

**CITY OF LAVON**  
**ORDINANCE NO. 2022-12-04**

Home Rule Charter – Council Manager Form of Government

**AN ORDINANCE OF THE CITY OF LAVON, TEXAS, ACKNOWLEDGING THE COUNCIL MANAGER FORM OF GOVERNMENT BY AMENDING CHAPTER 1 “GENERAL PROVISIONS”, ARTICLE 1.01 “CODE OF ORDINANCES”, SECTION 1.01.004 “DEFINITIONS” OF THE CITY’S CODE OF ORDINANCES; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE; PROVIDING SEVERABILITY, REPEALER AND SAVINGS CLAUSES; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW**

**WHEREAS**, the City Council of the City of Lavon, Texas (the “**City Council**”) duly authorized a Special Election to be held within the City of Lavon, Texas (the “**City**”) on November 8, 2022 (the “**Election**”), for the purpose of submitting to the resident qualified electors of the City the proposition of whether to approve a home rule charter, as presented by the City’s Home Rule Charter Commission; and

**WHEREAS**, the results of the Election have been certified and returned by the proper judges and clerks of the Election and, by Ordinance 2022-11-06 of the City, officially canvassed; and

**WHEREAS**, the Home Rule Charter, Section 2.01 “Form of Government” states that the municipal form of government for the City shall be the “Council-Manager” government; and

**WHEREAS**, the City Council finds that the adoption of this Ordinance is in the best interest of the City and that the regulations provided herein will promote and provide for the health, safety, and welfare of the City.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS:**

**SECTION 1. Recitals**

The City Council hereby finds that the statements set forth in the recitals of this Ordinance are true and correct, and the City Council hereby incorporates such recitals as part of this Ordinance.

**SECTION 2. Amendments**

CHAPTER 1 “GENERAL PROVISIONS”, ARTICLE 1.01 “Code of Ordinances” of the City’s Code of Ordinances is hereby amended as follows:

1. SECTION 1.01.004 “DEFINITIONS” is hereby amended to read as follows:

*City manager, city secretary, chief of police or other city officers.* The term “city manager,” “city secretary,” “chief of police” or other city officer or department shall be construed to mean the city manager, city secretary, chief of police or such other municipal officer or department, respectively, of the City of Lavon, Texas.

2. SECTION 1.01.004 "DEFINITIONS" is hereby further amended to add the following definition:

City Administrator. As used throughout the provisions of this code, the term "city administrator" shall mean and refer to the city manager of the city."

### **SECTION 3. Effective Date**

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

### **SECTION 4. Severability**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.


### **SECTION 5. Repealer and Savings**

This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of such ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance; whether such ordinances are codified or uncoded, and all other provisions of the ordinances of the City, codified or uncoded, not in conflict with the provisions of this Ordinance, shall remain in full force and effect. Any repeal occurring due to this provision shall not abate any pending prosecution or lawsuit and/or prevent any prosecution or lawsuit from being commenced for any violation occurring before the effective date of this Ordinance.

### **SECTION 6. Open Meeting**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required by law and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code and as required by Chapter 52 of the Texas Local Government Code.

**DULY PASSED AND APPROVED** by the City Council of the City of Lavon, Collin County, Texas, on this the 6<sup>th</sup> day of December 2022.

  
Vicki Sanson, Mayor

ATTEST:

  
Rae Norton, City Secretary



# HOME RULE CHARTER



## CITY OF LAVON, TEXAS

Submitted to a vote of the people on November 8, 2022



# **HOME RULE CHARTER**

## **CONTENTS**

### **CHAPTER ONE: INCORPORATION AND BOUNDARIES**

**Section 1.01.** Incorporation

**Section 1.02.** Boundaries and Limits

### **CHAPTER TWO: FORM OF GOVERNMENT AND POWERS**

**Section 2.01.** Form of Government

**Section 2.02.** General Powers of the City

**Section 2.03.** Public Improvements

**Section 2.04.** Intergovernmental Relations

### **CHAPTER THREE: CITY COUNCIL**

**Section 3.01.** Mayor

**Section 3.02.** Mayor Pro Tem

**Section 3.03.** Qualifications

**Section 3.04.** Compensation of City Council Members

**Section 3.05.** Vacancies in the City Council; Filling of Vacancies

**Section 3.06.** Meetings and Quorum

**Section 3.07.** Powers of the City Council

**Section 3.08.** Code of Ethics

### **CHAPTER FOUR: CITY MANAGER**

**Section 4.01.** Authority, Appointment, Removal, and Compensation  
of the City Manager

**Section 4.02.** Direction and Supervision of Employees, Non-  
Interference by City Council, Appointments and  
Removals of Department Heads

**Section 4.03.** Specific Powers and Duties of the City Manager

## **CHAPTER FIVE: CITY SECRETARY**

**Section 5.01.** Appointment and Compensation of the City Secretary

**Section 5.02.** Duties of the City Secretary

## **CHAPTER SIX: MUNICIPAL COURT**

**Section 6.01.** Creation

**Section 6.02.** Municipal Court Judge

**Section 6.03.** Municipal Court Clerk

## **CHAPTER SEVEN: CITY ATTORNEY**

**Section 7.01.** Appointment and Compensation of City Attorney

**Section 7.02.** Duties of City Attorney

## **CHAPTER EIGHT: CITY DEPARTMENTS/FISCAL ADMINISTRATION**

**Section 8.01.** Administrative Departments

**Section 8.02.** Tax Administration

**Section 8.03.** Fiscal Year

**Section 8.04.** Annual Budget

**Section 8.05.** Bonds and Other Evidences of Indebtedness

## **CHAPTER NINE: BOARDS AND COMMISSIONS**

**Section 9.01.** Planning and Zoning Commission

**Section 9.02.** Board of Adjustment

**Section 9.03.** Other Boards, Commissions, or Committees

## **CHAPTER TEN: ORDINANCES**

**Section 10.01.** Procedure for Passing Ordinances and Resolutions

**Section 10.02.** Publication of Ordinances

**Section 10.03. Code of Ordinances**

**CHAPTER ELEVEN: ELECTIONS**

**Section 11.01. City Elections**

**Section 11.02. Special Elections**

**Section 11.03. Regulation of Elections**

**Section 11.04. Candidates; Filing for Office**

**Section 11.05. Official Ballot**

**Section 11.06. Canvassing and Election Results**

**CHAPTER TWELVE: INITIATIVE, REFERENDUM, AND  
RECALL**

**Section 12.01. Powers of Initiative, Referendum, and Recall**

**Section 12.02. Initiative, Referendum, and Recall Proceedings**

**Section 12.03. Initiative, Referendum, and Recall Petitions**

**Section 12.04. Procedure After Filing**

**Section 12.05. Effect of Suspension of Ordinance Upon  
Referendum**

**Section 12.06. Action on Petition**

**Section 12.07. Results of Election**

**CHAPTER THIRTEEN: FRANCHISES**

**Section 13.01. Power to Grant Franchise**

**Section 13.02. Franchises**

**Section 13.03. Franchise Value Not to be Allowed**

**Section 13.04. Right of Regulation**

**Section 13.05. Regulation of Rates**

**Section 13.06. Licenses**

**CHAPTER FOURTEEN: GENERAL AND TRANSITIONAL  
PROVISIONS**

**Section 14.01. Effect on Existing Laws**

**Section 14.02. Continuation of Present Offices**

**Section 14.03.** Conflict of Interest

**Section 14.04.** Nepotism

**Section 14.05.** Official Newspaper

**Section 14.06.** Judicial Notice

**Section 14.07.** Property Not Subject to Garnishment and Execution

**Section 14.08.** Public Meetings and Records

**Section 14.09.** Indemnification of Officers

**Section 14.10.** Amendment of Charter; Charter Review  
Commission

**Section 14.11.** Bond or Security Not Required

**Section 14.12.** Severability Clause

**Section 14.13.** Meaning of Words

**Section 14.14.** Effective Date



## **CHAPTER ONE: INCORPORATION AND BOUNDARIES**

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### **SECTION 1.01. INCORPORATION**

All inhabitants of the City of Lavon, Collin County, Texas, as the boundaries and limits of said City have heretofore been established and now exist or may hereafter be established in the manner prescribed by this Charter, shall constitute a municipal body politic incorporated under and known by the name “City of Lavon” with such powers, rights, duties, privileges, and immunities as are herein provided.

### **SECTION 1.02. BOUNDARIES AND LIMITS**

- A. The boundaries and limits of the City of Lavon shall be those as established and described in ordinances duly passed by the City Council of the City of Lavon in accordance with the laws of the State of Texas. The City Secretary shall at all times keep a correct and complete description and official City map on file, including annexations and disannexations.
- B. The City may, by ordinance of the City Council, alter its boundaries by annexing or disannexing any territory adjoining its present or future boundaries in any size or shape desired in any manner provided by State law.
- C. Any additional territory annexed to the City shall be a part of the City for all purposes, and the property situated therein shall bear taxes levied by the City as provided by State law. The inhabitants of the annexed territory shall be entitled to all rights and privileges of citizens of the City and shall be bound by the acts, ordinances, resolutions, and regulations of the City.

## **CHAPTER TWO: FORM OF GOVERNMENT AND POWERS**

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### **SECTION 2.01. FORM OF GOVERNMENT**

- A. The municipal form of government for the City shall be the “Council-Manager” government. Except as otherwise provided

by the Constitution of the State of Texas, the laws of the State of Texas, and this Charter, all powers of the City shall be vested in an elective council, herein referred to as the “City Council”. The City Council shall be composed of a Mayor and five (5) City Council Members in places 1, 2, 3, 4, and 5 elected by qualified voters, and unless removed sooner under the provisions of this Charter, shall serve for a term of two (2) years, and until their successor shall be duly qualified.

- B. The Mayor and Council Members shall be elected at large. The Mayor and Council Members in places 2 and 4 shall be elected in odd numbered years. Council Members in places 1, 3, and 5 shall be elected in even numbered years. All of the City Council holding office at the time of passage of this Charter shall continue to hold their respective office until their current term expires.

## **SECTION 2.02. GENERAL POWERS OF THE CITY**

The City shall have all powers and rights of self-government and home rule that exist now or may be granted to municipalities by the Constitution and laws of the State of Texas, unless such power or right is expressly prohibited or restricted by this Charter. The enumeration of particular powers in this Charter shall not be held or deemed to be exclusive, and in addition to the powers enumerated herein, implied herein, or appropriate to the exercise thereof, the City shall have and may exercise all other powers which, under the Constitution and laws of the State of Texas, it would be competent for this Charter to specifically enumerate.

## **SECTION 2.03. PUBLIC IMPROVEMENTS**

The City shall have the power to, among other things, construct and maintain, within or without its corporate limits, public improvements as authorized by State statutes and such other public improvements as the City Council shall determine to serve a public purpose of the City, including but not limited to, constructing and maintaining 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 assessment in foreclosure cases as

allowed under State law, and 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.

## **SECTION 2.04. INTERGOVERNMENTAL RELATIONS**

The City may participate by contract or otherwise with any governmental entity of this State, any other state, or the United States in the performance of any activity which one or more of such entities has the authority to undertake.

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## **CHAPTER THREE: CITY COUNCIL**

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### **SECTION 3.01. MAYOR**

The person elected Mayor shall be the presiding officer of all meetings of the City Council and shall be the official head of the City government. The Mayor shall participate in the discussion of all matters coming before the City Council but shall not have a vote on matters before the City Council, except in the event of a tie.

### **SECTION 3.02. MAYOR PRO TEM**

The City Council shall elect one of its members as Mayor Pro Tem for a one (1) year term. The Mayor Pro Tem shall perform the duties of Mayor in the case of the absence or inability of the Mayor to perform the duties of such office, and shall, during that time, be vested with all the powers belonging to the Mayor. In the absence of the Mayor and the Mayor Pro Tem, the Council Member of greatest seniority shall preside over the meeting.

### **SECTION 3.03. QUALIFICATIONS**

- A. Each candidate for election to the City Council or office of Mayor shall be a qualified voter of the City, shall be not less than twenty-one (21) years of age, shall have resided in the City not less than twelve (12) months immediately preceding Election Day and

shall meet the requirements of the Texas Election Code. Each Council Member and the Mayor must continually reside within the City during his or her term of office, and any removal of his or her residence from the City during his or her term of office shall constitute a vacation of his or her office, and such vacancy shall be filled as provided in Section 3.05.

- B. The office of an incumbent elected City official shall become vacant when the person holding such office files an application to have his or her name placed on an official ballot as a candidate for any elective public office other than the one such person holds, unless otherwise prohibited by law.

### **SECTION 3.04. COMPENSATION OF CITY COUNCIL MEMBERS**

The Mayor and Council Members shall be entitled to reimbursement of all necessary and reasonable expenses incurred in the performance of their official Mayoral and City Council duties, upon approval of such expenses by the City Council.

### **SECTION 3.05. VACANCIES IN THE CITY COUNCIL; FILLING OF VACANCIES**

- A. The office of a Council Member or office of the Mayor shall become vacant upon his or her death, resignation, removal from office in any manner authorized by law, removal of his or her residence from the City, or other forfeiture of office.
- B. A Council Member or the Mayor shall forfeit his or her office if he or she (i) lacks at any time during his or her term of office any qualification for the office prescribed by this Charter or by State law, (ii) violates any express prohibition of this Section or any other provision of this Charter, (iv) fails to attend three (3) consecutive regular City Council meetings without being excused by the City Council, or (iv) is convicted of a felony, a misdemeanor involving moral turpitude, or for violating any State laws regulating conflicts of interests of municipal officers. The foregoing list is not exclusive. Every forfeiture shall be declared and enforced by the City Council. The City Council shall convene a public hearing before exercising its authority

under this Section, and permit the Council Member to be heard regarding such forfeiture, if requested by such Council Member.

- C. If for any reason a single vacancy exists on the City Council, a majority of the remaining members, including the Mayor, may fill the vacancy by appointment unless an election to fill the vacancy is required by Article XI, Section 11, of the Texas Constitution. The person appointed to fill the vacancy serves until the next regular municipal election. In lieu of appointing a person to fill a vacancy on the City Council, a special election may be ordered to elect a person to fill the vacancy. If two or more vacancies on the City Council exist at the same time, a special election shall be ordered to fill the vacancies. If a vacancy exists in any other municipal office, the Mayor or acting Mayor shall appoint a person to fill the vacancy, subject to confirmation by the City Council.

### **SECTION 3.06. MEETINGS AND QUORUM**

Regular meetings of the City Council shall be held at City Hall at such times as may be prescribed from time to time by resolution of the City Council. Special meetings shall be called by the City Secretary upon request of the Mayor, City Manager, or three (3) or more Council Members. Notice of any regular or special meetings of the City Council shall state the subject to be considered at the meeting. Except as provided by State law, all official meetings of the City Council and of all committees thereof shall be open to the public. A majority of the City Council shall constitute a quorum for the purpose of transaction of business. The City Council shall determine its own rules of procedure, may censure its members for misconduct, and may compel the attendance of absent members.

### **SECTION 3.07. POWERS OF THE CITY COUNCIL**

All powers of the City and the determination of all matters of policy shall be vested in the City Council. Except where in conflict with and otherwise expressly provided by this Charter, the City Council shall have the 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, or hereafter enacted. Without limitation of the foregoing and among the other powers that

may be exercised by the City Council, the following are hereby enumerated for greater certainty:

- (1) Appoint and remove the City Manager, Municipal Court Judge, and City Attorney, and confirm the appointment or removal of City Secretary;
- (2) Designate items to appear on a future agenda of a City Council meeting for consideration and/or discussion;
- (3) Establish administrative departments;
- (4) Adopt the budget of the City;
- (5) Collectively inquire into the conduct of any office, department, or agency of the City and make investigations as to municipal affairs;
- (6) Provide for and appoint such boards, commissions, committees, task forces, and other appointed groups to assist the City Council in the performance of its duties and responsibilities as deemed necessary, each of which shall have all powers and duties now or hereafter conferred by City ordinance or by applicable law;
- (7) Adopt and modify the official map of the City;
- (8) Adopt, modify, and carry out plans in conjunction with the Planning & Zoning Commission for the planning, improvement, and redevelopment of specific areas of the City, or for the planning, reconstruction, or redevelopment of any area or district which may have been destroyed in whole or part by disaster;
- (9) Regulate, license, and fix the charges or fares 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, in accordance with applicable State law;
- (10) Provide for the establishment and designation of fire safety codes and prescribe the kind and character of buildings, structures, or improvements to be erected therein; provide for the erection of fireproof buildings within certain limits; and provide for the condemnation of dangerous structures, dilapidated buildings, or buildings calculated to increase the fire hazard, and the manner of their removal or destruction;
- (11) Fix and regulate rates and charges of all utilities and public services, except as otherwise provided by State law;

- (12) Adopt plats, unless otherwise provided by the City Council;
- (13) Individually make inquiries of the City Manager regarding items and issues before the City Council in preparation for City Council or other meetings.

## **SECTION 3.08. CODE OF ETHICS**

The City Council shall adopt and maintain, by ordinance or resolution, a Code of Ethics for the purpose of, among other things, establishing and defining the bounds of reasonable ethical behavior by the City Council and all appointed City officials.

## **CHAPTER FOUR: CITY MANAGER**

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### **SECTION 4.01. AUTHORITY, APPOINTMENT, REMOVAL, AND COMPENSATION OF THE CITY MANAGER**

- A. The City Manager shall be the chief administrative officer of the City. The City Manager is appointed by the City Council, by a supermajority vote of the entire City Council (qualified and serving at such time), and serves at the will of the City Council. The City Manager shall be appointed solely on the basis of his or her administrative ability, experience, and training.
- B. The City Manager shall administer the business of the City and the City Council shall ensure that such administration is efficient. The City Council may, by ordinance, delegate to the City Manager any additional powers or duties it considers proper for the efficient administration of City affairs.
- C. The City Manager shall execute a bond conditioned that he or she will faithfully perform the duties of City Manager. The amount of such bond shall be as prescribed by ordinance adopted by the City Council. The City Council shall be authorized to enter into a contract of employment with the City Manager and to prescribe such compensation therein as it may fix.
- D. Action, by supermajority vote of the entire City Council qualified and serving at such time, in suspending or removing the City Manager shall be final, it being the intention of this Charter to

vest all authority and responsibility for such suspension or removal in the City Council.

- E. If the City Manager is temporarily unable to perform appointed duties, the City Council or City Manager may designate an alternate.

#### **SECTION 4.02. DIRECTION AND SUPERVISION OF EMPLOYEES, NON-INTERFERENCE BY CITY COUNCIL, APPOINTMENTS AND REMOVALS OF DEPARTMENT HEADS**

- A. Neither the Mayor nor any Council Member shall in any manner dictate the appointment or removal of any City administrative officer or employee whom the City Manager or any of his or her subordinates are empowered to appoint; but the Mayor and Council Members may express their views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.
- B. Except for the purpose of inquiries and for investigations, the Mayor and Council Members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the Mayor nor Council Members shall give orders to such officers or employees either publicly or privately.

#### **SECTION 4.03. SPECIFIC POWERS AND DUTIES OF THE CITY MANAGER**

The City Manager shall be responsible to the City Council for the proper administration of the affairs of the City and shall have the power and duty to:

- (1) Appoint and suspend or remove all City employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by State law, this Charter, or personnel rules or policies adopted pursuant to this Charter. The City Manager may authorize any administrative officer subject to the City Manager's discretion and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency;



- (2) Direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by this Charter or State law;
- (3) The City Manager shall have the right to take part in discussion at City Council meetings, but shall not vote, and prepare and recommend items for inclusion in the official agenda of all City Council meetings and, when necessary, meetings of City boards and commissions as established by this Charter or City ordinance;
- (4) See that all laws, provisions of this Charter, and acts of the City Council, subject to enforcement by the City Manager or by officers subject to the City Manager's discretion and supervision, are faithfully executed;
- (5) Prepare and submit the annual budget and capital program to the City Council, and implement the final budget approved by City Council to achieve the goals of the City;
- (6) Submit to the City Council, and make available and accessible to the public, a complete report on the finances and administrative activities of the City as of the end of each fiscal year and provide information needed by the City Council for its annual evaluation of performance;
- (7) Make available and accessible such other reports as the City Council may require concerning operations;
- (8) Keep the City Council fully advised as to the financial condition and future needs of the City;
- (9) Make recommendations to the City Council concerning the affairs of the City and facilitate the work of the City Council in developing policy;
- (10) Provide staff support services for the Mayor and Council Members;
- (11) Assist the City Council in developing long term goals for the City and strategies to implement such goals;
- (12) Encourage and provide staff support for partnerships with community organizations and for regional and intergovernmental cooperation and equitable programming;
- (13) Promote partnerships among City Council, staff, and community members in developing public policy and building a sense of community; and

- (14) Perform such other duties as are specified in this Charter or as may be required by the City Council.

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## **CHAPTER FIVE: CITY SECRETARY**

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### **SECTION 5.01. APPOINTMENT AND COMPENSATION OF THE CITY SECRETARY**

The City Manager shall appoint, suspend, and remove the City Secretary as necessary and subject to confirmation by the City Council. The City Secretary shall receive such compensation as shall be fixed by the City Council. If the City Secretary is temporarily unable to perform appointed duties, the City Secretary or City Manager may designate an alternate.

### **SECTION 5.02. DUTIES OF THE CITY SECRETARY**

The City Secretary shall:

- (1) Report to the City Manager;
- (2) Give notice of and, unless excused, attend City Council meetings, and keep accurate records of all actions taken by the City Council;
- (3) Maintain the official records and files of the City;
- (4) Administer oaths required by law;
- (5) Attest contracts, assessment certificates, ordinances, resolutions, and other legal instruments when executed by authorized officers of the City;
- (6) Hold and maintain the City seal and affix it to all appropriate documents as required; and
- (7) Perform such other duties as may be required by the City Manager, this Charter, or State law.

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## **CHAPTER SIX: MUNICIPAL COURT**

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### **SECTION 6.01. CREATION**

The City Council shall establish and cause to be maintained a Municipal Court, and may appoint, by a majority vote of the entire

City Council qualified and serving at such time, one or more Municipal Judges to serve in such Court. The Court shall have all the powers and duties as are now or as may hereafter be prescribed by State law within its jurisdiction.

## **SECTION 6.02. MUNICIPAL COURT JUDGE**

The Judge of the Municipal Court, and all alternates, shall be competent, duly qualified, and licensed attorneys in the State of Texas. The Judge of the Municipal Court shall be appointed to a term of two (2) years and may be appointed to additional and consecutive terms at the will and pleasure of the City Council. The Judge shall receive such compensation as may be determined by the City Council which shall be fixed and commensurate with the duties performed by the Judge.

## **SECTION 6.03. MUNICIPAL COURT CLERK**

There shall be a Clerk of the Municipal Court appointed by the City Manager. The Clerk of the Court, and any deputies appointed by the City Manager, shall have the power to administer oaths and affidavits, make certificates, affix the seal of the Municipal Court as necessary and as required by law, keep records of the Municipal Court, and in general do and perform any and all acts usual and necessary to be performed by clerks of municipal courts of the State.

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## **CHAPTER SEVEN: CITY ATTORNEY**

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### **SECTION 7.01. APPOINTMENT AND COMPENSATION OF CITY ATTORNEY**

The City Council shall appoint, by a majority vote of the entire City Council (qualified and serving at such time), a competent licensed attorney in the State of Texas of recognized ability who shall be known as the City Attorney. The City Attorney shall receive for his or her services such compensation as may be fixed by the City Council at the time of appointment, and from time to time by appropriate resolution.

## **SECTION 7.02. DUTIES OF CITY ATTORNEY**

The City Attorney shall be the legal advisor of, and attorney for, all of the offices and departments of the City, and shall represent the City in all litigation and legal proceedings, provided however, that the City Council may retain special counsel at any time it deems appropriate and necessary. The City Attorney shall perform all duties prescribed by this Charter, or ordinance or resolution of the City Council, or at the direction of the City Council.

## **CHAPTER EIGHT: CITY DEPARTMENTS/ FISCAL ADMINISTRATION**

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### **SECTION 8.01. ADMINISTRATIVE DEPARTMENTS**

The City Manager may establish, abolish, redesignate, 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.

### **SECTION 8.02. TAX ADMINISTRATION**

- A. A City Tax Assessor and Collector shall be appointed by the City Council. The City Council may provide for such services by contract. The Tax Assessor and Collector shall provide a bond with such sureties and in such amount as the City Council may require. The premiums on such bond shall be paid by the City.
- B. The City shall have the power to levy, assess, and collect taxes of every character and type for any municipal purpose not prohibited by the Constitution and laws of the State of Texas. The City shall have the power to grant tax exemptions in accordance with the laws of the State of Texas.
- C. All taxes due to the City shall be payable at the office of the Tax Assessor and Collector, or at any location designated by the City Council, 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 in accordance with State law. Taxes shall be paid in accordance with State law. All such taxes not paid prior to State law deadlines shall be deemed delinquent and shall be

subject to such penalty and interest as may be provided by State law. Failure to levy and assess taxes through omission in preparation of the approved 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.

- D. 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 of any year, the owner of property subject to taxation by the City shall be personally liable for the taxes due thereon for such year. 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.

### **SECTION 8.03. FISCAL YEAR**

The fiscal year of the City shall begin on October 1st and end on the following September 30th of each year, unless otherwise provided by ordinance of the City Council or State law.

### **SECTION 8.04. ANNUAL BUDGET**

It shall be the duty of the City Manager to submit an annual budget to the City Council for its review, consideration, and revision in accordance with deadlines prescribed by State law. The City Council shall call such public hearings on the budget, with notice, as required

by State law. The City Council may adopt a budget with or without amendments. The City Council may increase or decrease amounts or programs and may delete any amounts or programs except expenditures required by law or for a debt service. At the close of each fiscal year, the unencumbered balance of each appropriation shall revert to the fund from which it was appropriated and shall be subject to future appropriations, but appropriations may be made in furtherance of improvements or other objects of work of the City that will not be completed within the current year.

## **SECTION 8.05. BONDS AND OTHER EVIDENCES OF INDEBTEDNESS**

- A. The City shall have the power to borrow money on the credit of the City and to issue general obligation bonds and other 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 and to issue refunding bonds to refund outstanding bonds and other evidences of indebtedness of the City previously issued. All such bonds shall be issued in conformity with the laws of the State of Texas.
- B. The City shall further have the power to borrow money for the purpose of constructing, acquiring, improving, extending, or repairing 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 there from, 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 Chapter 271 of the Texas Local Government Code. All bonds and evidences of indebtedness of the City having been approved by the Texas Attorney General and registered by the Texas 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.

## **CHAPTER NINE: BOARDS AND COMMISSIONS**

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### **SECTION 9.01. PLANNING AND ZONING COMMISSION**

The City Council shall create a Planning and Zoning Commission of the City and shall appoint such members as it shall deem suitable by ordinance. Members shall be appointed for such terms as may be set forth by the City Council by ordinance; provided however, that members of the Planning and Zoning Commission serve at the pleasure of the City Council and may be removed, without cause, by any affirmative vote of the majority of the full membership of the City Council. Such appointees shall serve without compensation and may not hold any elective office of the State of Texas or any political subdivision thereof during their terms. A vacancy in an un-expired term shall be filled by the City Council for the remainder of the term. A majority of the appointed members shall constitute a quorum, and decisions may only be made with the affirmative vote of a majority of those members present and voting, unless otherwise prescribed by State law. A Chairperson and Vice-Chairperson shall be appointed in accordance with procedures prescribed by City ordinance.

### **SECTION 9.02. BOARD OF ADJUSTMENT**

The City Council shall appoint a Board of Adjustment as the City Council shall deem suitable by ordinance and in accordance with the laws of the State of Texas. Such appointees shall serve without compensation. The City Council shall provide standards and procedures for the Board of Adjustment to hear and determine appeals of administrative decisions, petition for variances or special exceptions, and such other matters as may be required by the City Council or by law. A vacancy on the Board of Adjustment shall be filled by the City Council for the un-expired term. The Board of Adjustment shall select from any of its members a Chairperson and Vice-Chairperson.

## **SECTION 9.03. OTHER BOARDS, COMMISSIONS, OR COMMITTEES**

The City Council shall have the power and is hereby authorized to create, abolish, establish, and appoint such other boards, commissions, and committees, as it deems necessary to carry out the functions of the City, and to prescribe the purpose, composition, functions, and tenure of each board, commission, or committee. Unless otherwise provided for by ordinance or this Charter, any board, commission, or committee shall elect its Chairperson, Vice-Chairperson, and such other offices as each board, commission, or committee may designate. All boards, commissions, or committees of the City shall, at the discretion of the City Council, keep and maintain minutes of any proceedings held.

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## **CHAPTER TEN: ORDINANCES**

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### **SECTION 10.01. PROCEDURE FOR PASSING ORDINANCES AND RESOLUTIONS**

The City Council shall evidence its official actions by written ordinances, resolutions, or oral motions. The style of all ordinances and resolutions shall be as provided by City ordinance governing the style and form of City ordinances. Each proposed ordinance shall not be amended or repealed except by adoption of another ordinance. All ordinances and resolutions passed by the City Council shall become effective immediately from and after passage except where publication of a caption is required or where the ordinance or resolution, State law, or other provisions of this Charter provide otherwise, in which case the effective date shall be as prescribed in the ordinance or resolution.

### **SECTION 10.02. PUBLICATION OF ORDINANCES**

The descriptive caption or title of each ordinance containing a penalty shall be published at least once in the official newspaper of the City, unless otherwise provided by State law or this Charter.



## **SECTION 10.03. CODE OF ORDINANCES**

The City Council shall have the power to cause the ordinances of the City to be recorded, in code form, and shall have the same arranged and digested as often as the City Council may deem advisable.

## **CHAPTER ELEVEN: ELECTIONS**

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### **SECTION 11.01. CITY ELECTIONS**

All City elections shall be governed by and conducted in accordance with the Texas Election Code or other applicable State law, the Constitution of the State of Texas, this Charter, and by ordinance of the City regulating the holding of municipal elections. Council Members, including the Mayor, shall be elected to fill those positions which become vacant that year. The City Council shall fix the hours, place, and procedures for holding regular and special elections.

### **SECTION 11.02. SPECIAL ELECTIONS**

The City Council, by ordinance or resolution, may call such special elections as are authorized by State law or this Charter, fix the time and place of holding the same, and provide all means for holding such special elections in accordance with State law. Every special election shall be called and held, as nearly as practicable, to the provisions governing regular elections.

### **SECTION 11.03. REGULATION OF ELECTIONS**

The City Council shall appoint election judges and other election officials and shall provide for the compensation of all election officials in City elections and for all other expenses in holding said elections.

### **SECTION 11.04. CANDIDATES; FILING FOR OFFICE**

Any qualified person as prescribed by Section 3.03 of this Charter may make application to have their name placed on the official ballot

for the position of Council Member or Mayor. The application shall be made in accordance with all applicable laws and shall state that the candidate agrees to serve if qualified and elected. Each candidate shall execute such oath and other official form or affidavit as required by the Texas Election Code. The City Secretary shall review the application and notify the candidate whether or not the application satisfies the requirements of this Charter and the Texas Election Code. If an application is insufficient, the City Secretary shall return it immediately to the candidate with a statement of such insufficiency. The candidate may file a new application within the regular time for filing applications. The City Secretary shall keep on file all applications found sufficient at least until the expiration of the term of office for which such candidates filed.

#### **SECTION 11.05. OFFICIAL BALLOT**

The order of the names of the candidates on the ballot shall be determined by the City Secretary in accordance with the procedures set out in the Texas Election Code. The name of each candidate seeking an elective office, except those who have withdrawn, died, or become ineligible prior to the time permitted for withdrawal, shall be printed on the official ballot in the name designated by the candidate in accordance with the Texas Election Code. Early voting shall be conducted in accordance with the Texas Election Code.

#### **SECTION 11.06. CANVASSING AND ELECTION RESULTS**

Returns of every municipal election shall be delivered forthwith by the election judges to the City Secretary, with a copy of the returns being sent to the Mayor. The City Council shall canvass the returns, investigate the qualifications of the candidates, and declare the official results of the election in accordance with timelines provided by the Texas Election Code. If two or more candidates for the same office tie for the number of votes required to be elected, a second election to fill the office shall be held in accordance with the Texas Election Code.

## **CHAPTER TWELVE: INITIATIVE, REFERENDUM, AND RECALL**

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### **SECTION 12.01. POWERS OF INITIATIVE, REFERENDUM, AND RECALL**

- A. Initiative. The registered voters of the City shall have power to propose ordinances to the City Council and, if the City Council fails to adopt ordinances so proposed without any change in substance, to adopt or reject it at a City election. Such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes, salaries of city officers or employees, or affect any existing contract the City is party to. Proposed ordinances must not violate the Constitution, the laws of this State, or this Charter.
- B. Referendum. The registered voters of the City shall have power to compel reconsideration by the City Council of any adopted ordinances and, if the City Council fails to repeal an ordinance so reconsidered, to approve or reject it at a City election. Such power shall not extend to the budget or capital program, any emergency ordinance, ordinances relating to appropriation of money, or levy of taxes, to any salaries or benefits of public officers or employees, or affect any existing contract the City is party to.
- C. Recall. The registered voters of the City shall have power to recall elected officials of the City, but no recall petition shall be filed against any official within six (6) months after the official takes office, nor, in case of an official subjected to a recall election and not removed, until at least six (6) months after such recall election.

### **SECTION 12.02. INITIATIVE, REFERENDUM, AND RECALL PROCEEDINGS**

- A. Any five (5) registered voters of the City entitled to vote in City elections may commence initiative, referendum, or recall proceedings by filing with the City Secretary an affidavit stating (i) they will constitute the petitioners' committee, (ii) they will be responsible for circulating the petition and filing it in proper form, (iii) their names and addresses, and (iv) the address to which all notices to the committee are to be sent. Such affidavit

shall also set out in full the proposed initiative ordinance, cite the ordinance sought to be reconsidered, or state the name and title of the officer sought to be recalled accompanied by a statement (not exceeding 200 words) of the reasons for the recall. Grounds for recall should relate to and affect the administration of the official's office and be of a substantial nature directly affecting the rights and interests of the public.

- B. Promptly after receipt of a recall affidavit, the City Secretary shall serve, personally or by certified mail, a copy of the affidavit on the elected officer sought to be recalled. Within ten (10) days of service of the affidavit, the elected officer sought to be recalled may file a statement with the City Secretary (not exceeding 200 words) in response.
- C. Promptly after the affidavit of the petitioners' committee is filed, and the response, if any, of an elected official sought to be recalled is filed, the City Secretary shall submit the proposed initiative, proposed referendum petition, or recall petition to the City Attorney for review.
- D. The City Attorney must issue an opinion on the legality of the initiative, referendum, or recall petition, and if the City Attorney determines such petition to be legal, shall provide the City Secretary with a description and title of the measure to be included on the petition, which will also be the title to be included on any ballot should the petition be sufficient. If the City Attorney shall certify that the petition is insufficient, the certificate shall specify the particulars in which it is defective, and the City Secretary shall at once notify in writing the person filing the petition of this finding.

### **SECTION 12.03. INITIATIVE, REFERENDUM, AND RECALL PETITIONS**

- A. Number of signatures. Initiative, referendum, and recall petitions must be signed by registered voters of the City equal in number to at least twenty percent (20%) of the total number of persons registered to vote at the last regular City election.
- B. Form and content. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink and shall be followed by the address of the person signing, voter registration certificate

number, and the date of signature. Initiative and referendum petitions throughout their circulation shall clearly state the title of the ordinance, include the City Attorney's description of the ordinance, and the full text of the ordinance sought to be proposed or reconsidered shall be made available to any registered voters who ask for it or be made available through a link to the City's website.

- C. Affidavit of Circulator. Each paper of a petition shall have attached to it when filed an affidavit executed by the person circulating it stating (i) that he or she is a registered voter of the City entitled to vote in a City election, (ii) that he or she personally circulated the paper, (iii) the number of signatures thereon, (iv) that all the signatures were affixed in his or her presence, (v) that he or she believes them to be the genuine signatures of the persons whose names they purport to be, (vi) and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered, if requested.
- D. Time for Filing Referendum and Recall Petitions. Referendum petitions must be filed within thirty (30) days after adoption by the City Council of the ordinance sought to be reconsidered. Recall petitions must be filed within forty (40) to one hundred and sixty (160) days of the filing of the petitioners' affidavit initiating the recall procedure.

#### **SECTION 12.04. PROCEDURE AFTER FILING**

- A. Certificate of City Secretary; Amendment to Petition. Within twenty (20) days after the petition is filed, the City Secretary shall complete a certificate as to its sufficiency, specifying, if the petition is insufficient, the particulars wherein it is defective, and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the City Secretary within two (2) days after receiving the copy of the City Secretary's certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of

paragraphs B and C of Section 12.03, and within five (5) days after it is filed, the City Secretary shall complete a certificate as to the sufficiency of the amended petition and promptly send a copy of such certificate to the petitioners' committee by registered mail (as in the case of an original petition). If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request City Council review under paragraph B of this subsection within the time required, the City Secretary shall promptly present his or her certificate to the City Council and the certificate shall then be a final determination as to the sufficiency of the petition.

- B. City Council Review. If a petition or amended petition has been certified insufficient or deemed illegal by the City Attorney, or if the petitioners' committee disagrees with the title or description provided by the City Attorney, the petitioners' committee may, within two (2) days after receiving the copy of such certificate or notice of the City Attorney's determination, file a request that it be reviewed by the City Council. The City Council shall review the certificate or determination at its next meeting following the filing of such request and approve or disapprove it or modify the title or description, and the City Council's determination shall then be a final determination as to the sufficiency of the petition.
- C. Court Review; New Petition. A final determination by the City Council as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose after the passage of one (1) year from the date of the final determination of insufficiency, so long as submission is compliant with other requirements of this Chapter.

## **SECTION 12.05. EFFECT OF SUSPENSION OF ORDINANCE UPON REFERENDUM**

When a referendum petition is filed with the City Secretary, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (1) There is a final determination of insufficiency of the petition;
- (2) The petitioners' committee withdraws the petition;

- (3) The City Council repeals the ordinance; or
- (4) Thirty (30) days have elapsed after a vote of the City on the ordinance, in order to determine election results.

## **SECTION 12.06. ACTION ON PETITION**

- A. Action by City Council on Initiative or Referendum. When an initiative or referendum petition has been finally determined sufficient, the City Council shall promptly consider the ordinance proposed by voting on its passage, or reconsider the referred ordinance by voting on its repeal. If the City Council fails to adopt the initiative as proposed or repeal the referred ordinance within thirty (30) days after the date the petition was finally determined sufficient, it shall submit the initiated or referred ordinance to the voters of the City.
- B. Submission to Voters of Initiated or Referred Ordinance. The vote of the City on initiated or referred ordinances shall be held not less than thirty (30) days and not later than one (1) year from the date of the final City Council vote thereon, or the next practicable date compliant with the Texas Election Code. If no regular City election is to be held within the period prescribed in this subsection, the City Council shall provide for a special election; otherwise, the vote shall be held at a regular election. Notwithstanding the foregoing, the City Council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the initiated or referred ordinance shall be made available at the polls.
- C. Submission to Voters of Recall. If the officer whose removal is sought by a recall petition does not resign, then the City Council shall order an election and set the date for such recall election not less than thirty (30) days and not later than one (1) year from the date the recall petition is finally determined sufficient, or the next practicable date compliant with the Texas Election Code. If no regular City election is to be held within the period prescribed in this subsection, the City Council shall provide for a special election; otherwise, the vote shall be held at a regular election. Notwithstanding the foregoing, the City Council may in its discretion provide for a special election at an earlier date within the prescribed period.

- D. Withdrawal of Petitions. A referendum or initiative petition may be withdrawn at any time prior to a determination that the petition is sufficient. Once determined sufficient, the petition may only be withdrawn if the City Council enacts the initiated ordinance or repeals the referred ordinance.

## **SECTION 12.07. RESULTS OF ELECTION**

- A. Initiative. If a majority of the registered 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 of the same kind adopted by the City Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- B. Referendum. If a majority of the registered voters voting on a referred ordinance vote for its repeal, it shall be considered repealed upon certification of the election results.
- C. Recall. Ballots used at recall elections shall read, "Shall [name] be recalled (removed) from the office of \_\_\_\_\_?" Votes shall be for or against the proposition. If a majority of the registered voters voting on a proposed recall vote in its favor, the official is removed and the vacancy shall be filled in accordance with this Charter or City ordinance.

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## **CHAPTER THIRTEEN: FRANCHISES**

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### **SECTION 13.01. POWER TO GRANT FRANCHISE**

- A. The City shall have the full power, to the extent the same is conferred by the Constitution and laws of the State of Texas, to own, lease, operate, prohibit, regulate, and control any public utility within or without the limits of the City and to provide for the compensation and rental to be paid to the City by any public utility for the use of its streets, highways, and public areas.
- B. In addition to the City's power to buy, construct, lease, maintain, operate, and regulate public utilities and to manufacture, distribute, and sell the output of such utility operations, the City



shall have such regulatory and other powers as may now or hereafter be granted under the Constitution and laws of the State of Texas.

## **SECTION 13.02. FRANCHISES**

- A. The City Council, upon a vote of a majority of the members of the City Council then qualified and serving, shall have power by ordinance to grant, renew, and extend all franchises of public utilities of every character operating within the City, and for such purposes is granted full power. The term “public utility” as used herein is construed to mean any person or entity furnishing to the public any general public service, including, but not limited to, heat, light, gas, power, telephone service, communication services, community antenna or cable television service, sewer service and the treatment thereof, water, wrecker service, the carrying of passengers for hire, or any other public service whereby a right to, in part, appropriate or use the streets, highways, or other property of the City, as necessary or proper is granted.
- B. Any ordinance granting, renewing, or extending franchises shall not take effect until at least thirty (30) days after its passage; and during such thirty (30) day period the descriptive caption of the ordinance shall be published at least twice in the official newspaper(s) of the City, the expense of the publication being borne by the proponents of the franchise.
- C. No franchise is transferable, except with the approval of the City Council by a vote of a majority of the City Council then qualified and serving. The franchise holder, however, may pledge franchise assets as security for a valid debt or mortgage.

## **SECTION 13.03. FRANCHISE VALUE NOT TO BE ALLOWED**

Franchises granted by the City under this Charter shall be considered to be of no value in fixing reasonable rates and charges for utility service within the City, and in determining the just compensation to be paid by the City for public utility property which the City may acquire by condemnation or otherwise.

## **SECTION 13.04. 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 require 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; and
- (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.

## **SECTION 13.05. REGULATION OF RATES**

- A. The City Council has the power to fix and regulate the rates and charges of all utilities and public services, consistent with State statutes.
- B. Upon receiving written request from a utility or public service requesting a change in rates, or upon a recommendation from the City that rates for services provided by or owned by the City be changed, the City Council shall call a public hearing for consideration of the change.
- C. A holder of a franchise to provide a public service or utility in the City must show the necessity for the change in rates by any evidence required by the City Council, including but not limited to, the following:
  - (i) Cost of its investment for service to the City;
  - (ii) Amount and character of expenses and revenues connected with rendering the service;
  - (iii) Copies of any reports or returns filed with any state or federal regulatory agency within the last three (3) years; or
  - (iv) Demonstration that the return on investment, if any, is within state and federal limitations.
- D. If not satisfied with the sufficiency of evidence, the City Council 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.

## **SECTION 13.06. 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.

## **CHAPTER FOURTEEN: GENERAL AND TRANSITIONAL PROVISIONS**

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### **SECTION 14.01. EFFECT ON EXISTING LAWS**

All City ordinances, resolutions, rules, and regulations in force at the time of the adoption of this Charter and not in conflict with it shall remain in force until altered, amended, or repealed by the City Council. All rights of the City under existing franchises and contracts are preserved in full force and effect. All taxes, assessments, liens, encumbrances, obligations, and demands of or against the City, fixed or established before such date, shall be valid if properly fixed or established either under the law in force at the time of such proceedings or under the law after the adoption of this Charter.

### **SECTION 14.02. CONTINUATION OF PRESENT OFFICES**

All persons holding elective or administrative offices at the time this Charter takes effect shall continue in office and in the performance of their duties in the capacities to which they have been elected or appointed until provisions shall have been made in accordance with the terms of this Charter for the performance of such duties or the discontinuance of such office, if any. The powers conferred and the duties imposed upon any office, department, or agency of the City by the laws of the State shall, if such office, department, or agency be abolished by this Charter or under its authority, be thereafter exercised and discharged by the office, department, or agency designated by the City Council unless otherwise provided herein.

### **SECTION 14.03. CONFLICT OF INTEREST**

All members of the City Council and all members of any board, commission, or committee of the City shall be subject to State laws regarding conflicts of interest. Any willful violation of applicable conflict of interest State laws shall constitute malfeasance in office and any person found guilty thereof shall thereby forfeit his or her office or position. Any violation of applicable conflict of interest State laws with the knowledge, actual or constructive, of the person

or corporation contracting 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.

#### **SECTION 14.04. NEPOTISM**

All officers of the City, and the City Manager, shall be subject to State laws regarding nepotism.

#### **SECTION 14.05. OFFICIAL NEWSPAPER**

The City Council shall have the power to designate by resolution a newspaper of general circulation in the City as the City's official newspaper, in compliance with State law. All ordinances, captions of ordinances, notices and other matters required to be published by this Charter, by ordinance, or by State law, shall be published in the official newspaper, unless alternative publication methods are otherwise allowed by State law.

#### **SECTION 14.06. JUDICIAL NOTICE**

This Charter shall be recorded in the City Secretary's office in a book kept for that purpose. As soon as practicable after its adoption, an authenticated copy of the Charter shall be certified to the Secretary of State of the State of Texas, at which time the Charter becomes a public act. Such Charter provisions may be read in evidence without pleading or proof of their provision, and judicial notice shall be taken thereof in all courts and places.

#### **SECTION 14.07. PROPERTY NOT SUBJECT TO GARNISHMENT AND EXECUTION**

No property owned or held by the City shall be subject to any garnishment or execution of any kind or nature except as specifically provided by State law.

## **SECTION 14.08. PUBLIC MEETINGS AND RECORDS**

All meetings and public records of the City Council and all boards, commissions, and committees appointed by the City Council shall be governed by State laws regarding open meetings and public information, and any amendments thereto, with regard to the posting of agenda and the holding of public meetings.

## **SECTION 14.09. INDEMNIFICATION OF OFFICERS**

The City Council shall, by appropriate ordinance, provide for the indemnification and defense of the officers and employees of the City, including the members of the City Council, or any board, commission, or committee, including volunteers, against any loss, cost, or expense, including court costs and attorney's fees, to the extent allowed by law, arising out of the claim, suit, or judgment or settlement thereof, resulting from any alleged negligent act or omission of such officer, employee, member, or volunteer during the discharge of his or her duties and within the scope of his or her office, employment, membership, or assigned voluntary position with the City, or in any other case where the City is directed or authorized by law to do so. Such indemnification will not be provided for any act arising out of the intentional or knowing violation of any penal statute or ordinance or arising out of any conduct determined by final judgment to be an act of fraud or to have been taken with the intent to deceive or defraud, or for any personal or private business of such officer, employee, member, or volunteer, or for the gross negligence or official misconduct, or willful or intentionally wrongful act, or omission of such officer, employee, member, or volunteer.

## **SECTION 14.10. AMENDMENT OF CHARTER; CHARTER REVIEW COMMISSION**

- A. Amendments to this Charter may be framed, proposed, and submitted to the qualified voters of the City in the manner provided by the Constitution and the laws of the State of Texas, or by the City Council on its own motion, but the Charter may not be amended more often than once every two (2) years.

- B. The City Council shall appoint a Charter Review Commission at least once every seven (7) years. The Charter Review Commission shall be established and appointed not less than nine (9) months before the selected election date at which any proposed Charter amendments may be considered. The Charter Review Commission shall consist of at least seven (7) citizens of the City who shall:
- (i) 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 non-privileged and non-confidential City records which the Commission may determine is necessary to conduct such hearings;
  - (ii) Propose any recommendations it deems desirable to ensure compliance with the Charter;
  - (iii) Propose amendments to the Charter to improve the effective application of the Charter to current conditions; and
  - (iv) Report its findings and present its recommendations, if any, to the City Council.
- C. The City Council shall receive the report and the City Secretary shall post it on the City's website and have published in the City's official newspaper a notice that a copy of the report presented is available in the office of the City Secretary.
- D. The City Council 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.
- E. Nothing in this Section prohibits the City Council from forming a Charter Review Commission at any time or from submitting any amendments to the Charter to election on its own initiative as provided by State law.

## **SECTION 14.11. BOND OR SECURITY NOT REQUIRED**

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 executed on behalf of the City. All such actions, suits, appeals, or proceedings shall be conducted in the same manner as if such bond,

undertaking, or security had been given, and the City shall be liable as if such obligation had been duly given and executed.

#### **SECTION 14.12. SEVERABILITY CLAUSE**

If any chapter, section, paragraph, sentence, clause, or phrase of this Charter shall be held unconstitutional or invalid for any reason by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such provision so held invalid may appear, except to the extent that an entire chapter, section, paragraph, or sentence may be inseparably connected in meaning and effect with the provision to which such holding shall apply directly. Such unconstitutional or invalid chapter, section, paragraph, sentence, clause, or phrase shall be amended to be made lawful or struck from the Charter with the next Charter amendment following such discovery.

#### **SECTION 14.13. MEANING OF WORDS**

The provision of this Charter shall be liberally construed for the purpose of effecting the objects and ends thereof. Unless some other meaning is manifest, the word “City” shall be construed to mean the “City of Lavon”, “State” shall be construed to mean the “State of Texas”, and the word “and” may be read “or” or the “or” may be read “and” if the sense requires. Words in the present tense include future tense and, except when a more constrictive meaning is manifest, singular may mean plural. The word “Council” shall be construed to mean the City Council of the City of Lavon. The gender of the wording as contained in the Charter shall always be interpreted to mean either sex.

#### **SECTION 14.14. EFFECTIVE DATE**

This Charter shall take effect immediately following adoption by the voters and entry of the official order by the City Council declaring the same adopted as soon as practicable. After adoption, the Mayor shall certify to the Secretary of State an authenticated copy of the Charter under the City’s seal showing approval by the voters.



**CITY OF LAVON**  
**HOME RULE CHARTER COMMISSION**

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Deborah Nabors, Chairperson

Joan Aquatero

Scott Beaudette

Rachel Dumas

Perry Elliott

Kay Gage

Jose Garcia

Mike Gulino

Lindsey Hedge

Kamil Kell

Heather Miedema

David Rosenquist

Vicki Sanson

Mindi Serkland

Mandy Spink

Sharon Winston-Edwards

Kay Wright