

PROPOSED REVISIONS OF CITY CHARTER

ARTICLE 2.

Section SeA). To Regulate Street and Railway Companies.

(A) The City shall have the power by ordinance or otherwise, to regulate the speed of engines, locomotives, streetcars and other rapid transit vehicles within the limits of the City.

Section 8. Fires.

The City shall continue to maintain and support a competent and adequate fire department which may be composed of both paid and voluntary firefighters for the protection of property and lives from fire within the corporate limits and the City Council shall levy and collect annually a sufficient tax to support, carry on and maintain said department.

Section 10. Corrections.

The City shall have the power to establish, maintain and regulate the City's detention facilities in accordance with federal and state laws and regulations.

Section 11. Fines for violation of Ordinances.

The ordinances of the City shall be enforced by a fine not to exceed Two Hundred Dollars (\$200.00) or such fines provided by the laws of the State of Texas; provided however, that no ordinance shall provide a lesser penalty than is prescribed for a like offense by the laws of the State of Texas.

The City Council may provide by ordinance for the commutation of fines imposed, by labor or community service or by such other methods permitted by the laws of the State of Texas.

Section 12. Municipal Court.

There shall be a court for the trial of misdemeanor offenses known as the "Municipal Court", with such powers and duties as are defined and described by the laws of the State of Texas.

ARTICLE 3. TAXES and TAXATION

Section 9. Board of Appraisalment and Equalization.

This section shall be OMITTED as it has been replaced by state law which authorized the establishment of Appraisal Districts in various counties of the state.

ARTICLE 5. OFFICERS and ELECTIONS

THE ENTIRE CHARTER SHALL HEREAFTER BECOME GENDER NEUTRAL AND SHALL REFER TO "COUNCILMEN" AS "COUNCIL MEMBERS".

Section 2. City Council Members and Administrative Departments

(A) There are hereby created the following Administrative Departments:

Parks and Recreation
General Administration
Police
Fire
Public Works

The City Council may create, change and abolish or consolidate departments or agencies other than the Administrative Departments established in this section.

(B) Each City Council Member shall, depending upon the position number to which he or she is elected, serve as a liaison officer on behalf of the City Council to each of the Administrative Departments created hereinabove. Provided however, that such Council Member shall not interfere with the City Manager's supervision, authority and control of the above Administrative Departments and the Council Member shall always deal with his or her Administrative Department solely through the City Manager.

1. The Council Member occupying Position One (1) shall serve as liaison officer to the Department of Parks and Recreation.

2. The Council Member occupying Position Two (2) shall serve as liaison officer to the General Administration Department.

3. The Council Member occupying Position Three (3) shall serve as liaison officer to the Police and Fire Departments.

4. The Council Member occupying Position Four (4) shall serve as liaison officer to the Water and Sewer Department.

5. The Council Member occupying Position Five (5) shall serve as liaison officer to the Street, Health and Sanitation Departments.

(C) Notwithstanding anything to the contrary herein, each Council Member shall have the same power, duties and responsibilities for each and every Administrative Department in the City regardless of whether he or she is the official liaison officer designated for a certain Administrative Department.

Section 3. Qualifications for City Council Member and the Mayor

Subsections 1 - 4 Same

Subsection No.5. He or she shall be at least twenty-one (21) years of age.

Section 13. Vacancies in Office of Council Members:

Subsection (c) is to be Amended to read: "(c) fails to attend THREE (3) consecutive regular City Council meeting without being excused by the City Council."

Section 15. Meetings of City Council.

Amend Section 15 as to place of meeting "The City Council shall fix by ordinance, the location, days and time of the regular and special meetings." ...

Section 19(B). Procedure:

Amend Section 19 as to posting of proposed ordinances ... "Copies of the proposed ordinance, in the form required for adoption, shall be furnished to members of the City Council a minimum of Seven (7) days before the first reading." ...

Section 22. Authentication and Recording, Codification, Printing.

Amend Section 22 to allow the City to substitute "Electronic copies" upon request of any person seeking copies of the City's Charter, Ordinances or Resolutions.

ARTICLE 5. (Continued)

Section 25. No Members Excused from Voting.

"Each member of the City Council present at any meeting shall be required to

announce his or her vote on each question, ordinance and resolution placed before the City Council, except on matters involving the consideration of his or her own conduct, proceedings involving his or her impeachment, sanctions, recall or where his or her financial or personal interests are involved, in which event such member shall not vote. No member shall abstain or refrain from voting on any question, ordinance or resolution except for the reasons stated in this section."

Section 26. Conflict of Interest.

(1) All members of the City Council and all members of any board or commission of the City shall be subject to the provisions of Chapters 171 and 176 of the TEXAS LOCAL GOVERNMENT CODE regarding conflict of interest.

(2) Any willful violation of this section shall constitute malfeasance in office and any person found guilty thereof shall thereby forfeit his or her office or position.

(3) Any violation of this section with the knowledge, actual or constructive, of the person or corporation with the governing body of the City shall render the contract or transaction involved voidable by the City Manager or the City Council by the affirmative vote of a majority of the full membership of the City Council, excluding the Council Member accused of violation of this section, who shall not be entitled to vote as provided in Section 25 herein.

Section 27. Violations of the City Charter by City Council Members.

All City Council Members have a duty and obligation to follow each and every provision of the City Charter. Any City Council Member who willfully violates any provision of the City Charter, shall be subject to sanctions by the City Council and removal from office as provided by the statutes and laws of the State of Texas. The City Council by the affirmative vote of a majority of the full membership of the City Council, excluding the Council Member accused of violation of this section, who shall not be entitled to vote, shall have the authority to publically sanction the Mayor and any Council Member who willfully violates the City Charter.

ARTICLE 6. Appointive Offices.

Section I(E) Acting City Manager.

The Term "Acting" City Manager shall be changed to "Assistant City Manager".

Section SeD). Alternate City Judge.

The term Alternate City Judge shall be changed to "Alternate City Judges" (Plural as there are more than one alternate judge).

Section 6(B) Compensation.

The proposed revision eliminates the provision for a "totally Volunteer Fire Department" as shall read as follows:

"The City Council shall determine and fix the compensation to be paid to the Fire Chief and firefighters as it deems appropriate."

ARTICLE 8. Civil Service

Section 1. Creation of Commission

Upon the City reaching a population of **twenty** thousand (20,000) citizens as determined by the official United States Census, or by a census conducted by the City Council, the City Council **may** by ordinance provide for the creation of a Civil Service Commission. The City Council is further authorized to establish by ordinance such rules and powers of the Civil Service Commission as may be necessary to provide for the Civil Service Program for all the employees of the City. The City Council shall comply with all state statutes and laws relating to the establishment and operation of a Civil Service Commission and Program.

ARTICLE 8. Initiative, Referendum and Recall

Section 6(B). Submission to Voters.

The vote of the City on a proposed or referred ordinance shall be held at the earliest city election date permitted by state law, provided such date called by the City Council is not later than forty-five (45) days from such state approved election date, except that when a regular City election is to be held within one hundred twenty (120) days, but not less than forty-five (45) days, after the final City Council vote, the vote on the ordinance shall be held at the same time as the regular City election.

Section 8. Power of Recall

The qualified voters shall have the power to recall any elected official of the City. Such power shall be exercised by filing with the City secretary a petition, signed by currently qualified voters of the City equal in number to at least ten percent (10%) of the total number of qualified voters registered to vote at the last regular City election demanding the removal of such elected official. The petition shall be signed and verified in the manner required for an initiative petition.

Section 9. Recall Election

The provisions regulating initiation, certification, amendment and withdrawal of initiative petitions shall apply to recall petitions. If the petition is certified by the City Secretary to be sufficient, the Mayor or Mayor pro tem shall order an election forthwith as mandated by the City Charter to determine whether such officer shall be recalled. In the event the Mayor or Mayor pro tem shall fail or refuse to order an election then the City Council shall order such election.

Section 11. Limitation on Recall

No recall petition shall be filed against an elected official within Four (4) months after he or she takes office, and no elected official shall be subjected to more than one recall election during a term of office.

Section 12. Public Hearing.

This Section is to be removed from the Charter.

Section 13. Failure of the City to Call an Election

In case all of the requirements of this charter shall have been met and the Mayor or Mayor Pro tem shall fail or refuse to receive the recall petition, or order such recall election, or discharge other duties imposed upon said the Mayor or Mayor Pro tem by the provisions of this charter with reference to such recall, then any qualified voter in the City may seek judicial relief of the District Court of Harris County, Texas, to have any of the provisions of this charter pertaining to recall carried out by the proper official. In the event the District Court of Harris County orders the recall election based upon the failure or refusal of the officials charged with the duty to order the recall election, the District Court may assess the costs of court incurred by such qualified voter, including reasonable attorneys fees, against the official or officials who failed to order such election as provided by this charter.

Article 11. The City Planning and Zoning Commission

Section 1. Appointment of Members, Purpose

This section is amended so that the Planning Commission is hereafter entitled "The City Planning and Zoning Commission".

Section 2. Planning and Zoning Commission, Term of Office, Vacancies

The five (5) members of the Planning and Zoning Commission shall serve at the pleasure of the City Council. The City Council may appoint, remove or fill a vacancy of any member of

the Commission at any time by a majority vote of the City Council Members.

Section 3. Removal From Commission. DELETED. This Section is to be removed from Article 11.