CHARTER REVIEW COMMISSION AGENDA

Monday, October 26, 2026 at 6:00 PM

Richwood City Hall, 1800 N. Brazosport Blvd., Richwood, TX 75531

BE IT KNOWN that the City of Richwood Charter Review Commission will hold a Regular Board meeting on Monday, October 26, 2026, at 6:00 PM in the City Hall Council Chambers located at 1800 Brazosport Blvd. N., Richwood, Texas 77531 with the following agenda:

I. CALL TO ORDER

II. SWEAR IN NEW MEMBERS AND ORGANIZE THE BOARD

III. ROLL CALL OF MEMBERS

IV. DISCUSSION AND ACTION ITEMS

- A. Discuss goals of the commission and set tentative schedule for Charter Review Commission meeting dates.
- B. Review, discussion and possible action on possible amendments to the Richwood City Charter.

V. SET NEXT MEETING DATE

VI. FUTURE AGENDA ITEMS

VII. ADJOURNMENT

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (979) 265-2082 or FAX (979) 265-7345 for further information.

I, Laura Tyner, do hereby certify that I did, on October 20, 2026 at 05:00 PM post this notice of meeting on the bulletin board at 1800 N. Brazosport Blvd., Richwood, TX, in compliance with the Texas Open Meetings Law.

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Laura Tyner, City Secretary
City of Richwood

PART I
CHARTER[1]

PREAMBLE

We, the citizens of Richwood, under the Constitution and laws of the State of Texas, do hereby adopt this Home Rule Charter in order to provide for the future progress of our City and to secure the benefits of local self-government, ensure such rights and duties to the people, to reserve to the people the powers of initiative, referendum and recall, and to encourage citizen participation in our government for the proper and efficient progress of our City.

(Ord. No. 19-452, § 4, 5-13-2019)

ARTICLE 1. FORM OF GOVERNMENT AND BOUNDARIES

Section 1.01. Form of government.

The municipal form of government provided by this Charter shall be known as the "council-city manager form of government." Pursuant to its provisions and subject only to the limitations imposed by the state Constitution, the statutes of the state and by this Charter, all powers of the City shall be vested in an elected council, hereinafter referred to as the "City Council" or "the City Council of the City of Richwood," which 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 [is] not prescribed, then in such manner as may be prescribed by ordinance, the state Constitution or the statutes of this state.

Section 1.02. Boundaries.

Boundaries for the City of Richwood are compiled in the field notes of the original incorporation lines dated November 9, 1957, in the Order of Incorporation, and shall include all property annexed since then.

[1]Editor's note(s)—Printed herein is the Charter of the City of Richwood, Texas, adopted by referendum on May 11, 2013, and as subsequently amended. Amendments adopted appear in the history note following the amended section. Where no history note appears, the language remains unchanged. Style and capitalization have been made uniform. Obviously misspelled words have been corrected without notation. Additions or corrections appear in brackets.

State law reference(s)—Home rule charters, V.T.C.A., Local Government Code, § 9.001 et seq.

Section 1.03. Annexation for all purposes.

The City Council shall have the power by ordinance to fix the boundary lines of the City of Richwood and to provide for the alteration and 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, subject to procedural rules as may be prescribed by law. Upon the passage of any ordinance annexing property to the City, the boundary limits of the City shall thereafter be fixed in such ordinance; and when any additional territory has been so annexed, same shall be a part of the City of Richwood, and the property situated therein shall be entitled to all the rights and privileges of all the citizens, and shall be bound by the acts, ordinances, resolutions and regulations of the City.

Section 1.04. Contradiction of boundaries.

Whenever there exists within the corporate limits of the City any territory not suitable or necessary for City purposes, 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 a part of the City. Said petition and ordinance shall accurately specify 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. When said ordinance has been duly passed the same shall be entered upon the minutes and records of said City. 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 territory was a part of the City to pay the indebtedness incurred while said territory was a part of the City. The City shall continue to levy, assess and collect taxes on the territory to pay the indebtedness incurred while said territory was a part of the City.

ARTICLE 2. POWERS OF THE CITY

Section 2.01. General.

The City of Richwood 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, certificates of obligation, 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 Richwood, 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.

Section 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 Richwood shall have and may exercise all the powers enumerated in the [Texas] Local Government Code.

Section 2.03. Eminent domain.

The City shall have the full power 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 fee title to condemned land and such power and authority shall also 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

Section 3.01. Number, selection and term.

The legislative and governing body of the City shall consist of a Mayor and five council members and shall be known as the "City Council of the City of Richwood."

(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.

(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 governor for purposes of military law, but shall have no regular administrative duties. The Mayor shall be entitled to vote only in the event it becomes necessary to break a tie vote.

(3) In each odd-numbered year two council members and a Mayor shall be elected, and in each even-numbered year three council members shall be elected.

(4) The Mayor and each council member shall hold office for a period of two years and until his/her successor is elected and qualified. No person shall serve as Mayor or council member for more than three (3) consecutive terms in any position. One must be removed from City Council for a period of one (1) year to reapply. However, should a position or vacancy go unfilled, termed out individuals may apply for an appointment within one (1) year. All elections shall be held in the manner provided in article 5 of this Charter.

(5) All members of the City Council shall be subject to removal from office under the terms and conditions of the recall provisions of this Charter.

(Ord. No. 19-452, § 4, 5-13-2019; Ord. No. 21-477, § 3(Exh. A), 5-10-2021; Ord. No. 25-528, § 3(Exh. A), 5-12-2025)

Section 3.02. Qualifications.

Each member of the City Council shall be a resident citizen of the City of Richwood, shall be a qualified voter of the State of Texas, shall be at least twenty-one (21) years of age, shall have been such resident citizen of the City of Richwood for a period of not less than one (1) year immediately preceding his/her election, and shall not be indebted to the City of Richwood, 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 one (1) year immediately preceding his/her election, of any of the territory not formerly within the corporate limits of said 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 council member fails to maintain the foregoing qualifications or shall be absent from three regularly scheduled meetings in a one (1) year period without valid excuse, the City Council may, at its next regular meeting, declare a vacancy as set forth in section 3.06 of this Charter. For this section, "absent" shall be defined as not being present during a regularly scheduled meeting in which a vote was taken on an agenda item.

(Ord. No. 19-452, § 4, 5-13-2019)

Section 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 and of the ground for forfeiture of their office. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on written demand to the Mayor, and notice of such hearing shall be published in one or more newspapers of general circulation in the City at least one week in advance of the hearing.

Section 3.04. Compensation.

The City Council shall fix the compensation, if any, to be received by its members for attendance at its meetings with any changes in compensation subject to voter approval by a simple majority at the next regular election.

Section 3.05. Mayor pro tem.

The City Council, at its first meeting after each annual City election, or as soon as thereafter practicable, shall elect one of its members Mayor pro tem, and he/she shall perform all the duties of the mayor in the absence or disability of the Mayor. In the event that the office of the Mayor pro tem becomes vacant for any reason, the City Council shall elect a new Mayor pro tem to fill the unexpired term.

Section 3.06. Vacancies.

When a vacancy occurs in the City Council, the remaining members of the council, shall, within thirty (30) days (except within sixty (60) days of a regular City election or during a run-off election period), appoint a qualified person to fill the unexpired term. However, the City Council shall not appoint more than two council members in any twelve (12) month period, and in case a vacancy has been filled by the City Council within the twelve (12) month period prior to the subsequent vacancy, or if more than two (2) vacancies occur at the same time or before a prior vacancy has been filled, the City Council shall call a special election within thirty (30) days from the date the last vacancy occurred, to be held within fifty (50) days thereafter, for the purpose of electing the successor or successors to the office or offices vacated. When a vacancy occurs in the Mayor's position, the Mayor Pro Tem will serve as Mayor for the remainder of the term and the City Council will follow the provision of this section to fill the vacancy left by Mayor Pro Tem.

(Ord. No. 19-452, § 4, 5-13-2019; Ord. No. 25-528, § 3(Exh. A), 5-12-2025)

Section 3.07. Powers of the City Council.

1. Establish, consolidate, or abolish departments;
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. Remove from any office or position of employment in the City government, any officer or employee or member of any board or commission, unless that person is a department head, reports to a department head or is employed in one of the departments under the direction of the City Manager. The power of removal shall be a concurrent power with other individuals as authorized by this Charter and other written and duly authorized City policies;
6. 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;
7. Adopt and modify the zoning plan and the building codes of the City;
8. Adopt and modify the official map of the City;
9. Regulate, license and fix the charges and 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;
10. 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 and destruction within said limits;
11. Fix the salaries and compensation of the City officers and employees;
12. 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;
13. Provide for sanitary garbage disposal, and set fees and charges thereof, and provide penalties for failure to pay such fees and charges;
14. Exercise exclusive dominion, control and jurisdiction 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 by Texas law, as now or hereafter amended;
15. Compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the City of Richwood;
16. 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;

17. All powers of this Charter are vested in the City Council. The council shall conduct all business in public 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. 19-452, § 4, 5-13-2019)

Section 3.08. Meetings of the City Council.

The City Council shall hold at least one regular meeting each month, and may hold as many additional meetings during the month as may be necessary for the transaction of the business of the City and its citizens. All meetings of the City Council shall be public and shall be held at the City hall, except that the City Council may designate another place for such meetings after publishing due notice thereof in one issue of a newspaper in general circulation in the City of Richwood. The Mayor or any member of council may call special meetings of the City Council at any time, but said special meetings shall require a quorum of the total City Council in order to proceed.

Section 3.09. Rules of procedure.

The City Council shall determine its own rules of procedure and may compel the attendance of its members. A majority of the qualified members of the City Council shall constitute a quorum for the transaction of business. 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 to 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 and shall be authenticated by the signature of the presiding officer and the person performing the duties of the City Secretary.

(Ord. No. 19-452, § 4, 5-13-2019)

Section 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 Richwood at least once within ten days after the passage of said ordinance. He/she 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, revisions and codification of the ordinances of the City for publication in book, pamphlet or electronic 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 City Council. It shall only be necessary to record the caption or title of ordinances in the minutes or journal of City Council meetings. The City Council shall have the power to cause ordinances of the City to be corrected, amended, revised, codified and printed in code form as often as the City Council deems advisable, and such printed code, when adopted by the City 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.

Section 3.11. Official bonds for City employees.

The City Manager and the designated City Treasurer and such other officers and employees as the City Council may require, shall, before entering the duties of their office, enter into a good and sufficient fidelity bond in a sum to be determined by the City Council payable to the City of Richwood 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 Richwood, and such bonds must be acceptable to the City Council.

(Ord. No. 19-452, § 4, 5-13-2019)

Section 3.12. Investigation by the City Council.

The City Council shall have the power to inquire into the conduct of any office, department, agency, officer, employee, or elected/appointed officials 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 $500.00.

(Ord. No. 25-528, § 3(Exh. A), 5-12-2025)

Section 3.13. Audit and examination of City books and accounts.

The City Council shall cause an annual audit to be made of the books, accounts, records and accounting systems 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

Section 4.01. City Manager.

(a) *Appointment and qualifications.* The City Council shall appoint an administrative and executive officer of the City who shall be responsible to the City Council for the administration of the affairs of the City. He/she shall be chosen by the council solely on the basis of executive and administrative training, experience, ability and other written City policies. No member of the City Council shall, during the time for which he/she is elected and for one year thereafter, be appointed City Manager.

(b) *Term and salary.* Unless subject to a written employment contract containing terms to the contrary, 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 majority of the entire City Council. 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 the case of the absence or disability 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 may receive compensation as may be fixed by the City Council.

(c) *Duties of the City Manager.*

(1) The City Manager shall be responsible to the City Council for the efficient and economic administration of the City government and shall attend City Council meetings if so requested by City Council.

(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 City Council advised of the financial condition and future needs of the city and make recommendations as may seem desirable.

(5) Perform such duties as may be prescribed by this Charter or may be required of him/her by the City Council, not inconsistent with this Charter.

(6) Appoint, suspend or remove any officer or employee of the city, except those officers appointed by Council and except within six months of the City Manager's appointment without the approval of Council.

(Ord. of 5-11-2013; Ord. No. 19-452, § 4, 5-13-2019)

Section 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.

(a) Chief of Police. The chief of police shall be the chief administrative officer of the department of police and considered a department head. He/she 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/her by the City Manager. The chief of police shall be appointed by the City Manager and shall be responsible to the City Manager for the administration of his/her department and carrying out the directives of the City Council. He/she may be removed from office by the City Manager.

(Ord. No. 19-452, § 4, 5-13-2019)

Section 4.03. City Secretary.

The City Manager shall appoint a competent person as City Secretary and such assistants as the City Council shall deem advisable. The City Secretary, or an assistant City Secretary, shall give notice of City Council meetings, shall keep the minutes of the proceedings of such meetings, and shall authenticate by his/her signature and record in full in a book kept and indexed for the purpose, all ordinances and resolutions, attest the Mayor's signature on official documents, be the custodian of all official City records, be the keeper of the official seal of the City of Richwood and affix the same to all official documents to be attested by him/her; and shall perform such other duties as the City Manager shall assign to him/her, and those elsewhere provided in this Charter and the laws of the State of Texas.

(Ord. of 5-11-2013; Ord. No. 19-452, § 4, 5-13-2019)

Section 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/her by the City Manager and those which may be imposed upon him/her by the laws of the State of Texas. The duties of the City Secretary, City Treasurer, and City tax assessor and collector may be performed by the same individual.

Section 4.05. Municipal Court.

There shall be established a court designated as a "Municipal Court" for the trial of misdemeanor offenses, with all such powers and duties as are now or hereafter 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, shall hold his/her office at the pleasure of the City Council, and shall receive such compensation as may be fixed by the City Council. The judge may be removed with or without cause and upon written notice.

(b) A Court Administrator may be appointed by the City Manager. Clerks and deputy clerks may be appointed as needed.

(c) The Administrator, 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.

(d) The City Council may appoint any qualified persons who are not elected officials or City employees, to act as temporary, alternate, or relief judges in case of disability, absence, or other unavailability of the judge of said court. The judge or any alternate judge must complete and fulfill all educational requirements under state law within the time limits provided by law.

(Ord. No. 19-452, § 4, 5-13-2019)

State law reference(s)—Authority to provide for appointed judge, V.T.C.A., Government Code § 29.004; term of judge, V.T.C.A., Government Code § 29.005.

Section 4.06. City Attorney.

The City Council shall appoint a competent and duly licensed attorney practicing law in Brazoria County, Texas, who shall be the City Attorney. He/she shall receive for his/her services such compensation as may be fixed by the City Council in a written contract and shall hold his/her office at the pleasure of the City Council. The City Attorney, or such other attorneys selected by him/her with the approval of the City Council, shall represent the City in all litigation. He/she shall be the legal advisor of and attorney and counsel for the City and all officers and departments thereof.

Section 4.07. Department of Health and Sanitation.

(a) *Appointment and qualifications.* The City Council may appoint a City health officer who shall be a licensed physician qualified to practice medicine in the State of Texas. In the event the office of City Health Officer is vacant, the County Health Officer of Brazoria County, Texas, may perform any of the duties of such office required by law to be performed by a licensed physician qualified to practice medicine in the State of Texas. The City Health Officer shall be the Director of the Department of Health and Sanitation, unless the office of

City Health Officer is vacant, in which event the City Manager shall appoint an employee of the City to be Supervisor of such Department.

(b) *Administration.* The City Health Officer shall be responsible to the City Manager for the general administration of the Department of Health and Sanitation and the supervision of the employees thereof.

(c) *Duties of the Health Officer.* The City Health Officer shall advise with the City Council on a program of Public Health; shall cooperate in the preparation of a sanitary code; shall cooperate with nearby cities on problems of health and sanitation; shall cooperate with the Commissioner's Court of Brazoria County and its agencies, and with the State Health Department and other departments of State Government in matters pertaining to health and sanitation.

Section 4.08. Fire Department.

The City shall establish and maintain adequate fire protection within the corporate limits through either a volunteer or paid fire department; interlocal agreement; or may delegate the responsibility to an emergency service district.

(Ord. No. 19-452, § 4, 5-13-2019)

Section 4.09. Other departments.

The City Council may abolish or consolidate such offices and departments as it may deem to be in the best interest of the City, and may divide the administration of any such departments as it may deem advisable; may create new departments, and may discontinue any officers or departments at its discretion, except those specifically established by this Charter.

ARTICLE 5. NOMINATIONS AND ELECTIONS

Section 5.01. Elections.

The regular City Election shall be held annually on the first Saturday in May at which time officers will be elected to fill those offices which become vacant that year. The City Council shall fix the hours and voting places for holding such election. The City Council may, by resolution duly enacted, order a special election, fix the time and place of holding the same and provide all means of holding such election. Notice of such election shall be given in the manner and time prescribed by law.

Section 5.02. Regulation of elections.

The City Council shall make all regulations which it considers needful or desirable, not inconsistent with this Charter or the laws of the State of Texas, for the conduct of municipal elections, for the prevention of fraud in such elections and for the recount of ballots in case of doubt or fraud.

Section 5.03. Filing for office.

Any person having the qualifications prescribed in section 3.02 of this Charter who desires to become a candidate for any elective office shall file with the City Secretary within the time limits therein specified a written application containing the matters required by the Texas Election Code.

Section 5.04. The official ballot.

The names of all candidates for office, except such as may have been withdrawn, died or become ineligible, shall be printed on the official ballots without party designations in the order determined in a drawing of lots conducted by the City Council. All official ballots shall be printed at least twenty (20) days prior to the date of any general or special election, and absentee voting shall be governed by the general election laws of the State of Texas.

Section 5.05. Election by plurality.

Election to office shall be by plurality with the candidate receiving the greatest number of votes (if otherwise qualified) being deemed elected to office. In the event of a tie, lots shall be cast to determine a winner in accordance with the Texas Election Code.

Section 5.06. Laws governing City elections.

All City elections shall be governed, except as otherwise provided by this Charter, by the laws of the State of Texas governing general and municipal elections.

Section 5.07. Conducting and canvassing elections.

The election judges and other necessary election officials for conducting all such elections shall be appointed by the City Council. The election judges shall conduct the elections, determine, record and report the results as provided by the general election laws of Texas. Within the time set by law, the City Council shall meet, open the return, canvass and officially declare the result of the election as to candidates and questions, and issue certificates of election to candidates elected as hereinbefore provided.

Section 5.08. Cancellation of elections.

The City Council may cancel an election of officers and declare each unopposed candidate elected to office when the City Secretary certifies that:

(1) The deadlines for placement of candidates' names on the ballot and for declaration of write-in candidacy has passed;

(2) All candidates for such election are unopposed; and

(3) There are no propositions to be placed on the ballot of such election.

ARTICLE 6. RECALL OF OFFICERS

Section 6.01. Scope of recall.

Any elected official, where elected to the 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 incompetency, corruption, misconduct, or malfeasance of office, commits any felony or any other crime of moral turpitude.

Section 6.02. Petitions for recall.

Before the question of recall of 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 the City Secretary, which said petition shall be signed by a number of qualified voters of the City equal in number to at least twenty percent (20%) of the qualified voters of the City. Each signer of such recall petition shall personally sign his or her name thereto in ink, and after his or her name, shall write his or her place of residence giving the name of the street and house number or place of residence, and shall also write thereon the day, the month and year his or her signature was affixed.

Section 6.03. Form of recall petition.

The recall petition mentioned above must be addressed to the City Council of the City of Richwood, 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, commits any felony or any other crime of moral turpitude, 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/she is charged. The signature shall be verified by oath in the following form:

STATE OF TEXAS

COUNTY OF BRAZORIA

I, _____, being first duly sworn, on oath depose and say that I am one of the signers of the above petition; and that the statements made there in are true, and that each signature appearing thereto was made in my presences on the date and date it purports to have been made, and I solemnly swear that the same is the genuine signature of the person whose name it purports to be.

Sworn and subscribed to before me this _____ day of 20___.

Notary Public in and for Brazoria County, Texas	

Section 6.04. Various papers constituting petition.

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. All papers comprising a recall petition shall be filed with the person performing the duties of City Secretary 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 their Richwood address.

Section 6.05. Presentation of petition to City Council.

Within five (5) days after the date of 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 Richwood.

Section 6.06. Public hearing to be held.

The officer whose removal is sought, may, within five (5) days after such recall petition has been presented to the City Council, request that a public hearing be held to permit him/her to present facts pertinent to the charges specified in the recall petition. In this event, the City Council shall order such a public hearing to be held, not less than five (5) days nor more than fifteen (15) days after receiving such request for a public hearing.

Section 6.07. Election to be called.

If the officer whose removal is sought does not resign, then it shall become the duty of the City Council to 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.

Section 6.08. Ballots in recall election.

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

(a) 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?

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

FOR the recall of (name of person).

AGAINST the recall of (name of person).

Section 6.09. Result of recall election.

If a majority of votes cast at a recall election shall be against the recall of the person named on the ballot, he/she shall continue in office for the remainder of his/her unexpired term, subject to recall as before. If a majority of the votes cast at such an election be for the recall of the person named on the ballot, he/she shall, regardless of any technical defects in the recall petition, be deemed removed from office and the vacancy shall be filled as vacancies in the City Council are filled, as provided in section 3.06 of this Charter.

Section 6.10. Recall, restrictions thereon.

No recall petition shall be filed against any officer of the City of Richwood within three (3) months after an election for such officer's recall.

Section 6.11. Failure of City Council to call election.

In case of 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, any resident of the City may bring suit or application to the appropriate district court or institution to ensure that any such duties herein provided be discharged by the person performing the duties of City Secretary or by the City Council.

ARTICLE 7. LEGISLATION BY THE PEOPLE, INITIATIVE AND REFERENDUM

Section 7.01. General power.

The qualified voters of the City of Richwood, in addition to the method of legislation hereinbefore provided, shall have the power of direct legislation by initiative and referendum.

Section 7.02. Initiative.

Qualified voters of the City of Richwood 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. The petition must be signed by the qualified voters of the City equal in number to at least ten percent (10%) of the qualified voters of the City. The petition shall be signed as provided in section 6.03 of this Charter. The petition may consist of one or more copies as permitted in section 6.04 of this Charter but each copy shall have attached to it a copy of the proposed ordinance or resolution. The petition shall be filed with the person performing the duties of City Secretary. In the next regularly scheduled City Council meeting and noticed in accordance with the Texas Open Meetings Act, the person performing the duties of City Secretary shall present the petition and the proposed ordinance or resolution to the City Council. Upon presentation to it of the petition and the proposed ordinance or resolution, it shall become the duty of the City Council, within ten (10) days after the receipt thereof, to pass and adopt such ordinance or resolution without alteration as to meaning or effect in the opinion of the persons filing the petition or within the time frames established by law, call a special election to be held on the next uniform election date under state law by which lawful notices can be given and full absentee balloting had, at which the qualified voters of the City of Richwood shall vote on the question of adopting or rejecting the proposed legislation. [The] City Council shall be permitted to make any such alterations as are necessary to make such legislation compliant with state law. If any such legislation seeks the enforcement of any illegal act or any act for which the City lacks authority to enforce, [the] City Council shall not pass or adopt the ordinance or resolution.

(Ord. of 5-11-2013; Ord. No. 23-506, § 4(att. A, prop. A), 5-15-2023)

Section 7.03. Referendum.

Qualified voters of the City of Richwood 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 voters of the City for approval or disapproval, by submitting a petition for this purpose within 30 days after its publication. Said petition shall be addressed, prepared, signed and verified as required for petitions initiating legislation as provided in section 7.02 of this Charter and shall be submitted to the person performing the duties of the City Secretary. Upon filing such petition, the person performing the duties of City Secretary shall present said petition to the City Council at its next meeting. Thereupon the City Council shall reconsider such ordinance or resolution, and if it does not entirely repeal the same, shall submit it to popular vote as provided by section 7.02 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 thereon at such election shall vote in favor thereof.

Section 7.04. Voluntary submission of legislation by the City Council.

The City Council, upon its own motion and by a majority vote 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 the 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.

Section 7.05. 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 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."

Section 7.06. Publication of proposed and referred ordinances.

The person performing the duties of City Secretary shall publish at least once in the official newspaper of the City the proposed or referred ordinance or resolution at least fifteen (15) days before the date of the election, and shall give such other notices and do such other things relative to such election as are required in general municipal elections or by the ordinance or resolution calling said election.

Section 7.07. 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, at any time fixed therein, become effective as a law or as a mandatory order to the City Council.

Section 7.08. 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.

Section 7.09. Ordinances passed by popular vote, repeal or amendment.

No ordinance or resolution 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 and amended except by the City Council in response to a referendum petition or by submission in section 7.04 of this Charter.

Section 7.10. Further regulation 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.

Section 7.11. Franchise ordinances.

Nothing contained in this article shall be construed to be in conflict with any of the provisions of article 10 of this Charter, pertaining to ordinances granting franchises when valuable rights shall have accrued thereunder.

ARTICLE 8. MUNICIPAL PLANNING AND ZONING

Section 8.01. Platting of property.

(a) Hereafter, every owner of any tract of land situated within the corporate limits of the City 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 V.T.C.A., Local Government Code ch. 212, or other applicable law, as now hereafter amended, and incorporated herein for all purposes.

(b) The provisions of subsection 8.01(a) shall apply similarly to the owner of any tract of land situated within the actual City limits of the City or within any extraterritorial jurisdiction of said City, as such extraterritorial jurisdiction exists or may be extended under the laws of the State of Texas.

Section 8.02. Development of property.

The City Council shall take reasonable action to cooperate with persons interested in the development of property within or beyond the City limits. No expenditure of public funds, however, shall be authorized for the development of privately owned subdivisions situated within or beyond the corporate limits of the City, except for the extension of utilities or services to such areas.

Section 8.03. Planning Commission.

The City Council may serve as the Planning Commission or may appoint a Planning Commission by ordinance. The Commission shall have all the powers granted in V.T.C.A., Local Government Code ch. 212, as now or hereafter amended.

Section 8.04. Zoning Board of Adjustment.

The City Council may serve as a Zoning Board of Adjustment or may appoint a Zoning Board of Adjustment by ordinance. The Board shall have all powers granted in V.T.C.A., Local Government Code ch. 211, as now or hereafter amended.

ARTICLE 9. MUNICIPAL FINANCE

Section 9.01. Fiscal year.

The fiscal year of the City of Richwood shall begin 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 accounting year.

(Ord. No. 19-452, § 4, 5-13-2019)

Section 9.02. Preparation and submission of budget.

At least sixty (60) days prior to the end of each fiscal year, City Manager or their designee, shall submit to the City Council a proposed budget, which budget shall provide a complete financial plan for the fiscal year, and shall contain the following:

(a) 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;

(b) A consolidated statement of anticipated receipts and proposed expenditures for all funds;

(c) An analysis of property valuations;

(d) An analysis of tax rate;

(e) Tax levies and tax collections by years for at least (5) years;

(f) General Fund resources in detail;

(g) Special Fund resources in detail;

(h) Summary of proposed expenditures by function, department, and activity;

(i) Detailed estimates of expenditures shown separately for each activity to support summary no. (h) [subsection (h) of this section] above;

(j) A revenue and expense statement for all types of bonds;

(k) A description of all bond issues outstanding, showing rate of interest, date of issue, maturity date, amount authorized, amount issued, and amount outstanding;

(l) A schedule of requirements for the principal and interest of each issue of bonds;

(m) The appropriation ordinance;

(n) The tax-levying ordinance;

(o) A proposed budget that will raise more revenue from property taxes than in the previous year must contain a cover page with the following statement in eighteen (18) point font or larger: "This budget will raise more total property taxes than last year's budget by (insert total dollar amount of increase and percentage increase), and of that amount (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll) is tax revenue to be raised from new property added to the tax roll this year."

(Ord. No. 19-452, § 4, 5-13-2019)

Section 9.03. Anticipated revenues compared with other years in budget.

In preparing the budget the City Manager or their designee, 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 of the current fiscal year, and the proposed amount for the ensuing fiscal year.

(Ord. No. 19-452, § 4, 5-13-2019)

Section 9.04. Proposed budget and expenditures compared with other years.

City Manager or their designee, 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.

The proposed budget shall be filed with the municipal clerk thirty (30) days before the date City Council makes its tax levy for the fiscal year. The proposed budget shall be posted on the City's website when it is filed with the municipal clerk.

(Ord. of 5-11-2013; Ord. No. 19-452, § 4, 5-13-2019)

Section 9.05. 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 City Council and shall be a public record. The City Manager shall provide copies for distribution to all interested persons in accordance with V.T.C.A., Government Code ch. 552, as now or hereafter amended.

Section 9.06. Notice of public hearing on budget.

At the meeting of the City Council at which the budget is submitted, the City Council shall fix the time and place of a public hearing on the budget and shall cause to be published, in the official newspaper of the City, a notice of the hearing setting forth the time and place thereof not earlier than thirty (30) days or later than ten (10) days before the date of such hearing.

Section 9.07. Public hearing on budget.

At the time and place set forth in the notice required by section 9.06, 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 submitted budget, after the fifteenth (15th) day the budget is filed with the municipal clerk but before the date the governing body makes its tax levy, 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.

Section 9.08. Proceedings on budget after public hearing.

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. Where it shall increase the total proposed expenditures, it shall provide for an increase in the total anticipated revenue to at least equal such proposed expenditures.

Adoption of a budget that will require raising more revenue from property taxes than in the previous year requires a separate vote of City Council to ratify the property tax increase reflected in the budget. This vote shall be separate and in addition to the vote required to adopt the budget or a vote to set the tax rate required by V.T.C.A., Tax Code Ch. 26, or other law.

Section 9.09. Vote required for adoption.

The budget shall be adopted by the favorable vote of a majority of the members of the whole City Council.

Section 9.10. Date of final adoption.

The budget shall be finally adopted prior to the beginning of the fiscal year, and should the City Council fail to so adopt a budget, then the existing budget with its tax-levying ordinance and its appropriation ordinance, shall remain in effect for the ensuing fiscal year, but only until such time as the Council passes a budget and tax-levying ordinance for the new fiscal year.

Section 9.11. 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 the City Secretary and published on the City's website. The

final budget shall be printed or 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.

Section 9.12. Budget establishes appropriations.

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

Section 9.13. Budget establishes 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 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.

Section 9.14. 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 ten per centum of the budget, to be used in case of unforeseen items of expenditure. Such contingent appropriation shall be under the control of the City Manager and shall be distributed by such, after approval by the City Council.

(Ord. No. 19-452, § 4, 5-13-2019)

Section 9.15. 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 national accepted classification.

Section 9.16. Emergency appropriations.

The City budget may be amended and appropriations altered in accordance therewith in cases of public necessity, the actual fact of which shall have been declared by the City Council and in accordance with state law.

Section 9.17. Department of taxation.

There may be established a department of taxation to collect taxes. The head of which shall be the City collector of taxes which office shall be filled by appointment by the City Manager. Unless already required to maintain a bond, the collector of taxes shall give a surety bond for faithful performance of his/her duties, including compliance with all controlling provisions of the state law bearing on the functions of his/her office, in a sum which shall be fixed by the City Council at not less than $5,000.00.

Section 9.18. Power to tax.

The City Council shall have the power under the provisions of 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.

Section 9.19. Property subject to tax; method of assessment.

All real and personal property within the City not expressly exempted by law, shall be subject to annual taxation in the manner provided for in the Texas Tax Code.

Section 9.20. Taxes; when due and payable.

All taxes due the City shall be payable at the office of the City collector of taxes, or other collecting taxing agency, 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 on or 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 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 as shown to be payable by recheck of the rolls and receipts for the years in question.

Section 9.21. Tax liens.

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 or foreclose in any court having jurisdiction over the same, and the lien, charge or encumbrance on the 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 nonresidents. 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. 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.

ARTICLE 10. FRANCHISE AND PUBLIC UTILITIES

Section 10.01. Powers of the City.

In addition to the City's power to buy, own, construct, lease, maintain, operate and regulate public utilities and to manufacture, distribute and sell the output of such utility operations, the City shall have further powers as may now or hereafter be granted under the Constitution and laws of the State of Texas.

Section 10.02. Franchise; power of City Council.

The City Council shall have power by ordinance to grant, amend, renew and extend, all franchises of all public utilities of every character operating with the City of Richwood. 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.

All ordinances granting, renewing, extending or amending a public utility franchise shall be read at two separate regular meetings of the City 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 reading; and pending such time, the full text of such ordinance shall be published once each week for four (4) consecutive weeks in the official newspaper of the City, and the expense of such publication shall be borne by the prospective franchise holder.

Section 10.03. 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 inclusive.

Section 10.04. Transfer of franchise.

No public utility franchise shall be transferable except with the approval of the City 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.

Section 10.05. 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.

Section 10.06. 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 City Council, as permitted by law and, including, but not limited to:

(a) 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;

(b) Establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates;

(c) Impose reasonable regulations to ensure safe, efficient and continuous service to the public;

(d) 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;

(e) Require such compensation and rental as may be permitted by the laws of the State of Texas.

Section 10.07. Regulation of rates.

The City 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 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.

Section 10.08. Municipally owned utilities.

Accounts shall be kept for each public utility owned and 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 City 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 the City Council may require.

Section 10.09. Sales of municipal services.

The City Council shall have the power and authority to:

(a) 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 for similar services;

(b) 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 the same.

ARTICLE 11. GENERAL PROVISIONS

Section 11.01. 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.

Section 11.02. Nepotism.

No person related within the second degree by affinity, or within the third degree by consanguinity to any elected officer of the City, or to the City Manager, shall be appointed to any office, position or clerkship or other service of the City. This section does not apply to volunteers serving on boards and commissions.

(Ord. No. 19-452, § 4, 5-13-2019)

Section 11.03. 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 claiming damages or who is injured or whose property is damaged, or someone in his/her behalf, shall give the City Manager or the person performing the duties of 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 cases of injuries resulting in death, before the City shall be liable for damages therefor the person or persons claiming such damages shall within 30 days after the death of the injured person give notice as before required in case of personal injury. Provided, however, that nothing herein contained shall be construed to mean that the City 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.

Section 11.04. 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 other legal attachment. 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 or any account whatsoever. The City shall not be obligated to recognize any assignment of wages or funds by its employees, agents or contractors unless required or compelled by law.

Section 11.05. City not required to give security or execute bond.

It shall not be necessary in any action, suit or proceedings in which the City 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.

Section 11.06. Personal interest in City contract.

No officer or employee of the City shall have a financial interest, direct or indirect, in any contract with the City, or shall be financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies, or services, unless either:

(a) The officer or employee does so as an officer or employee of the City; or

(b) The person is an elected City official, and the official files with the City Secretary an affidavit stating the nature of such interest as required by law; and

(c) The City Council approves the contract without the participation of the official involved.

Any willful violation of this section shall constitute malfeasance in office, and any officer or employee guilty thereof shall be subject to removal from his/her office or position. Any violation of this section, with the knowledge, expressed or implied, of the person or corporation contacting with the City shall render the contract involved voidable by the City Manager or City Council.

Section 11.07. Effect of Charter on existing law.

All codes, ordinances, resolutions, rules, policies and regulations in force in the City as of the effective date of this Charter and not in conflict with this Charter shall remain in force until altered, amended or repealed by the City 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 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.

Section 11.08. 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 article 3 of this Charter. Persons, who on the date this Charter is adopted, are filling appointive positions with the City may continue to fill those positions for the term for which they were appointed unless removed by the City Council or by other means provided for in this Charter.

Section 11.09. Applicability of general laws.

The Constitution of the State of Texas, the statutes of said state applicable to home-ruled municipal corporations, as now or hereafter enacted, this Charter and ordinances enacted pursuant hereto shall in the order mentioned, be applicable to the City, 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, village, not contrary to the provisions of said home-rule statutes, Charter and ordinances, but the exercise of any such powers by the City 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 the same.

Section 11.10. Amending the Charter.

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.

Section 11.11. Separability 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 a section may be inseparably connected in meaning and effect with the section or part of a section to which such holding shall directly apply.

Section 11.12. Charter Review Commission.

The City Council shall appoint each even-numbered year, a Charter Review Commission of five citizens of the City.

(a) *Duties of the Commission.* It shall be the duty of such Charter Review Commission to:

1. 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;
2. Propose any recommendations it may deem desirable to ensure compliance with the provisions of the Charter by the several departments of the City government;
3. Propose, if it deems desirable, amendments to this Charter to improve the effective application of said Charter to current conditions;
4. Report its finding and present its proposed amendments if any, to the City Council.

(b) *Action by the City Council.* The City Council shall receive and have published in a newspaper of general circulation in the City 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 shall 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.

(c) *Term of office.* The term of office of such Charter Review Commission shall be one year 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.

(Ord. of 5-11-2013; Ord. No. 19-452, § 4, 5-13-2019; Ord. No. 23-506, § 4(Att. A, Prop. B), 5-15-2023)

Section 11.13. 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. If the Charter should be adopted in its entirety, the Charter Commission shall direct that the Charter be voted on as a whole and that it shall be submitted to the qualified voters of the City at an election to be held for that purpose on the 11th day of May, 2013. 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 as it appears from the latest City tax collector's roll. If a majority of the qualified voters in such election shall vote in favor of the adoption of this Charter, it shall become the Charter of the City, and after the returns have been canvassed, the same shall be declared adopted 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/her signature and the seal of the City, shall be forwarded by the Mayor to the Secretary of the State of Texas and shall show the approval of such Charter by majority vote of the qualified voters voting at such election.