



CITY OF ANGLETON
CITY COUNCIL AGENDA
120 S. CHENANGO STREET, ANGLETON, TEXAS 77515
TUESDAY, JANUARY 18, 2022 AT 6:00 PM

Mayor | Jason Perez
Mayor Pro-Tem | John Wright
Council Members | Cecil Booth, Mark Gongora, Mikey Svoboda, Travis Townsend
City Manager | Chris Whittaker
City Secretary | Frances Aguilar

NOTICE IS HEREBY GIVEN PURSUANT TO V.T.C.A., GOVERNMENT CODE, CHAPTER 551, THAT THE CITY COUNCIL FOR THE CITY OF ANGLETON WILL CONDUCT A MEETING, OPEN TO THE PUBLIC, ON TUESDAY, JANUARY 18, 2022, AT 6:00 P.M., AT THE CITY OF ANGLETON COUNCIL CHAMBERS LOCATED AT 120 S. CHENANGO STREET ANGLETON, TEXAS 77515.

DECLARATION OF A QUORUM AND CALL TO ORDER

REGULAR AGENDA

1. Discussion and possible action on Charter Review Commission amendments.

ADJOURNMENT

CERTIFICATION

I, Frances Aguilar, City Secretary, do hereby certify that this Notice of a Meeting was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times and to the City's website, www.angleton.tx.us, in compliance with Chapter 551, Texas Government Code. The said Notice was posted on the following date and time: Friday, January 15, 2022 by 6:00 p.m. and remained so posted continuously for at least 72 hours proceeding the scheduled time of said meeting.

/S/ Frances Aguilar
Frances Aguilar, TRMC, MMC
City Secretary

In compliance with the Americans with Disabilities Act, the City of Angleton will provide reasonable accommodations for persons attending City Council meetings. The facility is wheelchair accessible and accessible parking spaces are available. Please contact the City Secretary at 979-849-4364, extension 2115 or email citysecretary@angleton.tx.us.



AGENDA ITEM SUMMARY FORM

MEETING DATE: December 14, 2021

PREPARED BY:

AGENDA CONTENT: Discussion on Charter Review Commission amendments.

AGENDA ITEM SECTION: Regular Agenda

BUDGETED AMOUNT: EnterTextHere

FUNDS REQUESTED: EnterTextHere

FUND: EnterTextHere

EXECUTIVE SUMMARY:

RECOMMENDATION:

CITY OF ANGLETON, TEXAS
CHARTER REVIEW COMMISSION

PROPOSED HOME RULE CHARTER
AMENDMENTS
AS OF DECEMBER 1, 2021



Charter Review Commission Members

Michelle Townsend, Chair

Jaime Moreno, Vice-Chair

Scott Myers, Member

Rachel Ritter, Member

William Jackson, Member

Part I

HOME RULE CHARTER¹

ANGLETON, TEXAS

ARTICLE 1. FORM OF GOVERNMENT AND BOUNDARIES

Sec. 1.01. Form of government.

The municipal government provided by this Charter shall be known as the "council-mayor-administrator ~~manager~~" government. Pursuant to its provisions and subject only to the limitations imposed by the state constitution, the statutes of this state and by this Charter, all powers of the city shall be vested in an elective council, hereinafter referred to as the "city council," which shall enact local legislation, adopt budgets, determine policies and appoint the city manager, who in turn shall be held responsible to the city council 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 be not prescribed, then in such manner as may be prescribed by ordinance, the state constitution or the statutes of this state.

(As amended 5-12-07)

Sec. 1.02. Boundaries.

Field notes of the incorporation lines of the City of Angleton in Brazoria County, Texas, as of said field notes being compiled from the field notes of the original incorporation lines (January 27, 1913) and field notes of areas subsequently annexed, reference being made to city limits as they exist. An official map shall be maintained and posted in City Hall so that it is accessible to the citizens. In the event of a change to the city boundaries and official map the city map will be posted within a reasonable time.

Sec. 1.03. Annexation for all purposes.

The city council shall have the power by ordinance to fix the boundary limits of the City of Angleton, and to provide for the alteration and the extension of said boundary limits, and the annexation of additional territory ~~lying adjacent to the city, with or without the consent of the territory and inhabitants annexed,~~ subject to such procedural rules as may be prescribed by law.

Sec. 1.04. Contradiction of boundaries.

~~Whenever there exists within the corporate limits of the City of Angleton any territory not suitable or necessary for city purposes, "which territory adjoins the outer boundaries of the city," the city council may, upon a petition signed by a majority of the qualified voters residing in such territory if the same be inhabited, or without any such petition if the same be uninhabited, by ordinance duly passed, discontinue said territory as part of said city, said~~

¹Editor's note(s)—Printed herein is the Charter of the City of Angleton, Texas adopted on February 17, 1967 and amended on April 1, 1969; April 6, 1971; April 7, 1973; April 5, 1975; April 7, 1979; April 4, 1981; April 2, 1983; April 6, 1985. Style and capitalization have been made uniform. Clarifications have been inserted in brackets []. Obvious misspelled words have been corrected without notation.

~~petition and ordinance shall specify accurately the metes and bounds of the territory sought to be eliminated from the city and shall contain a plat designating such territory so that the same can be definitely ascertained, and when said ordinance has been duly passed the same shall be entered upon the minutes and records of said city, and from and after the entry of such ordinance said territory shall cease to be a part of said city, but said territory shall still be liable for its pro rata share of any debts incurred while said area was a part of said property within said territory to pay the indebtedness incurred while said area was a part of the city as though the same had not been excluded from the boundaries of the city.~~

Any area of the City may be disannexed pursuant to any procedure allowed under state law and whenever, in the opinion of the City Council, there exists within the corporate limits of the City a territory not suitable or necessary for City purposes, the City Council may discontinue said territory as part of the City by ordinance after conducting a public hearing on the matter.

ARTICLE 2. POWERS OF THE CITY

Sec. 2.01. ~~General~~ General Powers

The City shall have the power of local self-government to the fullest extent permitted by law, and shall have all powers possible for a city to have under the constitution and laws of the State of Texas as fully and completely as though they were specifically enumerated in this Charter, with all of the implied powers necessary to carry into execution those powers and those express and implied powers necessary for the government, interests, health, welfare, and good order of the City and its inhabitants.

~~The City of Angleton may use a corporate seal, may sue and be sued, may contract and be contracted with, may implead and be impleaded in all courts in all matters whatsoever, may cooperate with the government of the State of Texas or any agency thereof, the federal government or any agency thereof, or any political subdivision of the State of Texas, and shall have all the powers granted to cities by the constitution and laws of the State of Texas, together with all the implied powers necessary to carry into execution all the powers granted. The city may own or acquire property within or without its boundaries for any municipal purpose in fee simple or in any lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage, control and police any property now owned by it or which it may hereafter acquire, and shall have the right to lease or let its property whether inside or outside the city limits, subject to the limitation hereinafter set out, and may construct, own, lease, operate, and regulate public utilities, may assess, levy and collect taxes for general and special purposes on all lawful subjects of taxation, may borrow money on the faith and credit of the city by issuance and sale of bonds, warrants or notes of the city, may appropriate the money of the city for all lawful purposes, may regulate and control the use, for whatever purpose, of the streets and other public places, may make and enforce all police, health, sanitation and other regulations, and may pass such ordinances as may be expedient for the protection and maintenance of good government, peace and welfare of the city, for the performance of the functions thereof, for the order and security of its residents, and may provide suitable penalties for the violations of any ordinance enacted by the City of Angleton, and, except as prohibited by the Constitution and laws of this State or restricted by this Charter, the city may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.~~

~~Sec. 2.02. General powers adopted.~~

~~The enumeration of the particular powers in this Charter shall not be held or deemed to be exclusive but in addition to the powers enumerated herein or implied hereby or appropriate to the exercise of such powers, the city shall have and may exercise all power of local self government and all other powers which, under the constitution and laws of the State of Texas, it would be competent for this Charter specifically to enumerate. The City of Angleton shall have and may exercise all the powers enumerated in V.T.C.A., Local Government Code Ch. 51, as now or hereafter amended.~~

~~(Ord. No. 20210413-009, § 2(Exh. A), 4-13-21)~~

Sec. 2.02. Eminent domain.

The city shall have the full power conferred upon it by the Constitution, and laws of the State of Texas for eminent domain. and right to exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred upon it by this Charter or by the constitution and laws of the State of Texas. The city may exercise the power of eminent domain in any manner authorized or permitted by the constitution and laws of this state. The power of eminent domain hereby conferred shall include the right of the city to take the fee in land so condemned and such power and authority shall include the right to condemn public property for such purposes. The city shall have and possess the power of condemnation for any municipal or public purposes even though not specifically enumerated in this Charter.

ARTICLE 3. THE CITY COUNCIL

Sec. 3.01. Number, selection and term.

The legislative and governing body of the city shall consist of a mayor and five councilmen and shall be known as the "City Council of the City of Angleton."

- (1) The mayor shall be elected from the city at large. The election of members of the city council shall be by position from the city at large, designating council positions as position one through position five, inclusive, authorizing qualified voters to vote on a candidate for each council position and providing for interim determination of council positions by lot. ~~(As amended 4-6-71)~~
- (2) The mayor shall be the presiding officer of the city council and shall be recognized as the head of the city government for all ceremonial purposes and by the ~~g~~Governor for purposes of military law, but shall have no regular administrative duties. The mayor shall be entitled to vote on all matters under consideration by the city council. ~~(As amended 4-5-75)~~
- (3) Each year two Council places shall be elected for their respective terms, except as set forth in the transitional provided herein. ~~In each odd numbered year two councilmen and a mayor shall be elected, and in each even numbered year three councilmen shall be elected.~~
- (4) The mayor and each councilman shall hold office for a period of ~~two~~ three years and until his successor is elected and qualified. All elections shall be held in the manner provided in article 5 of this Charter.
- (5) A person who has served ~~three~~ two terms as councilmember shall not be eligible to serve in such office thereafter for a period of 12 months, at which time that person's eligibility to serve another ~~two~~ three terms shall be restored.

- (6) A person who has served ~~three~~ two terms or six consecutive years as mayor shall not be eligible to serve in such office thereafter for a period of 12 months, at which time that person's eligibility to serve another ~~three~~ two terms shall be restored.
- (7) A person who is elected councilmember at any city election or who is appointed or elected to serve an unfinished term of office of more than one year shall be not be deemed to have served one term. ~~A person who is elected mayor or councilmember at any city election or who is appointed or elected to serve an unfinished term of office of more than one year shall be deemed to have served one term. A person who is appointed or elected to serve an unfinished term of office of one year or less, shall not be deemed to have served one term.~~
- ~~(8) Persons in the positions of mayor and/or councilmember elected at the time this amendment is approved by the voters or thereafter shall be deemed to be serving in their first terms of office. Specifically, the term limit shall be applicable and commence with the taking of the oath of office after term limits are approved by the voters with such date serving as the beginning of their first term of office.~~

(Ord. No. 2346, § 1, 3-6-95)

Sec. 3.02. Qualifications.

Each member of city council shall be a resident of the City of Angleton, shall be a qualified voter of the State of Texas, shall have been such resident citizen of the City of Angleton for a period of not less than six months immediately preceding filing deadline for the election, provided, however, that any person with the above qualifications except as to residence, who shall have been a resident for a period of not less than six months preceding the election, of any of the territory not formerly within the corporate limits of the city, but which is annexed under the provisions of section 1.03 of this Charter, shall be eligible for said office. If the mayor or any councilman fails to maintain the foregoing qualifications or shall be absent from three consecutive regularly scheduled meetings without valid excuse, the city council must, at its next regular meeting, declare a vacancy as set forth in section 3.06 of this Charter.

(As amended 4-7-79; 5-19-15)

Sec. 3.03. Council to be judge of election qualification.

The city council shall be the judge of the election and qualification of its own members and other elected officials of the city.

Sec. 3.04. Compensation.

The city council shall fix the compensation to be received by its members for attendance at its meetings with any changes in compensation subject to voters approval by a simple majority at the next regular election.

(As amended 4-5-75)

Sec. 3.05. Mayor pro-tem.

The city council, at its first meeting after each annual city election, or as soon thereafter as practicable, shall elect one of its members mayor pro-tem, and he shall perform all the duties of the mayor in the absence or disability of the mayor. In the event the city council, for any reason, fails to elect a mayor pro-tem at its first meeting after an

annual city election, then the council member with the longest period of service on the Angleton City Council shall automatically become mayor pro-tem. In the event that the office of mayor pro-tem becomes vacant for any reason, the city council shall elect a new mayor pro-tem to fill the unexpired term.

(As amended 4-2-83; amended 5-17-05)

~~Sec. 3.05A. Vacancy in office of mayor.~~

~~In the event of a vacancy in the office of the mayor arising from any cause, the mayor pro-tem shall become mayor for the completion of the unexpired term if one year or less of such unexpired term remains. In the event of such vacancy with one year or less remaining and there is no mayor pro-tem, then the vacancy in the office of mayor shall be filled in the same manner as provided for vacancies generally in section 3.06 herein. However, if more than one year of such unexpired term remains, the mayor pro-tem shall serve as mayor until the council shall call an election for the filling of the vacancy at the next regular municipal election to be held on the date allowed by the Texas Election Code for regular municipal elections, to fill the remainder of the unexpired term of the mayor. In such event, the mayor pro-tem shall act as mayor until a successor to the office of mayor has been elected and duly qualified.~~

~~(As amended 4-2-83; amended 5-12-07)~~

Sec. 3.06. Vacancies; generally.

- (a) All vacancies shall be filled pursuant to state law. ~~When a vacancy occurs in the city council, except for the office of mayor, the remaining members thereof must, within 31 days appoint a qualified person to fill the unexpired term of such vacancy. However, if more than one year of such unexpired term remains, the council shall call an election for the filling of the vacancy at the next regular municipal election to be held on the date allowed by the Texas Election Code for regular municipal elections, to fill the remainder of the unexpired term of said council member. In such event, the appointed council member shall serve until a successor to the office has been elected and duly qualified.~~
- ~~(b) However, if such appointment would result in more than two appointed members serving simultaneously on the city council, then a special election shall be held to fill the vacancy for the unexpired term. The special election shall be held on the earliest uniform election date in compliance with the Texas Election Code.~~
- ~~(c) However, if there are three or more vacancies existing simultaneously on the city council, then despite subsection (b) and despite the quorum and minimum vote requirements of section 3.09, the remaining city council members shall within 31 days appoint qualified persons to fill all but two of such vacancies temporarily, until a special election to fill such vacancies for the unexpired terms. A special election shall then be held on the earliest uniform election date in compliance with the Texas Election Code to fill all of such vacancies for the unexpired terms.~~
- (b) In case of disaster when a legal quorum of the City Council cannot otherwise be assembled due to multiple deaths or injuries, the surviving persons of the City Council, or highest surviving City official, if no elected official remains, shall, within twenty-four (24) hours of such disaster, request the highest surviving officers of the Brazoria County Commissioners Court to appoint a number of residents of the City equal to the number necessary to make a quorum to act during the emergency as the City Council. The newly appointed City Council shall call a City election to be held at the next uniform election date within fifteen (15) days of their appointment, or as provided in the Texas Election Code, for election of the vacant offices, if for good reasons it is known a quorum of the present City Council will never again meet. If it is determined that a quorum of the present City Council will meet again, the appointed Council Members shall serve in their position until such

time as the present Council Members may begin serving. In the event for any reason there is no mayor or mayor pro tem, the remaining members of city council, or any of them, shall have the right and power to issue legal notice of such election to be so held, and to elect and appoint election officials. Should all positions on the city council become vacant at one time, then in such event, the County Judge of Brazoria County, Texas, is hereby empowered and directed to issue notice of such special election, for and on behalf of said city, and to appoint qualified persons as election officials.

(As amended 4-2-83; Ord. No. 2003-O-12C, § II, 12-16-03; amended 5-12-07)

Sec. 3.07. Powers of the city council.

The determination of all matters of policy and the exercise of all powers of local self-government shall be vested in the city council. ~~By way of illustration, but not limitation, the following enumerated powers are among these powers that may be exercised by the city council.~~

- ~~(1) Establish, consolidate, or abolish administrative departments and distribute the work of divisions;~~
- ~~(2) Adopt the budget of the city;~~
- ~~(3) Authorize the issuance of bonds by a bond ordinance;~~
- ~~(4) Inquire into the conduct of any office, department or agency of the city and make investigations as to municipal affairs;~~
- ~~(5) Provide for such additional boards and commissions, not otherwise provided for in this Charter, as may be deemed necessary, and to appoint, or remove 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 law;~~
- ~~(6) Adopt and modify the zoning plan and the building codes of the city;~~
- ~~(7) Adopt and modify the official map of the city;~~
- ~~(8) Regulate, license and fix the charges or fares made by any person, firm or corporation owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire or the transportation of freight for hire on the public streets and alleys of the city;~~
- ~~(9) 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 and provide for the erection of fireproof buildings within said limits, and provide for the condemnation of dangerous structures or buildings or dilapidated buildings, or buildings calculated to increase the fire hazard and prescribe the manner of their removal or destruction with said limits;~~
- ~~(10) Fix the salaries and compensation of the city officers and employees;~~
- ~~(11) Provide for a sanitary sewer and water system and require property owners to connect their premises with sewer system and provide for penalties for failure to make sanitary sewer connections;~~
- ~~(12) Provide for sanitary garbage disposal, and set fees and charges therefor, and provide penalties for failure to pay such fees and charges;~~
- ~~(13) Exercise exclusive dominion, control, and jurisdiction including the right to close and abandon streets and alleys in, upon, over and under the public streets, avenues, sidewalks, alleys, highways, boulevards and public grounds of the city and provide for the improvement of same as provided in V.T.C.A., Transportation Code § 313.001 et seq., as now or hereafter amended;~~

- ~~(14) Compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the City of Angleton;~~
- ~~(15) And such other and further powers as have been or may from time to time hereafter be delegated to home rule cities by the legislature of the State of Texas, including the powers incident to the exercise thereof;~~
- ~~(16) All powers of this Charter are vested in the city council. The council shall conduct all business in meetings. No member of the council shall have any power to act or make appointments without the specific authorization of the council in a meeting.~~

~~(Ord. No. 20210413-009, § 2(Exh. A), 4-13-21)~~

Sec. 3.08. Meetings of the city council.

The city council shall hold at least one regular meeting in each month at a time to be fixed by said city council by ordinance ~~or resolution~~ fixing the dates of such regular meetings. As many additional special meetings may be held during the month as may be necessary for the transaction of all business of the city and its citizens. All meetings shall be public ~~and shall be held at the city hall, provided, however,~~ and the city council may designate a location another place for such meetings after publishing the due notice thereof in one issue of the official newspaper of said city. The city secretary, upon written request of the mayor or any two council members, shall call special meetings of the city council. If the offices of mayor, mayor pro-tem, and all but one council position are vacant, the one council member remaining shall have the authority to call a special meeting. Notice of such special meetings shall be given to each member of the city council, which said notice shall state the date for such meeting and the subject to be considered at such meeting, and no other subject shall be there considered. Said notice to the city council shall be sufficient if delivered to the council member in person, or in the event of the inability to locate said council member within the City of Angleton, Texas, delivery of such notice to his or her home shall be sufficient. The City Manager, Mayor or two (2) city council members may place items on the agenda for city council meetings.

~~(As amended 5-17-05; amended 5-12-07)~~

Sec. 3.09. Rules of procedure.

The city council shall determine its own rules of procedure and may compel the attendance of its members. A quorum shall require four (4) members of the city council. The Mayor is defined as a member of city council. ~~both of the following (1) either the mayor or the mayor pro-tem, (unless the offices of both mayor and mayor pro-tem are vacant); and (2) three other members of the city council, who must be qualified to participate in the matter under consideration.~~ Approval of a measure shall require the affirmative vote of a majority of the members who are present and qualified to vote on the measure, but not less than three votes unless otherwise authorized by this Charter. ~~Minutes of the proceedings of all meetings of the city council shall be kept, to which any citizen may have access at all reasonable times and which shall constitute one of the archives of the city. The vote upon the passage of all ordinances and resolutions shall be taken by the "ayes" and "nays" and entered upon the minutes, and every ordinance or resolution, upon its final passage, shall be recorded in a book kept for that purpose under full caption, and shall be authenticated by the signature of the presiding officer and the person performing the duties of the city secretary.~~

~~(As amended 5-17-05)~~

~~Sec. 3.10. Procedure for passing of ordinances.~~

~~Every ordinance shall be introduced in written or printed form and, upon passage, shall take effect at the time indicated therein, provided that any ordinance imposing a penalty, fine or forfeiture for a violation of its provisions shall become effective not less than ten days from the date of its passage, subject to the provisions of article 7 of this Charter. The city secretary shall give notice of the passage of every ordinance imposing a penalty, fine or forfeiture for a violation of the provisions thereof, by causing the caption or title, including the penalty, of any such ordinance to be published in the official newspaper of the City of Angleton at least once within ten days after the passage of said ordinance. He shall note on every ordinance the caption of which is hereby required to be published and on the record thereof, the fact that same has been published as required by the Charter and the date of such publication, which shall be prima facie evidence of the legal publication and promulgation of such ordinance, provided that the provisions of this section shall not apply to the correction, amendment, revision and codification of the ordinances of the city for publication in book or pamphlet form. Except as otherwise provided by article 7 of this Charter, it shall not be necessary to the validity of any ordinance that it shall be read more than one time or considered at more than one session of the city council. Every ordinance shall be authenticated by the signature of the mayor and city secretary and shall be systematically recorded and indexed in an ordinance book in a manner approved by the council. It shall only [be] necessary to record the caption or title of ordinances in the minutes or journal of council meetings. The city council shall have power to cause the ordinances of the city to be corrected, amended, revised, codified and printed in code form as often as the council deems advisable, and such printed code, when adopted by the council, shall be in full force and effect without the necessity of publishing the same or any part thereof in a newspaper. Such printed code shall be admitted in evidence in all courts and places without further proof.~~

Sec. 3.10. Official bonds for city employees.

The city manager and the city secretary and such other city officers and employees as the city council may require, shall, before entering upon the duties of their offices, enter into a good and sufficient fidelity bond in a sum to be determined by the city council payable to the City of Angleton 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 some company authorized to do business under the laws of the State of Texas, and the premium of such bonds shall be paid by the City of Angleton, and such bonds must be acceptable to the city council.

(As amended 5-12-07)

Sec. 3.11. Investigation by the city council.

The city council shall have power to inquire into the conduct of any office, department, agency, officer or employee of the city and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths and compel the production of books, papers, and other evidence. Failure to obey such subpoena or to produce books, papers or other evidence as ordered under the provisions of this section shall constitute a misdemeanor and shall be punishable by fine not to exceed \$2500.00.

~~Sec. 3.13. Audit and examination of city books and accounts.~~

~~The city council shall cause an annual audit to be made of the books and accounts of each and every department of the city. At the close of each fiscal year, a complete audit shall be made by a certified public accountant, who shall be selected by the city council, and such audit shall include a recapitulation of all audits made~~

~~during the course of the fiscal year, and all audit reports shall be filed with the city council, shall be available for public inspection and shall be made a part of the archives of the city. Such accountant, so selected, shall not maintain or keep any of the city's accounts or records.~~

ARTICLE 4. ADMINISTRATIVE SERVICES

Sec. 4.01. City manager.

- (a) Appointment and Qualifications. The city council shall appoint by a supermajority an administrative and executive officer of the city who shall be responsible to the city council for the administration of all the affairs of the city. The city manager. ~~He~~ shall be chosen by the council solely on the basis of ~~his~~ their executive and administrative training, experience and ability. No member of the city council shall, during the time for which he is elected and for one year thereafter, be appointed city manager.
- (b) Term and salary. The city manager shall not be appointed for a definite term but may be removed at the will and pleasure of the city council by a vote of ~~the~~ a super majority of the entire city council. The City and City Manager will execute a written employment contract for the City Manager. The action of the city council in suspending or removing the city manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility of such suspension or removal in the city council. In case of the absence or disability ~~or of~~ the city manager, the city council may designate some qualified person to perform the duties of the office during such absence or disability. The city manager shall receive compensation as may be fixed by the council. and as set forth in the written employment agreement. The city council will perform a review of the City Manager's performance at least annually but no more than twice in any fiscal year.
- (c) Duties of the city manager.
 - (1) The city manager shall be responsible to the city council for the efficient and economical administration of the city government. The city manager. ~~He~~ shall have the authority ~~with the approval of the city council~~ to appoint and remove all department heads and directors. The ~~He~~ city manager shall have the authority to appoint and remove all other employees in the administrative service of the city. ~~He~~ The city manager may authorize the head of a department to appoint and remove subordinates in their ~~his~~ respective department. Except for the purpose of inquiry, the city council and its members shall deal with the administrative service solely through the city manager.
 - (2) Prepare the budget annually and submit it to the city council, and be responsible for its administration after adoption.
 - (3) Prepare and submit to the city council as of the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year.
 - (4) Keep the city council advised of the financial condition and future needs of the city and make such recommendations as may seem desirable.
 - (5) Perform such duties as may be prescribed by this Charter or may be required of him by the city council, not inconsistent with this Charter.
 - (6) The City Manager will faithfully attend all city council meetings and abide by all Texas laws.

~~(As amended 5-12-07)~~

Sec. 4.02. Department of police.

There shall be established and maintained a department of police to preserve order within the city and to secure the residents of said city from violence and the property therein from injury or loss.

- (1) Chief of police. The chief of police shall be the chief administrative officer of the department of police- ~~and~~ He shall, with the approval of the city manager, appoint and remove the employees of said department and shall perform such duties as may be required ~~of him~~ by the city council. The chief of police shall be appointed by the city manager with the approval of the city council ~~with the approval of the city council~~, for an indefinite term. The chief of police shall be responsible to the city manager for the administration of the police ~~his department and the carrying out of the directives of the city council~~. ~~He~~ The chief of police may be removed from office by the city manager ~~with the approval of the city council~~.
- ~~(2) Special police. No persons except as otherwise provided by general law or the Charter or the ordinances passed pursuant thereto shall act as special police or special detective.~~

(As amended 5-12-07)

Sec. 4.03. City secretary.

The city manager, ~~with the approval of the city council~~, shall appoint a competent person as city secretary and such assistants as the city manager ~~council shall deem advisable~~ deems necessary. The city secretary, or designee ~~an assistant city secretary~~, shall give notice of the council meetings, shall keep the agenda and the minutes of the proceedings of such meetings, and shall authenticate ~~by his signature and record in full in a book kept and indexed for the purpose~~, all ordinances and resolutions, and shall perform such other duties as the city manager shall assign ~~to him~~, and those elsewhere provided in this Charter and the laws of the State of Texas.

(As amended 5-12-07)

Sec. 4.04. City treasurer.

~~The city manager, with the approval of the city council, shall appoint a competent person as city treasurer and such assistants as the city council shall deem advisable. The city treasurer shall perform the duties delegated to him by the city manager and those which may [be] imposed upon him by the laws of the State of Texas. The duties of city secretary, city treasurer and city tax assessor and collector may be performed by the same individual.~~

(As amended 5-12-07)

Sec. 4.05~~4~~. Corporation court.

There shall be established and maintained a court designated as a "municipal court" for the trial of misdemeanor offenses, with all such powers and duties as are now or hereafter may be prescribed by the laws of the State of Texas relative to municipal court.

- (a) The judge of said court shall be appointed by the city council and shall be a licensed attorney and shall receive such salary as may be fixed by the city council.
- ~~(b) There shall be a court clerk appointed by the city manager with the approval of the city council. Deputy clerks may be appointed by the city manager.~~

- ~~(c) The clerk and the deputy clerks shall have the power to administer oaths and affidavits, make certificates, affix the seal of the court and perform any and all acts usual and necessary by the court clerk in issuing processes and conducting business of the court.~~
- (b) The city council shall appoint other licensed attorneys to act as associate judges and temporary judges of said court in case of disability or absence of the judge of the municipal court. The salaries of these associate and temporary judges are to be fixed by the city council.
- (c) The judge, associate and temporary judges, and clerk shall serve at the will of the city council. The deputy clerk(s) shall serve at the will of the city manager.

(As amended 4-2-83; Ord. No. 2003-O-12C, § II, 12-16-03; amended 5-12-07)

Sec. 4.05. City attorney.

The city council shall appoint a nd remove by a super majority competent and duly licensed attorney practicing law in the State of Texas, who shall be the city attorney. ~~He shall receive for his services such compensation as may be fixed by the city council and shall hold his office at the pleasure of the city council.~~ The city attorney, or such other attorneys selected by the city attorney ~~him with the approval of the city council~~, shall represent the city in all litigation. He shall be the legal advisor of, attorney and counsel for, the city and all officers and departments thereof.

(Ord. No. 2010-O-5A, exh. A, 5-18-10)

~~Sec. 4.07. Reserved.~~

~~Editor's note(s) — Charter amendment of May 12, 2007, deleted § 4.07, which pertained to the department of health and sanitation.~~

Sec. 4.086. Volunteer Fire Department.

~~The city council may establish and maintain a volunteer fire department and may procure fire engines and other apparatus for the extinguishment of fires, for salvage and rescue operations and provide engine houses and funds for maintenance and operation and shall authorize the forming of fire fighting companies as required.~~

- (a) The governing body of the municipality may organize a fire department consisting of fire and rescue companies and the chief and any assistant engineers. The governing body shall prescribe the powers and duties of the fire departments and its officers.
- (b) Each company may elect its own members and officers. A company may adopt a constitution and bylaws that are not inconsistent with the statutes and the municipal ordinances.
- (c) The fire department engineers shall be chosen as determined by the department, subject to the approval of the governing body, which shall pass ordinances that it considers necessary for the welfare of the department. The mayor shall commission each elected officer approved by the governing body.
- (d) The governing body may obtain fire engines, other fire-protection equipment, rescue operation equipment, and control the use of the equipment, and provide fire stations to preserve the equipment. The fire department shall maintain the fire engines and other fire-protection equipment.

~~— The companies so organized, the chief and such assistants as may be provided for, shall constitute the fire department. The department may elect its own members and officers. The officers shall be chosen as said department may determine. All officers so elected and approved shall be commissioned by the mayor. Said~~

~~department may adopt their own constitution and by laws not inconsistent with this Title or the city ordinances. The city council may pass, with approval of the fire department, such ordinances as they may deem proper for the welfare of said department. Said department shall take the care and management of the engines and other implements and apparatus provided and used for fighting fires and for salvage and rescue operations.~~

Sec. 4.097. Other departments.

(a) The city council may abolish or consolidate such offices and departments as it may deem to be in the best interests of the city, and may divide the administration of any such departments as it may deem advisable, may create new offices or departments, and may discontinue any offices or departments at its discretion, except those specifically established by this Charter. ~~For services or functions of any office or department established by this Charter, the city council may as it may deem to be in the best interests of the city contract for these services and other governmental functions that may be performed by other governmental agencies through interlocal agreements.~~

~~The City of Angleton has contracted with Brazoria County, Texas to perform the functions of the former city department of health and sanitation, the department of taxation and the duties of the city assessor collector. The City Council of the City of Angleton is hereby authorized to contract by interlocal agreement allowed by the Texas Government Code and the Local Government Code to contract with other qualified governmental agencies or bodies to perform any function that the city council determines may be performed by that governmental agency to eliminate duplicity and to promote governmental efficiency.~~

~~(As amended 5-12-07)~~

(b) Direction by City Manager. All departments, offices and agencies are under the direction and supervision of the City Manager but may be administered by an employee appointed by and subject to the direction and supervision of the city manager.

ARTICLE 5. ELECTIONS

Sec. 5.01. Regular elections.

The annual city election shall be held on the day established for annual municipal elections by the State of Texas Election Code or any amendments thereto. Any conflicts with this Charter and the State of Texas Election Code in matters where state law supercedes local law, shall be controlled by the requirements or deadlines of the State of Texas Election Code to the extent of said conflict only.

(As amended 4-6-71; Ord. No. 2168-A, § 1, 3-21-89; amended 5-12-07)

~~Sec. 5.02. Qualified voters.~~

~~All citizens qualified by the constitution and laws of the State of Texas to vote in the city and who satisfy the requirements for registration prescribed by law shall be qualified voters of the city within the meaning of this Charter.~~

~~Sec. 5.03. Conduct of elections.~~

~~The provisions of the general election laws of the State of Texas shall apply to elections held under this Charter. All elections provided for the Charter shall be conducted by the election authorities established by law. For the conduct of city elections, for the prevention of fraud in such elections and the recount of ballots in cases of doubt or fraud, the council shall adopt by ordinance all regulations which it considers desirable, consistent with law and this Charter, and the election authorities may adopt, and if they adopt shall publicize, further regulations consistent with law and this Charter and the regulations of the council.~~

~~Sec. 5.04. Filing for office.~~

~~Any qualified citizen, as defined by the Texas Election Code and this Charter, who desires to become a candidate for city office shall file with the city secretary a signed application for his name to appear on the ballot. The application must meet the requirements of Section 141.031 of the Texas Election Code or any amendments thereto and must be filed with the filing period as that term is defined and set out in Section 143.007 of the Texas Election Code or any amendments thereto.~~

~~(As amended 5-12-07)~~

~~Sec. 5.05. Ballots.~~

~~All official ballots shall be printed by the date required by the Texas Election Code for the deadline in ballot printing for any general or special election and absentee and early voting shall be governed by the Texas Election Code or any amendments thereto.~~

~~(As amended 5-12-07)~~

Sec. 5.02 Election by majority.

At any regular or special municipal election the candidate for each office who has received a majority of votes cast in such election shall be declared elected. If no candidate receives a majority of the vote there shall be held a run-off election, as follows: ~~(a) between the two candidates with the most votes if there is no tie; (b) between all candidates tied for the most votes if there is a tie for the most votes; or (c) between the candidate with the most votes and all candidates tied for the second highest number of votes if there is a tie for the second highest number of votes and no tie for the highest number of votes. In a run-off election the candidate with the most votes shall be declared elected. In the case of a tie for the most votes in a run-off election, the winner shall be decided by council vote.~~

(As amended 4-5-75; Ord. No. 2003-O-12C, § II, 12-16-03)

ARTICLE 6. LEGISLATION BY THE PEOPLE, RECALL, INITIATIVE AND REFERENDUM

Sec. 6.01. General powers.

The qualified voters of the City of Angleton, in addition to the method of legislation hereinbefore provided, shall have the power of direct legislation by the recall, initiative and referendum: except for adoption or amendment of the City budget or any capital expenditure; the appropriation of money; the levying of taxes; the adoption

amendment, or repeal of zoning districts or regulations; the setting of rates, fees, charges, or assessments; approval of the issuance of bonds; or any other ordinance not subject to initiative as provided by state statute or common law.

Sec. 6.02. Scope of recall.

Any elected city official, whether elected to office by the qualified voters of the city or appointed by the city council to fill a vacancy, shall be subject to recall and removal from office by the qualified voters of the city on grounds of the general dissatisfaction of the voters as evidenced by the requisite number of voters' signatures on the recall petition as required by section 6.03 of this Charter.

(As amended 4-2-83)

Sec. 6.03. Petitions for recall.

Notice of petition

- (a) The notice of intent to circulate a petition required by this subsection must be filed prior to the date of signing of each signature contained in the petition. In this Section, "Initial Petition Date" means the date the first signature was obtained on any of the copies of a recall petition.
- (b) Any registered voter of the City may commence recall proceedings by filing with the City Secretary a petition as required by this Section, provided that the registered voter must file with the City Secretary a notice of intent to circulate a petition before circulating the petition. Additionally, a petition for recall may be filed any time after the election of the person sought to be removed.
- (c) At least one signer of the petition must swear or affirm before a notary public or other person authorized to administer oaths that each signature on the petition was made by the person whose signature it purports to be, and that oath must be memorialized on the petition.

Before the question of recall of any such officers shall be submitted to the qualified voters of the city, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of city secretary, ~~which~~ and said petition shall be signed by qualified voters of the city equal in number to at least 40 percent of the number of votes cast at the last regular municipal election of the city, but in no event less than 400 such petitioners. The petition and all the signatures must satisfy the requirements for petitions and signatures of qualified voters as set forth below, and in the Texas Election Code or any amendments thereto and it shall be the duty of the city secretary to verify said petition and signatures meet said requirements before said petition is submitted to the city council.

(As amended 4-2-83; amended 5-12-07)

Sec. 6.04. Form of recall petition.

The recall petition must be addressed to the city council of the City of Angleton, must distinctly and specifically point out the ground or grounds upon which such petition for removal is predicated, and, if there be more than one ground, such as for incompetency, misconduct or malfeasance in office, shall specifically state each ground with such certainty as to give the officer sought to be removed, notice of the matters and things with which ~~he is~~ they are charged. One of the signers of each separate petition shall make an affidavit that ~~the signer, and he~~ only personally circulated such petition and that each signature appended thereto was made in ~~his~~ their presence and is the genuine signature of the person whose name it purports to be.

Sec. 6.05. Various papers constituting petition.

All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall comply with Chapter 277 of the Texas Election Code as may be amended from time to time. The petition may consist of one or more copies, and the several parts of copies of the petition may be filed separately and by different persons, but no signature to such petition shall remain effective or be counted which were placed thereon more than 45 days prior to the filing of such petition or petitions with the person performing the duties of city secretary. The one instrument All papers comprising a recall petition shall be and filed with the person performing the duties of city secretary are to be filed on the same day, and the said secretary shall immediately notify, in writing, the officer so sought to be removed, by mailing such notice to ~~his~~ their Angleton address.

Sec. 6.06. Presentation of petition to city council.

Immediately, but not later than the next regular meeting after the date of the filing of the papers constituting the recall petition, the person performing the duties of city secretary shall present such petition to the city council of the City of Angleton.

(As amended 4-1-69)

Sec. 6.07. Public hearing to be held.

The officer whose removal is sought may, within five days after such recall petition has been presented to the city council, request that a public hearing be held to permit him to present facts pertinent to the charges specified in the recall petition. In this event, the city council shall order that such public hearing or hearings be held on a date not less than five days nor more than 20 days after receiving each such request for a public hearing.

(As amended 4-2-83)

Sec. 6.08. Election to be called.

If the officer whose removal is sought does not resign, then the city council shall at its next regular meeting after such petition is presented to the city council, or if a public hearing is held, at its next regular meeting after the public hearing, order an election and fix a date for holding such recall election, the date of which election shall be on the earliest date allowed by the election laws of the State of Texas.

Sec. 6.09. Ballots in recall elections.

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

- (1) With respect to each person whose removal is sought, the question shall be submitted.
"Shall (name of person) be removed from the office of (name of office) by recall?"
- (2) Immediately below each such question there shall be printed the following words, one above the other, in the order indicated.
"YES"
"NO"

Sec. 6.10. Result of recall election.

If a majority of the votes cast at a recall election shall be "NO," that is, against the recall of the person named on the ballot, he shall continue in office for the remainder of his unexpired term, subject to recall as provided herein. If a majority of the votes cast at such an election be "YES," that is, for recall of the person named on the ballot, he shall, regardless of any technical defects in the recall petition, be deemed removed from office and the vacancy be filled as vacancies in the city council are filled, as provided in this Charter. Any such officer who has been recalled shall be disqualified from filling the vacant position created by the recall of such officer and shall not be qualified to fill such position again until after the expiration of the term for which he was elected.

(As amended 4-2-83)

Sec. 6.11. Recall, restrictions thereon.

No recall petition shall be filed against any officer of the City of Angleton within three months after his election, nor within six months after an election for such officer's recall; nor within six months of expiration of a term of such officer. In no event shall any city funds be expended to provide for the defense of or representation of any officer of the City of Angleton in connection with the recall of said officer.

(As amended 4-2-83)

Sec. 6.12. Failure of city council to call an election.

In case all the requirements of this Charter shall have been met and the city council shall fail or refuse to receive the recall petition, or order such recall election, or discharge any other duties imposed upon said city council by the provisions of this Charter with reference to such recall, then the county judge of Brazoria County, Texas, shall discharge any of such duties herein provided to be discharged by the person performing the duties of city secretary or by the city council.

Sec. 6.13. Initiative.

Notice of Petition

Qualified voters of the City of Angleton may initiate legislation by submitting a petition addressed to the city council which requests the submission of a proposed ordinance or resolution to a vote of the qualified voters of the city.

- (a) The notice of intent to circulate a petition required by this subsection to initiate legislation must be filed prior to the date of signing of each signature contained in the petition. In this Section, "Initial Petition Date" means the date the first signature was obtained on any of the copies of an initiation petition.
- (b) Any registered voter of the City may commence initiative proceedings by filing with the City Secretary a petition as required by this Section, provided that the registered voter must file with the City Secretary a notice of intent to circulate a petition before circulating the petition.

- (c) At least one signer of the petition must swear or affirm before a notary public or other person authorized to administer oaths that each signature on the petition was made by the person whose signature it purports to be, and that oath must be memorialized on the petition

Said petition must be signed by qualified voters of the city equal in number to 30 percent of the number cast at the last regular municipal election of the city, or 150 qualified voters, whichever is greater, and each copy of the petition shall have attached to it a copy of the proposed legislation. The petition shall be signed as provided for in the requirements for signatures on petitions as set forth in the Texas Election Code or any amendments thereto. ~~The petition may consist of one or more copies as permitted in section 6.05 of this Charter.~~ Such petition shall be filed with the person performing the duties of city secretary and within ten five days after the filing of such petition, the person performing the duties of city secretary shall present a copy of said petition and proposed ordinance or resolution to each member of the city council. Upon presentation to city council ~~it of the petition and draft of the proposed ordinance or resolution,~~ it shall become the duty of the city council, at the next regular meeting, or within thirty days, whichever is earlier ~~and that will comply with the notice requirements of the Open Meetings Act,~~ to either pass and adopt such ordinance or resolution, ~~without alteration as to meaning or effect in the opinion of the persons filing the petition,~~ or to call a special election, to be held on the earliest date allowed by the election laws of the State of Texas, ~~at which election the qualified voters of the City of Angleton shall vote on the question of adopting or rejecting the proposed legislation.~~ However, if any other municipal election is to be held within ~~60~~ 78 days after the filing of the petition, the question may be voted on at such uniform election date.

(As amended 5-12-07)

Sec. 6.14. Referendum.

Notice of Petition

Qualified voters of the City of Angleton may initiate repeal of legislation by submitting a petition for referendum addressed to the city council which requests the repeal of legislation to a vote of the qualified voters of the city.

- (d) The notice of intent to circulate a petition required by this subsection to repeal legislation must be filed prior to the date of signing of each signature contained in the petition. In this Section, "Initial Petition Date" means the date the first signature was obtained on any of the copies of a referendum petition.
- (e) Any registered voter of the City may commence referendum proceedings by filing with the City Secretary a petition as required by this Section, provided that the registered voter must file with the City Secretary a notice of intent to circulate a petition before circulating the petition. Additionally, a petition for referendum may be filed any time after the passage of the legislation sought to be repealed.
- (f) At least one signer of the petition must swear or affirm before a notary public or other person authorized to administer oaths that each signature on the petition was made by the person whose signature it purports to be, and that oath must be memorialized on the petition

Qualified voters of the City of Angleton may require that any ordinance or resolution, with the exception of ordinances or resolutions levying taxes or issuing tax or revenue bonds, passed by the city council be submitted to the voters of the city for approval or disapproval, by submitting a petition for this purpose within 30 days after final passage of said ordinance or resolution. Said petition shall be addressed, prepared, signed and verified as required for petitions initiating legislation, as provided in section 6.13 of this Charter and shall be submitted to the person performing the duties of city secretary. Immediately upon filing of such petition, the city secretary shall present said

petition to the city council. Thereupon the city council shall immediately reconsider such ordinance or resolution and, if it does not entirely repeal the same, shall submit it to popular vote as provided in section 6.13 of this Charter. Pending the holding of such election, such ordinance or resolution shall be suspended from taking effect and shall not later take effect unless a majority of the qualified voters voting thereon at such election shall vote in favor thereof.

A petition for referendum that failed may not be submitted again for two years.

(Ord. No. 2003-O-12C, § II, 12-16-03)

Sec. 6.15. Voluntary submission of legislation by the council.

The city council, upon its own motion and by a majority of its members, may submit to popular vote at any election for adoption or rejection any proposed ordinance or resolution or measure, or may submit for repeal any existing ordinance, resolution, or measure, in the same manner and with same force and effect as provided in this article for submission on petition, and may in its discretion call a special election for this purpose.

Sec. 6.16. Form of ballots.

The ballots used when voting upon such proposed and referred ordinances, resolutions or measures, shall set forth their nature sufficiently to identify them as required by the Texas Election Code, as amended. ~~and shall also set forth upon separate lines the words:~~

"FOR the ORDINANCE," and
"AGAINST the ORDINANCE," or

"FOR the RESOLUTION," and
"AGAINST the RESOLUTION"

Sec. 6.17. Publication of proposed and referred ordinances.

The person performing the duties of city secretary shall publish at least once in a ccordance with the Texas Election Code, as amended. ~~newspaper of general circulation in the city, the proposed or referred ordinance or resolution, not less than 15 days before the date of the election and shall give such other notices and perform such other acts relative to such elections as are required in general municipal elections or by the ordinance or resolution calling said election.~~

~~(As amended 5-12-07)~~

Sec. 6.18. Adoption of ordinances.

If a majority of the qualified voters voting on any proposed ordinance or resolution or measure shall vote in favor thereof, it shall thereupon, or at any time fixed therein, become effective as a law or as a mandatory order to the city council.

~~Sec. 6.19. Inconsistent ordinances.~~

~~If the provisions of two or more proposed ordinances or resolutions approved at the same election are inconsistent, the ordinance or resolution receiving the highest number of votes shall prevail.~~

~~Sec. 6.20. Ordinances passed by popular vote, repeal or amendment.~~

~~No ordinances or resolutions which may have been passed by the city council upon a petition or adopted by popular vote under the provisions of this article shall be repealed or amended except by the city council in response to a referendum petition or by submission as provided in section 6.15 of this Charter.~~

~~Sec. 6.21. Further regulations by city council.~~

~~The city council may pass ordinances or resolutions providing other and further regulations for carrying out the provisions of this article consistent herewith.~~

~~Sec. 6.22. Franchise ordinances.~~

~~Nothing contained in this article shall be construed to be in conflict with any of the provisions of article 9 of this Charter, pertaining to ordinances granting franchises when valuable rights shall have accrued thereunder.~~

ARTICLE 7. MUNICIPAL PLANNING AND ZONING

Sec. 7.01. Platting of property.

- (a) The City Council shall create a Planning Commission and a Zoning Commission, and may combine or, after being combined, separate the same at its discretion.

~~Hereafter, e~~Every owner of any tract of land situated within the corporate limits of the City of Angleton who may divide the same in two or more parts for the purpose of laying out any subdivision or any addition to the city shall comply with the provisions of city code of ordinances ~~s number 333, as adopted or hereafter as~~ amended.

- (b) The provisions of section 7.01(a) shall apply similarly to the owner of any tract of land situated within the area of extraterritorial jurisdiction of the City of Angleton.

~~Sec. 7.02. Development of property.~~

~~The City Council is authorized to cooperate with persons interested in development of property situated within or beyond the corporate limits of the city, but the city may not expend public funds for property development unless the use of public funds accomplishes a public purpose and complies with the laws and the constitutions of the State of Texas and the United States.~~

~~(As amended 5-19-15)~~

~~Sec. 7.03. Planning commission.~~

~~The city council shall appoint a city planning commission consisting of seven members who shall be residents of the City of Angleton, real property owners and shall not be employees of the city.~~

- ~~(1) Term of office. Three members shall be appointed in each odd number year, and four members shall be appointed in each even numbered year, within 30 days after each regular city election to serve a term of two years.~~

- (2) ~~Rules of procedure. The commission shall elect, annually, one of its number chairman, and shall establish its own rules of procedure which shall include the following. A quorum shall consist of a majority of the members of the commission and an affirmative vote of a majority of those present shall be necessary to pass upon pending questions. All meetings shall be open to the public and a record of all proceedings shall be kept by the person performing the duties of the city secretary and shall be a public record.~~
- (3) ~~Vacancies. Membership on the planning commission shall be accompanied by active participation in the activities of the commission, and any member who is absent from three consecutive meetings of the commission without valid excuse, as determined by the commission, shall automatically be dismissed from membership. The commission shall at once notify the city council that a vacancy in the planning commission exists. Vacancies occurring in the commission, for whatever reason, shall be filled within 30 days by appointment by the city council for the remainder of the unexpired term.~~
- (4) ~~Powers and duties. The commission shall have the power and shall be required to:~~
- ~~a. Amend, extend and add to the master plan for the physical development of the city;~~
 - ~~b. Recommend to the city council approval or disapproval of plats of proposed subdivisions submitted in accordance with city ordinance number 333 as adopted or hereafter amended. (As amended 4-1-69);~~
 - ~~c. Recommend to the city council approval or disapproval of proposed changes in the zoning plan;~~
 - ~~d. Make, and recommend to the city council for adoption, plans for the clearance and rebuilding of slum districts and blighted areas which may develop within the city;~~
 - ~~e. Recommend to the city council the amendment, extension and revision of the building code, which code shall include the minimum standard of construction for building, the minimum standards for plumbing, and the minimum standards for wiring;~~
 - ~~f. Submit annually to the city manager, not less than 90 days prior to the beginning of the budget year, a list of recommendations for capital improvements which, in the opinion of the commission, are necessary or desirable to be constructed during the forthcoming five years. Such list shall be arranged in order of preference, with recommendations as to which projects shall be constructed in which year;~~
 - ~~g. Meet no less than once each month when there is business pending that is legally ripe for consideration as required by state law, meetings to be held at the city hall unless prior notice of change of meeting place be given by publication in a newspaper in general circulation in the City of Angleton;~~
 - ~~h. Perform such other duties and be vested with such other powers as the city council shall from time to time prescribe.~~
- (5) ~~Liaison with city council. The city manager or his representatives shall attend the meetings of the planning commission and shall serve as liaison between the planning commission and the city council.~~

~~(As amended 5-12-07; 5-19-15)~~

Sec. 7.02. Zoning board of adjustment.

The city council shall appoint a zoning board of adjustment in accordance with State law, of five members who shall be citizens of the City of Angleton, shall be appointed to serve for a term of two years, shall adopt the rules in accordance with the zoning ordinances of the city, shall select one of their number chairman, and shall meet at the

call of said chairman and at such other times as the board may determine. All meetings of such board shall be open to the public and minutes shall be kept of all proceedings by the person performing the duties of the city secretary, showing the vote of each member present upon every question. The board shall have all powers granted in V.T.C.A., Local Government Code §§ 211.001—211.013, as now or hereafter amended, which shall include the power to hear and determine appeals from refusal of building permits, and to permit exception to or variations from the zoning regulations in classes of cases or situations in accordance with the principles, conditions and procedures specified in the zoning ordinance.

(Ord. No. 20210413-009, § 2(Exh. A), 4-13-21)

Sec. 7.05. Alternate zoning commission.

~~The city planning commission may, at the discretion of the city council, act as the city zoning board.~~

ARTICLE 8. MUNICIPAL FINANCE

Sec. 8.01. Fiscal year.

The fiscal year of the City of Angleton shall begin on the first day of October and shall end on the last day of September of each calendar year. Such fiscal year shall also constitute the budget and the accounting year.

Sec. 8.02. Preparation and submission of budget.

The City Manager shall submit the annual budget to the City Council no later than sixty (60) days before the beginning of the Fiscal Year.

The budget shall be accompanied by a report from the City Manager, with supporting schedules and exhibits, setting forth a complete financial plan for operation of the City during the coming fiscal year, with suitable explanation of any major changes in the cost of operation or the financial policy with supporting documentation as necessary.

~~The city manager, between 60 and 90 days prior to the beginning of each fiscal year, or as soon as practicable after all necessary information is obtained from the county appraisal and taxing authorities, shall submit to the council a proposed budget, which budget shall provide a complete financial plan for the fiscal year and shall contain the following:~~

- ~~(1) A budget message, explanatory of the budget, which message shall contain an outline of the proposed financial policies of the city for the fiscal year, shall set forth the reasons for salient changes from the previous fiscal year in expenditure and revenue items, and shall explain any major changes in financial policy;~~
- ~~(2) A consolidated statement of anticipated receipts and proposed expenditures for all funds;~~
- ~~(3) An analysis of property valuations;~~
- ~~(4) An analysis of tax rates;~~
- ~~(5) Tax levies and tax collections by years for at least the immediate past five years;~~
- ~~(6) General fund resources in detail;~~

- ~~(7) — Special fund resources in detail;~~
- ~~(8) — Summary of proposed expenditures by function, department and activity;~~
- ~~(9) — Detailed estimates of expenditures shown separately for each activity to support the summary (8) above;~~
- ~~(10) — A revenue and expense statement for all types of bonds;~~
- ~~(11) — A description of all bond issues outstanding, showing rate of interest, date of issue, maturity date, amount authorized, amount issued and amount outstanding;~~
- ~~(12) — A schedule of requirements for the principal and interest of each issue of bonds;~~
- ~~(13) — The appropriation ordinance;~~
- ~~(14) — The tax levying ordinance.~~

~~(Ord. No. 2003-O-12C, § II, 12-16-03; amended 5-12-07)~~

~~Sec. 8.03. Anticipated revenues compared with other years in budget.~~

~~In preparing the budget, the city manager shall place in parallel columns opposite the several items of revenue the actual amount of each item for the last complete fiscal year, the estimated amount for the current fiscal year, and the proposed amount for the ensuing fiscal year.~~

~~(As amended 5-12-07)~~

~~Sec. 8.04. Proposed expenditures compared with other years.~~

~~The city manager, in the preparation of the budget shall place in parallel columns opposite the various items of expenditures the actual amount of such items of expenditures for the last completed fiscal year, the estimated amount for the current fiscal year, and the proposed amount for the ensuing fiscal year.~~

~~(As amended 5-12-07)~~

~~Sec. 8.05. Budget a public record.~~

~~The budget and all supporting schedules shall be filed with the person performing the duties of city secretary, submitted to the council and shall be a public record. The city manager shall provide copies for distribution to all interested persons.~~

~~(As amended 5-12-07)~~

~~Sec. 8.06. Notice of public hearing on budget.~~

~~The city shall cause to be published in a newspaper of general circulation in the City of Angleton, a notice of the hearing setting forth the time and place thereof. Requirements governing the publication date (not content) for said notice shall be in accordance with the requirements established by the State of Texas for publication of the hearing for increasing the effective tax rate, regardless whether a tax rate increase is actually proposed.~~

~~(As amended 4-2-83; Ord. No. 2003-O-12C, § II, 12-16-03; amended 5-12-07)~~

~~Sec. 8.07. Public hearing of budget.~~

~~At the time and place set forth in the notice required by section 8.06, or at any time and place to which such public hearing shall from time to time be adjourned, the city council shall hold a public hearing on the budget submitted, and all interested persons shall be given an opportunity to be heard for or against any item or the amount of any item therein contained.~~

~~(As amended 4-6-85; Ord. No. 2003-O-12C, § II, 12-16-03)~~

~~Sec. 8.08. Proceedings on budget after public hearings.~~

~~After the conclusion of such public hearing, the city council may insert new items or may increase or decrease the items of the budget, except items in proposed expenditures fixed by law, but where it shall increase the total proposed expenditures, it shall also provide for an increase in the total anticipated revenue to at least equal such proposed expenditures.~~

~~Sec. 8.09. Vote required for adoption.~~

~~The budget shall be adopted by the favorable vote of a majority of the members of the whole city council.~~

~~Sec. 8.10. Date of final adoption.~~

~~The budget shall be finally adopted within the time frame provided by law for adopting a tax rate and should the city council fail to so adopt a budget, the then existing budget, together with its tax levying ordinance and its appropriation ordinance, shall be deemed adopted for the ensuing fiscal year.~~

~~(Ord. No. 2003-O-12C, § II, 12-16-03)~~

~~Sec. 8.11. Effective date of budget; certification; copies made available.~~

~~Upon final adoption, the budget shall be in effect for the fiscal year. A copy of the budget, as finally adopted, shall be filed with the person performing the duties of city secretary and the county clerk of Brazoria County. The final budget shall be printed, mimeographed or otherwise reproduced and copies shall be made available for the use of all offices, departments and agencies and for the use of interested persons, and civic organizations.~~

~~(Ord. No. 2010-O-5a, exh. A, 5-18-10)~~

~~Sec. 8.12. Budget established appropriations.~~

~~From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named.~~

~~Sec. 8.13. Budget established amount to be raised by property tax.~~

~~From the effective date of the budget, the amount stated therein as the amount to be raised by property tax shall constitute a determination of the amount of the levy for the purposes of the city in the corresponding tax year, provided, however, that in no event shall such levy exceed the legal limit provided by the laws and constitution of the State of Texas.~~

Sec. 8.14. Contingent appropriation.

Provision shall be made in the annual budget and in the appropriation ordinance for a contingent appropriation in an amount not more than three per centum of the total budget to be used in case of unforeseen items of expenditures. Such contingent appropriation shall be under the control of the city manager and distributed by him, after approval by the city council. Expenditures from this appropriation shall be made only in case of established emergencies and a detailed account of such expenditures shall be recorded and reported.

(As amended 5-12-07)

Sec. 8.15. Estimated expenditures shall not exceed estimated resources.

The total estimated expenditures of the general fund and debt service fund shall not exceed the total estimated resources of each fund (prospective income plus cash on hand). The classification of revenue and expenditure accounts shall conform as nearly as local conditions will permit to the uniform classification as promulgated by the national committee on governmental accounting or some other nationally accepted classification.

Sec. 8.16. Budget amendments.

The city budget may be amended and appropriations altered for municipal purposes in accordance with state law.

(Ord. No. 2010-O-5^a, exh. A, 5-18-10)

Sec. 8.17. Purchase procedure.

All purchases made and contracts executed by the city shall be pursuant to a requisition from the head of the office, department or agency whose appropriation will be charged, and no contract or order shall be binding upon the city unless and until the city manager certifies that there is to the credit of such office, department or agency a sufficient unencumbered appropriation and allotment balance to pay for the supplies, materials, equipment, or contractual services for which the contract or order is to be issued. All purchases made and contracts executed by the city shall be made in accordance with the requirements of this Charter and all applicable requirements of the Constitution and Statutes of the State of Texas. All contracts for purchases or expenditures must be expressly approved in advance by the council, except that the council may by ordinance confer upon the city manager, general authority to contract for and pay expenditures without further approval of the council for all budgeted items the cost of which does not exceed 50 percent of the amount for which state law requires competitive bidding or competitive proposals.

(Amended April 7, 1979; Ord. No. 2003-O-12C, § II, 12-16-03; amended 5-12-07)

Sec. 8.18. Disbursement of funds.

All checks, vouchers or warrants for the withdrawal of money from the city depository shall be signed by the city manager or his deputy, and countersigned by a member of the city council.

(As amended 5-12-07)

~~Sec. 8.19. Reserved.~~

~~Editor's note(s) — Charter amendment of May 12, 2007, deleted § 8.19, which pertained to the department of taxation.~~

Sec. 8.03. Power to tax.

The city council shall have the power under the provisions of the state law to levy, assess and collect an annual tax upon real and personal property within the city to the maximum provided by the constitution and general laws of the State of Texas.

~~Sec. 8.21. Property subject to tax; method of assessment.~~

~~All real and personal property within the City of Angleton not expressly exempted by law, shall be subject to annual taxation in the manner provided for in V.T.C.A., Tax Code.~~

~~(As amended 4-2-83; Ord. No. 20210413-009, § 2(Exh. A), 4-13-21)~~

~~Sec. 8.22. Board of equalization; appointment; qualification.~~

~~(Repealed April 2, 1983)~~

~~Sec. 8.23. Powers of board of equalization.~~

~~(Repealed April 2, 1983)~~

~~Sec. 8.24. Records of board of equalization.~~

~~(Repealed April 2, 1983)~~

~~Sec. 8.25. Taxes; when due and payable.~~

~~All taxes due the City of Angleton shall be payable at the office of the city assessor-collector and may be paid at any time after the tax rolls for the year have been completed and approved which shall be not later than October 1. Taxes shall be paid before February 1, and all such taxes not paid prior to such date shall be deemed delinquent and shall be subject to such penalty and interest as the city council may provide by ordinance. The city council may provide further by ordinance that all taxes, either current or delinquent, due the City of Angleton may be paid in installments. Failure to levy and assess taxes through omission in preparation of the approved tax roll shall not relieve the person, firm or corporation so omitted from obligation to pay such current or past due taxes shown to be payable by recheck of the rolls and receipts for the year in question, unless otherwise provided by law. These services and the office of the city assessor-collector are being performed by Brazoria County through an interlocal agreement.~~

~~(As amended 4-7-73; amended 5-12-07)~~

~~Sec. 8.26. Tax liens.~~

~~(a) — The tax levied by the city is hereby declared to be a lien, charge or encumbrance upon the property upon which the tax is due, which lien, charge or encumbrance the city is entitled to enforce and foreclose in any court~~

~~having jurisdiction over the same, and the lien charge or encumbrance on the property in favor of the city, for the amount of taxes due on such property is such as to give the state courts jurisdiction to enforce and foreclose said lien on the property on which the tax is due, not only as against any resident of this state or person whose residence is unknown, but also as against non residents. All taxes upon real estate shall especially be a lien and a charge upon the property upon which the taxes are due, which lien may be foreclosed in any court having jurisdiction. The city's tax lien shall exist from January 1 in each year until the taxes are paid, and the statute of limitations shall not apply. Such lien shall be prior to all other claims, and no gift, sale, assignment or transfer of any kind, or judicial writ of any kind, can ever defeat such lien.~~

- ~~(b) All persons or corporations owning or holding personal property or real estate in the City of Angleton on the first day of January of each year shall be liable for all municipal taxes levied thereon for such year. The personal property of all persons owing any taxes to the City of Angleton is hereby made liable for all of said taxes, whether the same be due upon personal or real property or upon both.~~

~~Sec. 8.27. Tax remissions, discount and correction of error.~~

~~The city council or any other official of the city shall never extend the time for the payment of taxes except as herein provided, or remit, or discount any tax legally due the city, nor waive the penalty and interest that may be due thereon to any persons, firms or corporations owing taxes to the city for such year or years, provided, however, that this provision shall not prevent the discounting of any tax suit or the correction of any errors in assessment, or preparation of tax rolls, or preparation of a tax statement. Such discount or correction of errors shall first have the approval of the city council.~~

Sec. 8.04. Issuance of bonds.

The City of Angleton shall have the power to issue bonds and levy a tax to support the issue for permanent improvements and all other lawful purposes:

- ~~(1) General obligation bonds. The city shall have the power to borrow money on the credit of the city and to issue general obligation bonds 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 of the city previously issued. All such bonds shall be issued in conformity with the laws of the State of Texas.~~
- ~~(2) Revenue bonds. The city shall have the power to borrow money for the purpose of constructing, purchasing, 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 obligation created thereby, and to issue refunding bonds to refund outstanding revenue bonds of the city previously issued. All such bonds shall be issued in conformity with the laws of the State of Texas.~~
- ~~(3) Sale of bonds. No bonds (other than refunding bonds issued to refund and in exchange of previously issued outstanding bonds) issued by the city shall be sold for less than par value and accrued interest. All bonds of the city having been issued and sold in accordance with the terms of this section, and having been delivered to the purchasers thereof shall thereafter be incontestable and all bonds issued to refund and in exchange of outstanding bonds previously issued shall, after said exchange be incontestable.~~

~~Sec. 8.29. Reserved.~~

Editor's note(s)—Ord. No. 8-05-2018, § 2, May 24, 2018, repealed § 8.29 entitled "Sales tax funds," which derived from an amendment of Apr. 6, 1971; and May 12, 2007.

ARTICLE 9. FRANCHISES AND PUBLIC UTILITIES

Sec. 9.01. Powers of the city.

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 further powers as may now or thereafter be granted under the constitution and laws of the State of Texas.

Sec. 9.02. Power to grant franchise.

The council shall have the power, by ordinance, to grant, renew, extend and amend, all franchises of all public utilities of every character operating within the city. No franchise shall be for an indeterminate period, and no franchise shall be granted for a term of more than 30 years from the date of grant, renewal or extension.

No grant or franchise to construct, maintain, or operate a public utility and no renewal or extension of any such grant shall be exclusive.

~~Sec. 9.03. Grant not to be exclusive.~~

~~No grant or franchise to construct, maintain, or operate a public utility and no renewal or extension of any such grant shall be exclusive.~~

~~Sec. 9.04. Ordinances granting franchise.~~

~~All ordinances granting, renewing, extending or amending a public utility franchise shall be read at two separate regular meetings of the council, and shall not be finally passed until 30 days after the first reading, and no such ordinance shall take effect until 30 days after its final passage, and the full text of such ordinance shall be published once, within 15 days following the first reading, in the official newspaper of the city, and the expense of such publication shall be borne by the prospective franchise holder.~~

~~Sec. 9.05. Transfer of franchise.~~

~~No public utility franchise shall be transferable except with the approval of the council expressed by ordinance. The term "transferable," as used herein, shall not be construed in such a manner as to prevent the franchise holder from pledging said franchise as security for a valid debt or mortgage.~~

~~Sec. 9.06. Franchise value not to be allowed.~~

~~No value shall be assigned to any franchise granted by the city 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 it may acquire by condemnation or otherwise.~~

Sec. 9.03. Right of regulation.

Every grant, renewal, extension or amendment of a public utility franchise, whether so provided in the ordinance or not, shall be subject to the right of the council:

- (1) To forfeit any such franchise by ordinance at any time for the failure of holder thereof to comply with the terms of the franchise, such power to be exercised only after notice and hearing, and a reasonable opportunity to correct the default;
- (2) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates;
- (3) To impose reasonable regulations to insure safe, efficient and continuous service to the public;
- (4) To examine and audit at any time during regular business hours the accounts and records of any such utility which are relevant to the city's right of regulation, and to require annual and other reports, including reports of operation within the city;
- (5) To require such compensation and rental as may be permitted by the laws of the State of Texas.

Sec. 9.04. Regulation of rates.

The council shall have full power, after notice and hearing, to regulate by ordinance, the rates of every public utility operating in the city provided that no such ordinance shall be passed as an emergency measure. The City of Angleton shall have power to employ at the expense of the grantee expert assistance and advice in determining a reasonable rate and equitable profit to the grantee.

Sec. 9.05. Municipally owned utilities.

Accounts shall be kept for each public utility owned or operated by the city, in such manner as to show the true and complete financial results of such city ownership and operation including all assets and all liabilities, appropriately subdivided by classes, depreciation reserve, other reserves and surplus, also revenues, operating expenses including depreciation, interest payments, rental and other disposition of annual income. The accounts shall show actual capital cost to the city of each utility owned, also the cost of all extensions, additions, and improvements and the source of funds expended for such capital purposes. The accounts shall show as nearly as possible the cost of any service furnished to or rendered by any such utility to any city department. The council shall cause an annual report to be made by a certified public accountant and shall publish such report showing the financial results of such city ownership and operation, giving the information specified in this section and such other data as the council shall require.

~~Sec. 9.10. Sales of municipal services.~~

~~The Council shall have the power and authority to:~~

- ~~(1) In or outside the limits of the city, sell and distribute water, sell and provide sewer service, provide for garbage and trash collection and disposition, and to provide similar services;~~
- ~~(2) Prescribe the kind of materials used within or beyond the limits of the city for such municipal services, inspect the same and require such materials to be kept in good order and condition at all times, make such rules and regulations as shall be necessary and proper, and prescribe penalties for noncompliance with same.~~

ARTICLE 10. GENERAL PROVISIONS

Sec. 10.01. Official oath.

All officers of the city shall, before entering upon the duties of their respective offices, take and subscribe to the official oath prescribed in the constitution of the State of Texas.

~~Sec. 10.02. Public records.~~

~~All public records of every office, department or agency of the city shall be open to inspection by any citizen at all reasonable times, provided that police records and vital statistics records, and any other records closed to the public by law, shall not be considered public records for the purpose of this section.~~

~~Sec. 10.03. Official newspaper.~~

~~The council shall have the power to contract annually with, and by resolution designate, a public newspaper of general circulation in the city as official organ thereof and to continue as such until another is designated, and shall cause to be published therein all ordinances, notices and other matter required by this Charter, by the ordinances of the city, or by the constitution and laws of the State of Texas, to be published.~~

Sec. 10.02. Notice of claim.

Before the city shall be liable to damage claims on suit for personal injury, or damage to property, the person who is injured or whose property is damaged or someone in his behalf shall give the city manager or the person performing the duties of the city secretary, notice in writing within 30 days after the occurrence of the alleged injury or damage, stating specifically in such notice when, where and how the injury or damage was sustained, and setting forth the extent of the injury or damage as accurately as possible. No action at law for damages shall be brought against the city for personal injury or damage to property prior to the expiration of 60 days after the notice herein before described has been filed with the city manager or the person performing the duties of city secretary, nor later than two years after the occurrence of the injury or damage to property. In case of injuries resulting in death, before the city shall be liable in damages therefor the person or persons claiming such damages shall within 30 days after the death of the injured person give notice as above required in case of personal injury. Provided, however, that nothing herein contained shall be construed to mean that the City of Angleton waives any rights, privileges, defenses or immunities in tort actions which are provided under the common law, the constitution and general laws of the State of Texas.

(As amended 5-12-07)

Sec. 10.03. Provision relating to assignment, execution and garnishment.

The 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. The 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 on account of any debt it may owe or funds or property it may have on hand or owing to any person. Neither the city nor any of its officers or agents shall be required to answer any such writ or garnishment on any account whatever. The city shall not be obligated to recognize any assignment of wages or funds by its employees, agents or contractors.

Sec. 10.04. City not required to give security or execute bond.

It shall not be necessary in any action, suit or proceedings in which the City of Angleton is a party, for any bond or other security to be demanded or executed by or on behalf of said city in any of the state courts, but in all such actions, suits, appeals or proceedings same shall be conducted in the manner as if such bond or other security had been given as required by law.

Sec. 10.05. Personal interest in city contract.

Any officer or employee of the city having a substantial interest in a business entity or real property, as those terms are defined in Chapter 171 of the Texas Local Government Code as it now reads or may hereafter be amended, shall comply with Chapter 171 and, if necessary, shall file an affidavit stating the nature and extent of the interest before any vote or discussion on the matter involving the business entity or real property, abstain from participation, discussion and vote in the matter and comply with other applicable provisions of Chapter 171.

(As amended 4-6-85; amended 5-12-07; Ord. No. 2010-O-5A, exh. A, 5-18-10)

Sec. 10.06. Nepotism.

No city officer or employee shall violate any applicable nepotism law of the State of Texas as it now reads or may read in the future.

(As amended 5-12-07; Ord. No. 2010-O-5A, exh. A, 5-18-10)

~~Sec. 10.09. Continuation of budget.~~

~~The budget adopted for the city for the fiscal year September 1, 1966 to August 31, 1967 shall be and become the budget for the same fiscal year under this Charter.~~

~~Sec. 10.10. Effect of Charter on existing law.~~

~~All codes, ordinances, resolutions, rules and regulations in force in the city on the effective date of this Charter, and not in conflict with this Charter shall remain in force until altered, amended or repealed by the council. All taxes, assessments, liens, encumbrances and demands, of or against the city, fixed or established before such date, or for the fixing or establishing of which proceedings have begun at such date, shall be valid when property [properly] fixed or established either under the law in force at the time of the beginning of such proceedings or under the law after the adoption of this Charter.~~

~~Sec. 10.11. Interim municipal government.~~

~~Upon adoption of this Charter, the persons then filling elective offices will continue to fill those offices for the terms to which they were elected. Thereafter, the city council shall be elected as provided in section 1, article III of this Charter. Persons, who on the date this Charter is adopted, are filling appointive positions with the City of Angleton which are retained under this Charter, may continue to fill these positions for the term for which they were appointed, unless removed by the city council or by other means provided for in this Charter. Persons who, on the effective date of this Charter, are filling elective offices, that by this Charter are made appointive offices shall continue to serve in those offices for the terms to which they were elected.~~

Sec. 10.07. Applicability of general laws.

The Constitution of the State of Texas, the statutes of said state applicable to home-rules municipal corporations, as now or hereafter enacted, this Charter and ordinances enacted pursuant hereto shall in the order mentioned, be applicable to the City of Angleton, but the city shall also have the power to exercise any and all powers conferred by the laws of the State of Texas upon any other kind of city, town or village, not contrary to the provisions of said home-rule statutes, charter and ordinances, but the exercise of any such powers by the City of Angleton shall be optional with it, and it shall not be required to conform to the law governing any other cities, towns or villages unless and until by ordinance it adopts same.

Sec. 10.08. Amending the Charter.

1. Amendments to this Charter may be framed and submitted to the voters of the city in the manner provided by the applicable statute of the State of Texas.

2. NON-SUBSTANTIVE REVISIONS.

(a) The City Council may, without approval of the voters, adopt an ordinance that makes the following types of revisions to this Charter:

- (1) Renumbering, revising titles, and rearranging parts thereof;
- (2) Correcting errors in spelling, grammar, cross-references, and punctuation; and
- (3) Revising language to reflect modern usage and style.

(b) A revision adopted under this section is not intended to and is not to be interpreted as making any substantive change in any Charter provision.

Sec. 10.09. ~~Separability~~ Severability clause.

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

Sec. 10.10. Charter review commission.

Every five years ~~The~~ city council shall appoint at its first regular meeting in October ~~of each even-numbered year,~~ a charter review commission of five citizens of the City of Angleton.

(As amended 4-5-75)

- (1) Duties of the commission. It shall be the duty of such charter review commission to:
 - a. Inquire into the operations of the city government under the Charter provisions and determine whether any such provisions require revision. To this end public hearings may be held, and the commission shall have the power to compel the attendance of any officer or employee of the city and to require the submission of any of the city records which it may deem necessary to the conduct of such hearing;
 - b. Propose any recommendations it may deem desirable to insure compliance with the provisions of the Charter by the several departments of the city government;

- c. Propose, if it deems desirable, amendments to this Charter to improve the effective application of said Charter to current conditions;
 - d. Report its finding and present its proposed amendments, if any, to the city council.
- (2) Action by the city council. The city council shall receive ~~and have published in a newspaper of general circulation in the City of Angleton~~ any report presented by the charter review commission, shall consider any recommendations made, and if any amendments or amendment be presented as a part of such report may order such amendment or amendments to be submitted to the voters of the city in the manner provided by the applicable statute of the State of Texas.
- (3) Term of office. The term of office of such charter review commission shall be ~~six~~ twelve months and, if during such term no report is presented to the city council, then all records of the proceedings of such commission shall be filed with the person performing the duties of city secretary and shall become a public record.

Sec. 10.16. Submission of Charter to voters.

~~The charter commission, in preparing this Charter, finds and decides that it is impracticable to segregate each subject so as to permit a vote of "yes" or "no" on the same, for the reason that 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 the said Charter be voted upon as a whole and that it shall be submitted to the qualified voters of the City of Angleton at an election to be held for that purpose on the 17th day of February, 1967. Not less than 30 days prior to such election the city council shall cause the city secretary to mail a copy of this Charter to each qualified voter of the City of Angleton as appears from the latest city tax collector's roll. Within five days after such election, the city council shall canvass the votes and, if the Charter is adopted by a majority of the qualified voters in said election, the city council shall enter upon the records of the city an official order declaring the Charter adopted and this Charter shall take effect immediately, and the city secretary shall file an official copy of the Charter with the records of the city. The city secretary shall furnish the mayor a copy of said Charter, which copy of the Charter so adopted, authenticated and certified by his signature and the seal of the city, shall be forwarded by the mayor to the secretary of state of the State of Texas and shall show the approval of such Charter by majority vote of the qualified voters voting at such election.~~

Sec. 10.11. Meaning of word "city."

When used in this Charter, unless otherwise apparent from the context the word "city" means "City of Angleton."

Section 10.12. Transition elections

~~In order to provide for a smooth transition from a six-member council elected to three terms of two years per term to a six-member council elected to three-year terms, as provided in Article 3 of this Charter, the following election schedule shall be followed until such time as all Council Members are elected to three-year staggered terms:~~

2022

Council position 1 shall be elected to a three-year term to expire	2025
Council position 5 shall be elected to a three-year term to expire	2025
Council position 3 shall be elected to a two-year term to expire	2024

2023

Council position 2 shall be elected to a three-year term to expire	2026
Council position 4 shall be elected to a three-year term to expire	2026

2024

Mayor shall be elected to a three-year term to expire	2027
Council position 3 shall be elected to a three-year term to expire	2027

2025

Council position 1 shall be elected to a three-year term to expire	2028
Council position 5 shall be elected to a three-year term to expire	2028

2026

Council position 2 shall be elected to a three-year term to expire	2029
Council Position 4 shall be elected to a three-year term to expire	2029

2027

Mayor shall be elected to a three-year term to expire	2030
Council position 3 shall be elected to a three-year term to expire	2030