the use of all offices, agencies, and for the use of interested persons and civic organizations. A notice of availability shall be published in the official newspaper within ten (10) days of the budget being approved by the City Commission.

- **Sec. 7.10. - Capital Program.**

The City Manager shall submit a five (5) year capital program as an attachment to the annual budget. The program as submitted shall include:

- (1) A clear general summary of its contents;
- (2) A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years succeeding the budget year, with appropriate supporting information as to the necessity for such improvements;
- (3) Cost estimates, method of financing and recommended time schedules for each improvement; and
- (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

- **Sec. 7.11. - Defect Shall Not Invalidate the Tax Levy.**

Errors of defects in the form or preparation of the budget or the failure to perform any procedural requirements shall not nullify the tax levy or the tax rate.

- **Sec. 7.12. - Lapse of Appropriations.**

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned. The purpose of any such appropriation, with the exception of a bond fund, shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation. Any funds not expended, disbursed or encumbered shall be deemed excess funds.

- **Sec. 7.13. - Bonds and Other Evidences of Indebtedness.**

The City shall have the right and power to borrow money on the credit of the City and to issue general obligation bonds and others evidences of indebtedness for permanent public improvements or for any other public purpose not prohibited by the Constitution and laws of the State of Texas or the Charter and to issue refunding bonds to refund outstanding bonds and other evidences of indebtedness of the City previously issued by whatever method it may deem to be in the public interest. All such bonds shall be issued in conformity with the laws of the State of Texas.

The City shall further have the power to borrow money for the purpose of constructing, acquiring, improving, extending or repairing of public utilities, recreational facilities or any other self-liquidating municipal function not prohibited by the Constitution and laws of the State of Texas, and to issue revenue bonds to evidence the obligations created thereby. Such bonds shall be a charge upon and payable from the properties, or interest therein pledged, or the income therefrom, or both. The holders of the revenue bonds of the City shall not have the right to demand payment thereof out of monies raised or to be raised by taxation. All such bonds shall be issued in conformity with the laws of the State of Texas. The City shall have the power to borrow money for public improvements in any other manner provided by law, including certificates of obligation as authorized by the Texas Local Government Code. All bonds and evidences of indebtedness of the City having been approved by the Attorney General and registered by the Comptroller of Public Accounts shall thereafter be incontestable in any court or other forum for any reason, and shall be valid and binding obligations of the City in accordance with their terms for all purposes.

- **Sec. 7.14. - Additional Funding.**

In any budget year, the City Commission may in accordance with state law, by affirmative vote of a majority of the Commission Members, authorize the borrowing of money. Notes may be issued which are repayable not later than the end of the current fiscal year.

- **Sec. 7.15. - Purchasing.**

(1) The City Commission grants the City Manager general authority to contract for expenditure without further approval of the City Commission for all budgeted items approved through the annual budget.

(2) All contracts for expenditures involving more than the amount approved through the annual budget must be expressly approved in advance by the City Commission.

(3) Emergency contracts, as authorized by law and this Charter, may be negotiated by the City Commission or City Manager, if given authority by the City Commission, without competitive bidding and in accordance with state law. Such emergency shall be declared by (i) the City Manager and approved by the Mayor, or (ii) the City Commission.

- **Sec. 7.16. - Administration of Budget.**

(1) No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made, unless the City Manager, or the City Manager's designee, states or ensures first that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefore are or will be available to cover the claim or meet the obligation when it becomes due and payable.

(2) Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal. Such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such payment or obligation, and the officer shall also be liable to the City for any amount so paid.

(3) This prohibition shall not be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds, time warrants, certificates of indebtedness or certificates of obligation, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, providing that such action is made or approved by ordinance.

(4) The City Manager shall submit to the City Commission each month a report covering the revenues and expenditures of the City in such form as requested by the City Commission.

- **Sec. 7.17. - Depository.**

All monies received by any person, department or agency of the City for or in connection with the affairs of the City shall be deposited promptly in the City depository or depositories. The City depositories shall be designated by the City Commission in accordance with such regulations and subject to the requirements as to security for deposits and interest thereon as may be established by ordinance and state law. Procedures for withdrawal of money or the disbursement of funds from the City depositories shall be prescribed by ordinance.

- **Sec. 7.18. - Independent Audits.**

At the close of each fiscal year and in accordance with state law, and at such other times as may be deemed necessary, the City Commission shall call for an independent audit to be made of all accounts of the City by a certified public accountant. No more than five (5) consecutive annual audits shall be completed by the same firm. The certified public accountant selected shall have no personal interest, directly or indirectly in the financial affairs of the City or any of its officers. The report of audit, with the auditor's recommendations, will be made to the City Commission. Upon completion of the audit, copies of the audit shall be placed on file in the office of the person performing the duties of City Secretary, as public record.

- **Sec. 7.19. - Tax Administration.**

(1) The City Commission may establish a Department of Taxation to assess and collect taxes. If the Commission establishes such a Department, the Director of which shall be the City Tax Assessor and Collector shall be appointed by the City Manager. The Tax Assessor and Collector shall provide a bond with such sureties and in such amount as the City Commission may require. The City shall pay the premiums on such bond. The City Commission may provide for such services by contract.

(2) The City Commission shall have the power, and is hereby authorized, to levy, assess, and collect annual taxes not to exceed the maximum limit set by the Constitution and laws of the State of Texas, as they now exist or as they may be amended, on each One Hundred Dollars (\$100.00) assessed valuation of all property having a location within the corporate limits of the City and not exempt from taxation by the Constitution and laws of the State of Texas.

(3) All taxes due the City shall be payable at the office of the City Assessor and Collector and may be paid at any time after the tax rolls for the year have been completed and approved, which completion and approval shall be not later than October 1st. Taxes shall be paid before February 1st of each year succeeding the year for which the taxes are levied. All such taxes not paid prior to such date shall be deemed delinquent and shall be subject to such penalty and interest as may be provided by law.

(4) Failure to levy and assess taxes through omission in preparation of the approval tax rolls shall not relieve the person, firm or corporation so omitted from the obligation to pay such current or past due taxes shown to be payable by recheck of the rolls and receipts for the years in question, unless otherwise provided by law.

- **Sec. 7.20. - Tax Liens, Liabilities and Suits.**

(1) All property having its location in the City on January 1st of each year shall stand charged with a lien in favor of the City from said date for the taxes due thereon. The lien provided hereby shall

be superior to all other liens except other tax liens, regardless of when such other liens were created. All persons purchasing any of said property on or after January 1st in any year shall take the property subject to the lien herein provided. In addition to the lien herein provided on January 1st on any year, the owner of property subject to taxation by the City shall be personally liable for the taxes due thereon for such year.

(2) The City shall have the power to sue for and recover personal judgment for taxes without foreclosure, or to foreclose its lien or liens, or to recover both personal judgment and foreclosure. In such suit where it appears that the description of any property in the City assessment rolls is insufficient to identify such property, the City shall have the right to plead a good description of the property to be assessed, to prove the same, and to have its judgment foreclosing the tax lien and/or for personal judgment against the owner for such taxes as such ownership and property appears on the certified tax roll.

- [ARTICLE VIII. - BOARDS AND COMMISSIONS](#)
- [Sec. 8.01. - Authority, Composition and Procedures.](#)

- **ARTICLE VIII. - BOARDS AND COMMISSIONS**

- **Sec. 8.01. - Authority, Composition and Procedures.**

(1) The City Commission shall create, establish or appoint, as may be required by the laws of the State of Texas or this Charter, or deemed desirable by the City Commission, such boards, commissions and committees as it deems necessary to carry out the functions and obligations of the City. The City Commission shall, by ordinance or resolution, prescribe the purpose, composition, function, duties, accountability and tenure of each board, commission and committee where such are not prescribed by law or this Charter.

(2) Individuals who are qualified voters and residents of the City, with no more than one member from the City's Extraterritorial Jurisdiction (ETJ), may be appointed by the City Commission, if allowed by state law, to serve on one (1) or more boards, commissions or committees. Such appointees shall serve at the pleasure of the City Commission and may be removed at the discretion of the City Commission. Except as otherwise provided in this Charter, members of any such board, commission or committee shall serve without compensation but may be reimbursed for actual expenses as approved by the City Commission.

(3) All boards, commissions or committees of the City shall keep and maintain minutes of any proceedings held and shall submit them to the City Secretary to provide a copy to the City Commission following the meeting at which they are approved.

(4) Unless authorized by state law, no officer or employee of the City or any person who holds a compensated appointive position with the City shall be appointed to any board, commission or committee created or established by this Charter other than in an advisory capacity.

(5) Unless specified otherwise by a previous ordinance, any member of a board, commission or committee who is absent from three (3) consecutive regular meetings, or twenty-five percent (25%) of regularly scheduled meetings during the twelve-month (12-month) period immediately preceding and including the absence in question, without explanation acceptable to a majority of the other members, shall forfeit his/her position on the board, commission or committee.

- ARTICLE IX. - UTILITY AND PUBLIC SERVICE FRANCHISES AND LICENSES

- Sec. 9.01. - Authority.
- Sec. 9.02. - Ordinance Granting Franchise.
- Sec. 9.03. - Transfer of Franchise.
- Sec. 9.04. - Franchise Value Not to Be Allowed.
- Sec. 9.05. - Right of Regulation.
- Sec. 9.06. - Regulation of Rates.
- Sec. 9.07. - Licenses.

- **ARTICLE IX. - UTILITY AND PUBLIC SERVICE FRANCHISES AND LICENSES**

- **Sec. 9.01. - Authority.**

(1) The ownership, right of control and use of streets, highways, alleys, parks, public places, rights-of-way and all other real property of the City is hereby declared to be inalienable to the City. No entity or individual shall have the right to occupy such public property without the express permission of and under an express written agreement with the City concerning such occupancy. Utilities and/or public utilities shall only be granted the right to occupancy under the terms of a franchise agreement with the City. All grants, removals, extensions or amendments of public utility franchises on, under or beneath such public places shall be the right of the Commission. The City may, by ordinance, sell, lease, transfer or otherwise alter its control and use of such public properties, in accordance with the provisions of this Charter.

(2) The City shall have the power to buy, own, sell, construct, lease, maintain, operate and regulate public services and utilities and to manufacture, distribute and sell the output of such services and utility operations. The City shall not supply any utilities service outside the City limits, except by a written contract. The City shall have such regulatory and other power as may now or hereafter be granted under the Constitution and laws of the State of Texas.

- **Sec. 9.02. - Ordinance Granting Franchise.**

No franchise shall be granted for a term of more than twenty (20) years from the date of the grant, renewal or extension of any franchise.

- **Sec. 9.03. - Transfer of Franchise.**

No public service or utility franchise is transferable, except with the approval of the City Commission. However, the franchisee may pledge franchise assets as security for a valid debt or mortgage.

- **Sec. 9.04. - Franchise Value Not to Be Allowed.**

Franchises granted by the City are of no value in fixing rates and charges for public services or utilities within the City and in determining just compensation to be paid by the City for property which the City may acquire by condemnation or otherwise.

- **Sec. 9.05. - Right of Regulation.**

In granting, amending, renewing and extending public service and utility franchises, the City reserves unto itself all the usual and customary rights, including, but not limited to, the following rights:

- (1) To repeal the franchise by ordinance for failure to begin construction or operation within the time prescribed, or for failure to comply with terms of the franchise;
- (2) To require all extensions of service within the City limits to become part of the aggregate property of the service and operate subject to all obligations and reserved rights contained in this Charter. Any such extension is considered part of the original grant and terminable at the same time and under the same conditions as the original grant;
- (3) To require expansion and extension of facilities and services and to require maintenance of existing facilities to provide adequate service at the highest level of efficiency;
- (4) To require reasonable standards of service and quality of product and prevent rate discrimination;
- (5) To impose reasonable regulations and restrictions to ensure the safety and welfare of the public;
- (6) To examine and audit accounts and records and to request annual reports on local operations of the public service or utility;
- (7) To require the franchisee to restore, at franchisee's expense, all public or private property to a condition as good as or better than before disturbed by the franchisee for construction, repair or removal;

- (8) To require the franchisee to furnish to the City, from time to time within a reasonable time following request of the City, at franchisee's expense a general map outlining current location, character, size, length, depth, height and terminal of all facilities over and under property within the City and its extraterritorial jurisdiction;
- (9) To require compensation, rent or franchise fees to be paid to the City as may be permitted by the laws of the State of Texas; and
- (10) Any other authority to regulate utilities and franchises in accordance with the laws of the State of Texas.

- **Sec. 9.06. - Regulation of Rates.**

- (1) The City Commission has the power to fix and regulate the rates, tariffs, and charges of all utilities and public services, consistent with state statutes.
- (2) If not satisfied with the sufficiency of evidence, the City Commission may hire rate consultants, auditors and attorneys to investigate and, if necessary, litigate requests for rate changes, the expense of which shall be reimbursed to the City by the franchisee.

- **Sec. 9.07. - Licenses.**

The City shall have the power to license, levy and collect fees in order to license any lawful business, occupation or calling subject to control pursuant to the police powers of the State of Texas and/or for any other purpose not contrary to the Constitution and laws of the State of Texas.

- [ARTICLE X. - GENERAL PROVISIONS](#)

- [Sec. 10.01. - Severability.](#)
- [Sec. 10.02. - Wording Interpretation.](#)
- [Sec. 10.03. - Amendment of Charter.](#)
- [Sec. 10.04. - Charter Review Commission.](#)
- [Sec. 10.05. - Submission of Charter to Electors.](#)

- **ARTICLE X. - GENERAL PROVISIONS**

- **Sec. 10.01. - Severability.**

If any section or part of this Charter is held to be invalid by a court of competent jurisdiction, such holding shall not invalidate or impair the validity, force or effect of any other section or part of this Charter.

- **Sec. 10.02. - Wording Interpretation.**

The gender of the wording throughout this Charter shall always be interpreted to mean either sex. All singular words shall include the plural and all plural words shall include the singular. All references to the state law or laws of the State of Texas, however expressed in this Charter, shall mean "as presently enacted or as may be amended or superseded." The use of the word "City" in this Charter shall mean the City of Richmond, Texas, and the use of the word "Charter" shall mean this Home Rule Charter. The term "qualified voter" shall mean a resident of the City who is duly registered to vote in City elections.

- **Sec. 10.03. - Amendment of Charter.**

Amendments to this Charter may be framed and submitted to the qualified voters of the City in the manner provided by the Constitution and the laws of the State of Texas; but, the Charter may not be amended more often than once every two (2) years, as provided by the Texas Constitution.

- **Sec. 10.04. - Charter Review Commission.**

(1) Within the first two (2) years after the adoption of this Charter, the Commission may appoint a Charter Review Commission in accordance with this section. If [the] Commission does not appoint a Charter Commission, on the fifth year after initial adoption of the Charter and every five (5) years thereafter, the Commission may appoint a Charter review Commission. Except as otherwise provided in this Charter, each appointment of the Charter Review Commission shall be a resident of the City prior to the appointment, for at least twelve months (12 months) preceding the appointment. Commission members shall serve without compensation and shall not be employed by or hold any other position in the City government. In addition to any other requirements prescribed by the Commission, members shall maintain the qualification established by this section while in office. No member of the commission shall remain in this position after being elected or appointed to a City office.

(2) The Charter Review Commission shall consist of at least fifteen (15) citizens of the City who shall:

(A) Inquire into the operation of the City government under the Charter and determine whether any provisions require revision. To this end, public hearings may be held. The Commission may compel the attendance of any officer or employee of the City and require submission of any City records; and

(B) Propose any recommendations it deems desirable to ensure compliance with the Charter of the City government.

(3) The City Commission shall receive and have published in the official newspaper of the City a comprehensive summary of the report presented by the Charter Review Commission, shall consider any recommendations made, and may order any amendments suggested to be submitted to the voters of the City in the manner provided by state law.

(4) The term of office of the Charter Review Commission shall be for not more than six (6) months, at the end of which time a report shall be presented to the City Commission and all records of proceedings of the Charter Review Commission shall be filed with the City Secretary and become a public record.

- **Sec. 10.05. - Submission of Charter to Electors.**

The Charter Commission in preparing this Charter finds and declares that it is impractical to segregate each subject so that the voter may vote "Yes" or "No" on each subject. The Charter is so constructed that in order to enable it to work and function, it is necessary that it should be adopted in its entirety. For these reasons, the Charter Commission directs that this Charter be voted upon as a whole.

- ARTICLE XI. - LEGAL PROVISIONS

- Sec. 11.01. - Annexation; Extensions of Boundaries.
- Sec. 11.02. - Disannexation.
- Sec. 11.03. - Assignment, Execution and Garnishment.
- Sec. 11.04. - Security and Bond.
- Sec. 11.05. - Notice of Claim.
- Sec. 11.06. - Power to Settle Tax Claims.
- Sec. 11.07. - Service of Process Against the City.
- Sec. 11.08. - Judicial Notice.
- Sec. 11.09. - Pending Matters.
- Sec. 11.10. - Property Not Exempt from Special Assessments.
- Sec. 11.11. - Disaster Clause.
- Sec. 11.12. - Construction of Charter.

- **ARTICLE XI. - LEGAL PROVISIONS**

- **Sec. 11.01. - Annexation; Extensions of Boundaries.**

The boundaries of the City may be enlarged and extended by the annexation of additional territory, irrespective of size and configuration, by the methods hereinafter set forth:

(1) (A) City Initiated Annexation. The City Commission shall have the power by ordinance to fix the boundary limits of the City and to provide for the alteration and extension of said boundary limits and the annexation of additional territory, lying adjacent to the City, in the manner provided by state law.

(B) The City Commission may also initiate the process of annexation of contiguous and adjacent land within the existing extraterritorial jurisdiction boundaries and under such procedural rules as may be prescribed by state law.

(2) Voluntary Annexation. The owner or owners of any land contiguous and adjacent to the City may, by petition in writing to the City Commission, request the annexation of such contiguous and adjacent land. The City Commission shall hold a public hearing with the arguments for and against the proposed annexation. If the City Commission chooses to grant such petition, it may, by proper ordinance, under such procedural rules as may be prescribed by state law, receive and annex such territory as a part of the City.

(3) When any additional territory has been so annexed, the same shall be a part of the City and the property situated therein shall bear its pro rata part of the taxes levied by the City. The inhabitants thereof shall be entitled to all the rights and privileges of the other citizens of the City and shall be bound by the acts, ordinances, resolutions and regulations of the City.

(4) The extraterritorial jurisdiction boundaries may be extended by the Commission as provided by state law.

- **Sec. 11.02. - Disannexation.**

Whenever, in the opinion of the City Commission, there exists within the corporate limits of the City a territory not suitable or necessary for City purposes the City Commission may disannex said territory as part of the City in accordance with state law; however, any territory so de-annexed shall be liable for its pro rata share of any debts incurred while it was a part of the City, and the City shall continue to levy and collect taxes on the property within said territory until indebtedness has been discharged.

- **Sec. 11.03. - Assignment, Execution and Garnishment.**

(1) Property, real and personal, belonging to the City shall not be liable to be sold or appropriated under any writ of execution or cost bill. Funds belonging to the City in the hands of any person, firm or corporation, shall not be liable to garnishment, attachment or sequestration; nor shall the City be liable to garnishment, attachment or sequestration; nor shall the City be liable to garnishment on account of any debt it may owe or funds or property it may have on hand owing to any person. Neither the City nor any of its officers or agents shall be required to answer any such writ of garnishment on any account whatsoever.

(2) The City shall not be obligated to recognize any assignment of wages or funds by its employees, agents or contractors, except as provided by the laws of this State or the United States of America.

- **Sec. 11.04. - Security and Bond.**

It shall not be necessary in any action, suit or proceeding in which the City is a party for any bond, undertaking or security to be demanded or executed by or on behalf of the City. All such actions shall be conducted in the same manner as if such bond, undertaking or security had been given as required by law.

- **Sec. 11.05. - Notice of Claim.**

The City shall not be held liable on account of any claim for the death of any person or injuries to any person or damage to any property unless the person making such complaint or claiming such damages shall, within six (6) months after the time at which it is claimed such damages were inflicted upon such person or property, file with the City a written statement, under oath, stating the nature and character of such damages or injuries, the extent of the same, the place where same happened, the circumstances under which same happened and the condition causing same, with a detailed statement of each item of damages and the amount thereof, giving a list of any witnesses known by affiant to have seen the accident.

- **Sec. 11.06. - Power to Settle Tax Claims.**

The City Commission shall have the power to settle suits by the City to recover delinquent taxes.

- **Sec. 11.07. - Service of Process Against the City.**

All legal process against the City shall be served upon either the Mayor, City Manager or City Secretary.

- **Sec. 11.08. - Judicial Notice.**

This Charter shall be deemed a public act, may be read in evidence without pleading or proof, and judicial notice shall be taken thereof in all courts and places.

- **Sec. 11.09. - Pending Matters.**

All rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue, except as modified pursuant to the provisions of this Charter, and, in each case, shall be maintained, carried on or dealt with by the City department, office or agency appropriate under this Charter.

- **Sec. 11.10. - Property Not Exempt from Special Assessments.**

No property of any kind, by whomsoever owned or held or by whatsoever institution, agency, political subdivision or organization, owned or held, whether in trust or by non-profit organization, or corporation, or by foundation, or otherwise, (except property of the City), shall be exempt in any way from any of the special taxes, charges, levies and assessments, authorized or permitted by this Charter, for local improvements, for the public welfare in accordance with Texas State Law.

- **Sec. 11.11. - Disaster Clause.**

In case of disaster when a legal quorum of the elected City Commission cannot otherwise be assembled due to multiple deaths or injuries, the surviving persons of the City Commission, or highest surviving City official, if no elected official remains, must, within twenty-four (24) hours of such disaster, request the City Manager and the County Judge of Fort Bend County to appoint a commission to act during the emergency and call a City election within thirty (30) days of such disaster, or as provided in the Texas Election Code, for election of a required quorum, if for good reasons it is known a quorum of the present City Commission will never again meet.

- **Sec. 11.12. - Construction of Charter.**

This Charter is a general grant of powers and is not to be interpreted as limiting in any way.

- [ARTICLE XII. - TRANSITIONAL PROVISIONS](#)

- [Sec. 12.01. - Effective Date.](#)

- [Sec. 12.02. - Continuation of Elective/Appointive Offices.](#)

- [Sec. 12.03. - Continuation of Operation.](#)

- [Sec. 12.04. - Officers and Employees.](#)

- **ARTICLE XII. - TRANSITIONAL PROVISIONS**

- **Sec. 12.01. - Effective Date.**

If this Charter is approved by a majority of the voters, it shall become the Charter of the City of Richmond, Texas on the date the Commission entered an order in the records of the City declaring that the Charter is adopted, as prescribed by state law.

- **Sec. 12.02. - Continuation of Elective/Appointive Offices.**

Upon adoption of this Charter, the present persons filling elective offices on the City Commission will continue to fill those offices for the terms for which they were elected. Persons who, on the date this Charter is adopted, are filling appointive positions with the City, which are retained under this Charter, may continue to fill those positions for the term for which they were appointed, unless removed by the City Commission or by other means provided in this Charter.

- **Sec. 12.03. - Continuation of Operation.**

All City ordinances, rules and regulations in force at the time of adoption of this Charter and not in conflict with it shall remain in force until altered, amended or repealed by the Commission. All rights of the City under existing franchises and contracts are preserved in full force and effect. Any ordinances, rules or regulations inconsistent with this Charter are repealed as of the date of adoption of the Charter.

- **Sec. 12.04. - Officers and Employees.**

Except as specifically provided, nothing in this Charter shall affect or impair the rights or privileges of persons who are City officers or employees at the time of its adoption. Upon adoption of this Charter, the person presently serving as the City Manager shall be deemed to be the City Manager, subject to the provisions of this Charter.

- [ARTICLE XIII. - CODE OF ETHICS AND NEPOTISM](#)

- [Sec. 13.01. - Code of Ethics.](#)
- [Sec. 13.02. - Nepotism.](#)

- **ARTICLE XIII. - CODE OF ETHICS AND NEPOTISM**

- **Sec. 13.01. - Code of Ethics.**

The City Commission shall adopt a Code of Ethics governing the City Commission and all City employees which shall include, but not be limited to, the following: wrongful influence, wrongful interference, employees' political activities, penalties, conflict of interest, acceptance of gifts, conduct of members and confidential information. The City Commission shall comply with all state laws regarding conflict of interest. The City Commission shall adopt a Code of Ethics within 180 days of the effective date of this Charter.

- **Sec. 13.02. - Nepotism.**

No person related within the second degree by affinity or within the third degree by consanguinity to the Mayor or any Commission Member or the City Manager shall be employed by or contracted with for the City. This shall not apply to any person employed by the City prior to the person related in the above degree filing to run for elective office or being nominated for an appointment. Nothing in this Section shall prohibit the Commission from adopting a more restrictive ordinance.

- [ARTICLE XIV. - PLANNING AND ZONING COMMISSION](#)

- [Sec. 14.01. - Organization.](#)

- [Sec. 14.02. - Duties and Powers.](#)

- [Sec. 14.03. - Procedures.](#)

- [Sec. 14.04. - The Comprehensive Master Plan; Procedure and Legal Effect.](#)

- **ARTICLE XIV. - PLANNING AND ZONING COMMISSION**

Preamble:

This Article to the Charter will be voted on by separate ballot. Unless approved by separate vote by citizens of Richmond, this Article will NOT be included in the final Charter.

- **Sec. 14.01. - Organization.**

(1) The Mayor and City Commissioners shall appoint a Planning and Zoning Commission (the "Commission") within twelve (12) months of this Article being approved by the voters. The Commission shall consist of (5) members who shall be appointed by the City Commission to staggered terms of two (2) years and shall be governed in accordance with the zoning ordinance. The Commission members shall be qualified City voters and residents of the City. Any vacancy occurring during the unexpired term of a member shall be filled by the City Commission for the remainder of the unexpired term. Each January, the Commission shall elect from its members a Chairman, and Vice Chairman to serve for one (1) year. Members of the Commission may be removed, without cause, by an affirmative vote of a majority of the City Commission.

(2) The Commission shall meet at least once a month. The Commission shall keep minutes of its proceedings which shall be of public record. Minutes will be recorded by the City Secretary. The Commission shall receive such compensation as is determined by the City Commission and may be reimbursed for actual expenses as approved by the City Commission.

(3) The Chairman shall not be considered a voting member of the Commission, except in the case of a tie, he/she shall cast the deciding vote, but shall have no power to veto.

- **Sec. 14.02. - Duties and Powers.**

(1) The Commission shall be responsible to and act as an advisory board to the City Commission. The Commission shall:

(A) Review all current and proposed ordinances and amendments pertaining to planning and zoning and make recommendations to the City Commission for action to be taken;

(B) Make proposals to the City Commission to amend, extend and add to the Comprehensive Master Plan of the City;

(C) If requested by the City Commission, a monthly report shall be made in person by a member of the Commission to the City Commission;

(D) Review master plans, subdivision plats, annexation, variance, and zoning requests and make recommendations to the City Commission for final adoption of same;

(E) Land use assumptions as required [sic]; and

(F) Perform such other functions as may be duly delegated by the City Commission.

(2) The Commission shall have full power to:

(A) Exercise the authority of the Commission as provided by state law, this Charter and City ordinances;

(B) Administer rules and recommendations pertaining to subdivisions and to platting in territories within the City limits and its extraterritorial jurisdiction; and

(C) Make reports and recommendations relating to the Comprehensive Plan and development of the City.

(3) A two thirds (2/3) vote of all the Commission Members is required to overrule a recommendation of the Commission that a proposed zoning amendment, supplement or change, or change to a regulation or boundary be denied.

- **Sec. 14.03. - Procedures.**

(1) The Planning and Zoning Commission procedures shall be governed by the provisions of the City Zoning Ordinance and Texas State Law.

(2) Should any person on the Commission have a conflict of interest, pursuant to any state laws and/or City ordinances regulating conflicts of interest of municipal officers, with an agenda item then before the Commission, he/she shall openly declare same before discussion proceeds, and he/she is thereby prohibited from discussing the item or voting on the question, and is not considered as present and voting for the purposes of the tally.

(3) Should any person on the Commission choose to abstain from voting on any question before the Commission, where no conflict of interest exists, the person's vote shall be recorded as an abstention vote in the official minutes of the meeting.

- **Sec. 14.04. - The Comprehensive Master Plan; Procedure and Legal Effect.**

(1) The existing Comprehensive Master Plan contains recommendations for the growth, development and beautification of the City and its extraterritorial jurisdiction. Additions to and amendments of the Comprehensive Plan shall be by ordinance or resolution in accordance with Texas State Law.

(2) Following the adoption by the City Commission of the Comprehensive Master Plan, and any revisions thereto, it shall serve as a guide to all future City Commission action concerning land use and development regulations and expenditures for capital improvements. Any proposal which deviates from the Comprehensive Master Plan shall not be authorized until and unless the location and extent thereof shall have been submitted to and approved by the Commission. In case of denial, the Commission shall communicate its reasons to the City Commission, which shall have the power to overrule such denial with a vote of a majority of the full Commission Membership, and upon such overruling, the City Commission or the appropriate office, department or agency shall have authority to proceed.