

CITY OF LEON VALLEY



Home Rule Charter Commission Meeting
Leon Valley City Council Chambers
6400 El Verde Road, Leon Valley, Texas 78238
Wednesday, September 17, 2014

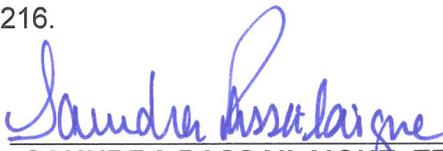
AGENDA

1. **6:00 p.m.** Call to order and announcement of a quorum.
 2. Adopting the minutes of the September 3, 2014 Home Rule Charter Commission Meeting.
 3. Discuss, consider and possible action on Article I and Article II.
 4. Discuss, consider and possible action on Mayor and council terms, size selection and qualifications.
 5. Discuss, consider and possible action on Elections.
 6. Adjournment.
-

Attendance by Other Elected or Appointed Officials:

It is anticipated that members of City Council and other City boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of any other boards, commissions and/or committees of the City, whose members may be in attendance in numbers constituting a quorum. These members of City Council and other City boards, commissions, and/or committees may not deliberate or take action on items listed on the agenda. [Attorney General Opinion – No. GA-0957 (2012)].

I hereby certify that the above NOTICE OF PUBLIC MEETING AND AGENDA OF THE LEON VALLEY BOND PROGRAM OVERSIGHT COMMITTEE were posted on the Bulletin Board at City Hall, 6400 El Verde Road, Leon Valley, Texas, on September 11, 2014 at 3:40 P.M. and remained posted until after the meetings hereby posted concluded. This notice was likewise posted on the City website at www.leonvalleytexas.gov. This building is wheelchair accessible. Any request for sign interpretive or other services must be made 48 hours ahead of the meeting. To make arrangements call (210) 684-1391, Ext. 216.



SAUNDRA PASSAILAIGUE, TRMC
City Secretary



Item 2

CITY OF LEON VALLEY



Home Rule Charter Commission Meeting Leon Valley City Council Chambers 6400 El Verde Road, Leon Valley, Texas 78238 Wednesday, September 3, 2014

MINUTES

The Home Rule Charter Commission of the City of Leon Valley, Texas met on the 3rd day of September, 2014 at 6:00 p.m. at the Leon Valley City Council Chambers located at 6400 El Verde Road, Leon Valley, Texas for the purpose of the following business:

Call to order and announcement of a quorum.

Chair Arthur "Art" Reyna called the meeting to order at 6:09 p.m. and determined that a quorum was present.

The minutes reflect that all Members of Home Rule Charter Commission were present: Chairman Arthur "Art" Reyna, Vice Chairman Jack Dean, Rudy Garcia, Kathy Hill, David Jordan, Liz Maloy, Mike McCarley, Darby Riley, Victor Rodriguez, Manuel Rubio, and Al Uvietta.

City Attorney Charles Zech, City Manager Manuel Longoria, Jr., Human Resources Director & Commission Staff Liaison Crystal Caldera, and Economic Development Director Claudia Mora were also present.

Adopting a set of parliamentary procedures for the Home Rule Charter Commission.

Chairman Arthur "Art" Reyna opened the discussion. He by explaining the Commission could opt for extensive rules of parliamentary procedure, as the one that was included in the packet or something much simpler. Commission Member Liz Maloy stated that in her years of experience on various committees she has never encountered a problem and people tend to be respectful of one another.

Chairman Reyna suggested each Commission Member who has spoken should refrain from speaking again until each Commission Member has had an opportunity to speak. He continued by stating that he is in favor of having all Commission Members present for voting and would postpone an item for vote until the next meeting; however, the vote should take place at that time to keep on schedule. Further, Chairman Reyna suggested that there be a supermajority (7 Members) vote on each major article/section (i.e. table of contents chapters). He then asked the commission if they were all in agreement with these simplified rules. There was consensus among the Commission Members for following these simplified rules.

Adopting the minutes of the August 13, 2014 Home Rule Charter Commission Meeting.

Chairman Reyna asked the Commission if they had any changes to the minutes. Vice Chair Jack Dean made a motion to adopt the minutes as written for August 13, 2014. Commission Member Kathy Hill seconded the motion. The motion passed unanimously.

Discussion, consider and possible action on Charter Table Contents.

Chair Arthur "Art" Reyna turned the meeting over to City Attorney Charlie Zech. City Attorney Zech stated that he drafted a typical table of contents, which could serve as the Commission's guideline on how to proceed through the charter. Chairman Reyna asked Mr. Zech if there was anything that would prohibit the Commission from coming back and amending the table of contents, if they needed to. City Attorney Zech assured the Commission that they could come back and amend the table of contents if they needed to.

Commission Member Darby Riley moved to accept the Table of Contents as it was presented in the packet. The motion was seconded by Commission Member Mike McCarley. All were in favor. The motion passed unanimously.

Discussion, consider and possible action on Boundaries.

City Attorney Zech reviewed with the Commission drafted language that was included in their packet. He explained that it is required to have “Section 2.3 Contraction of Boundaries – Disannexation”, included in the charter. Some discussion ensued on how specific the section had to be. Attorney Zech stated the section could include specific language if the Commission wished. A motion was made by Commission Member Darby Riley to add “Two/Thirds of City Council” to the language. The statement will read as follows: “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, two-thirds of City Council may discontinue said territory as part of the City by Ordinance after conducting a public hearing on the matter.” Vice Chair Dean seconded the motion. All were in favor; none were opposed. The motion passed.

Discussion, consider and possible action on Form of Government and Powers.

City Attorney Zech reviewed the various forms of government: City Council-City Manager, Mayor-City Council (Strong/Weak Mayor- Council), or a hybrid. Commission Member Darby Riley asked City Attorney Zech to explain the City Council-Mayor form of government. City Attorney Zech stated that in a City Council-Mayor form of government the Mayor acts as the City Manager of the city. He continued by highlighting the pros and cons of having a Mayor-City Council form of government. One of the major ideas against Mayor-City Council form of government is the Mayor is an elected official who may not have the expertise in their background to manage the day- to-day operations of the city. Commission Member Manuel Rubio made a motion to have a Manager-City Council form of Government. The motion was seconded by Commission Member Victor Rodriguez. Chairman Reyna asked for further discussion, seeing none, the commission voted all in favor of Manager-City Council form of government.

Discussion, consider and possible action on Mayor and Council terms, size selection and qualifications.

City Attorney Zech opened up the discussion by asking some questions. How many City Council people do you want? Do you want the Mayor to have the ability to vote? If the Mayor votes then do you want to reduce the number of City Council people to four or increase it to six in order to keep the number of people available to vote at an odd number?

Commission Member Liz Maloy raised the question about whether or not the City Council will be voted in by district or at large. Commission Member Victor Rodriguez proposed a hybrid of the City Council, where some are voted in at large and others by district. A lengthy discussion ensued about the pros and cons of districts, a hybrid Council and the Mayor having the ability to vote.

A motion was made by Commission Member Al Uvietta to continue to have a City Council that is voted on at-large by place. Commission Member Manuel Rubio seconded the motion. In favor were Chairman Arthur “Art” Reyna, Vice Chairman Jack Dean, Rudy Garcia, Kathy Hill, David Jordan, Mike McCarley, Darby Riley, Victor Rodriguez, Manuel Rubio, Al Uvietta. One opposed was Liz Maloy. The motion passed.

Chairman Reyna reiterated what was remaining for determination: the number of City Council Members to be voted into place, the length of their term, and if the Mayor would have the ability to vote. An extended discussion continued and the Commission had consensus on Section 3.03 Qualifications: the Mayor and each of Council Members must be at least 21 years of age and a resident of Leon Valley for 12 months. Further, the Commission agreed to continue the discussion at the next meeting on the following: the number of City Council Members to be voted into place, the length of their term, whether the City Council would receive compensation, and if the Mayor would have the ability to vote.

Adjournment

Chair Arthur "Art" Reyna announced the meeting adjourned at 8:58 p.m.

APPROVED: _____
Arthur "Art" Reyna
Chairperson

ATTESTED: _____
Crystal Caldera
Staff Liaison

Item 3

I. FORM OF GOVERNMENT AND POWERS

Section 1.01 Establishment

- A. The City of Leon Valley shall have a **[City Council/City Manager]** form of government.
- B. **[All powers of the City shall be vested in the Council, hereinafter referred to as the "City Council," which shall enact local legislation, adopt budgets, determine policies and appoint the City Manager. The City Manager shall answer to the City Council for the execution of the laws and the administration of the government of the City.]**

Section 1.02 General Powers

- A. Leon Valley shall have the power of local self government to the fullest extent permitted by law.
- B. The City shall have all the powers granted to cities by the Constitution and Laws of the State of Texas or other law together 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.
- C. All powers shall be exercised and enforced in the manner prescribed by the laws of the State of Texas, in this Charter and action of City Council.

Section 1.03 Intergovernmental Relations

The City of Leon Valley may exercise any of its powers or perform any of its functions, and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise with the Government of Texas or any agency thereof, or with the Federal Government or any agency thereof, or with the government of any county, city or political subdivision to accomplish any lawful municipal purpose.

II. BOUNDARIES

Section 2.01 Boundaries

The boundaries of the City of Leon Valley shall be the same as existed prior to the adoption and ratification of this Charter and as are more fully set out and described by the official city map of the City of Leon Valley.

Section 2.02 Extension of Boundaries - Annexation

The City Council shall have the full power to annex territory, to extend and enlarge the city boundaries and exchange areas with other municipalities.

Section 2.3 Contraction of Boundaries - Disannexation

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 **[after conducting a public hearing and upon the adoption of an ordinance by a two-thirds vote of the *[City Council/Council Members].***

Item 4

III. THE CITY COUNCIL AND MAYOR

Section 3.01 General Powers and Duties

All powers of the City shall be vested in the City Council, except as otherwise provided by law or this Charter and the City Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.

Section 3.02 Number, Selection, and Term

The membership of City Council (members of City Council) shall be composed of the Mayor and [# of Council Members] Council Members. The Mayor and Council Members shall be elected from the City at [at large/by place/by district/mix] for [length of term] year terms.

[Term Limits]

Section 3.03 Qualifications

The Mayor and each Council Member shall meet the following:

- A. Be a qualified voter in the City and State at the time of taking office;
- B. Be a resident of the City;
- C. Have resided continuously in the corporate limits of the City for [12] months immediately preceding the date of the election;
- D. Not be in violation of any provision in this Charter;
- E. Be [21] years of age or older on the first day of the term to be filled at the election;
- F. Satisfy any other eligibility requirements prescribed by law for the office for which they are a candidate.

Section 3.04 Judge of Qualifications

The City Council is the final judge of all elections and the qualifications of its members and of any other elected officials of the City.

Section 3.05 Compensation

A. [City Council shall not receive any compensation unless determined by vote as provided for herein.]

- 1. Compensation of the City Council, and any subsequent increases, shall be**

determined and approved by [City Council upon a two-thirds vote of the [Council/Council Members] / a vote of the citizens at a regular election].]

2. No increase in such compensation shall take effect until the next fiscal year following the adoption of the ordinance / election.]

B. The City Council may be reimbursed for expenses incurred in performance of official duty. The policy regulating payment of expenses incurred in performance of official duty shall be determined by the City Council.

Section 3.06 Mayor

A. **[powers of the mayor]**

Section 3.07 Mayor Pro-Tem

A. The Mayor Pro-Tem shall be a Council Member elected by the City Council at the first regular City Council meeting following each regular City election.

B. **[assuming Council/Manager form of government]** The Mayor Pro-Tem shall act as Mayor during the absence or disability of the Mayor.

Section 3.08 Vacancies; Forfeiture of Office; Filling of Vacancies

A. *Vacancies.* The office of a Council Member or office of the Mayor shall become vacant upon death, resignation, removal from office by recall, or forfeiture of his/her office.

B. *Forfeiture.* A Council Member or the Mayor shall forfeit his/her office if he/she:

1. Fails to maintain at any time during the term of office any qualification for the office prescribed by this Charter or by law;

2. Is convicted of a misdemeanor involving moral turpitude, a violation of any state laws regulating conflicts of interest of municipal officers, a felony, or is assessed a deferred adjudication or probation for a felony or any state laws regulating conflicts of interest of municipal officers;

3. Failure to regularly attend City Council meetings without an approved absence obtained by a majority vote by City Council either before or after the absence. There shall be a presumption of failure to regularly attend when three (3) regular meetings are missed during a term year without obtaining an approved absence from City Council.

C. If a member of City Council violates any provision of this section and does not immediately resign, the City Council may conduct an investigation and hearing pursuant to

Section 3.12 of this Charter to determine if the office holder is in violation of this section. The hearing shall be held within 60 days of the City Council, as a body, learning of the alleged forfeiture.

D. All vacancies shall be filled pursuant to state law.

Section 3.09 Prohibitions

A. No member of City Council shall accept or admit liability or pay any claim for damages asserted against the City. City Council shall not accept or admit liability without first obtaining a written opinion from the City Attorney regarding the City's liability therein and only then upon a majority vote of the City Council.

B. No member of City Council shall be employed in or appointed to the positions of City Manager, City Attorney, or Department Head until three (3) years after the expiration of the term for which he/she was elected to the City Council and for any other compensated City position until one (1) year after the expiration of the term for which he/she was elected to the City Council. This subsection shall not apply to a volunteer who receives a stipend that is the same as the stipend received by other similarly situated volunteers.

C. **[if council/manager form of government can be modified for council/mayor form of government]** Except for the purpose of inquiries and investigations, unless otherwise provided in this Charter, the City Council as whole and its individual members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the City Council nor its individual members shall give orders to any such officer or employee, either publicly or privately.

D. **[if council/manager form of government can be modified for council/mayor form of government]** It shall be unlawful for the City Council or any of its members to dictate to the City Manager the appointment of any person to office or employment. The City Council or its members will not interfere in any manner with the City Manager in the performance of the duties of that office or prevent the City Manager from exercising the City Manager's own judgment in the appointment of officers and employees whose employment, appointment, and supervision are reserved by this Charter for the City Manager. Except for the purpose of inquiry and investigations, the City Council and its members shall deal with the City Staff solely through the City Manager, and neither the City Council, as a body or any individual member, nor any individual not having administrative or executive functions under this Charter shall give orders to any of the subordinates of the City Manager, either publicly or privately.

Section 3.10 Meetings and Procedures

A. **Agendas. [processing of agenda including placement of items on agenda].**

At a meeting of City Council a member of City Council may place an item on an agenda by making a motion to place the item on a future agenda and receiving a second. No discussion

shall occur at the meeting regarding the placement of the item on a future agenda.

B. **Procedures.** City Council shall, except as otherwise provided for in this Charter, create rules of procedure for all City Council workshops, regular and special meetings and public hearings by ordinance.

Section 3.11 Ordinances

A. **Passage.** Except as may otherwise be prescribed in this Charter or other law, all ordinances adopted by the City Council shall take effect [**number of readings**].

B. **Enacting Clauses; Signature and Authentication.** The enacting clause of all ordinances shall be "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS;" and every ordinance shall be signed by the Mayor or the Mayor pro-tem and authenticated by seal and signature of the City Secretary.

C. **Publication.**

The caption or title and penalties of every ordinance imposing any penalty, fine, or forfeiture shall, as soon as practical after passage thereof, be published one (1) time in the official newspaper(s) of the City of Leon Valley. An ordinance required to be published under this section shall take effect the day after publication unless otherwise provided in the ordinance

D. **Codification of Ordinances.**

1. The City Council shall have the power to cause the 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 Council, shall have full force and effect without the necessity of publishing the same or any part thereof in a newspaper.

2. All printed ordinances or codes of ordinances shall be admitted as evidence in all courts without proof, and shall have the same force and effect as did the original ordinance.

Section 3.12 Council Investigations; Hearings; Process [EXAMPLE]

A. *General.* In addition to any other specific authority of investigation and hearing provided for in this Charter, the City Council shall have the power to inquire into the official conduct of any department, agency, appointed boards, office, officers, employees or appointed board members of the City. For the purpose of investigations and hearings, the City Council shall have the power to administer oaths, subpoena witnesses, compel the production of books, papers, and other evidence material to the inquiry. The City Council shall provide, by ordinance, penalties for contempt in failing or refusing to obey any such subpoena or to produce any such books, papers or other evidence. The City Council shall have the power to punish any such

contempt in the manner provided by such ordinance.

B. Hearings Process for Forfeitures of Office and Prohibitions.

1. All hearings held under this subsection shall be conducted in open session, except that the City Council may conduct a closed session to get advice from its attorney pursuant to the Texas Open Meetings Act;
2. The officer holder subject to any investigation and/or hearing under this section shall be entitled to written notice of the allegations of forfeiture and/or the alleged violation of this Charter as applicable;
3. A special meeting shall be called to hold the hearing;
4. A member of City Council who initiated or is the subject of the investigation or hearing shall not sit at the dais and shall not participate in deliberation or vote;
5. City Council shall adopt by ordinance rules of procedures to be followed;
6. The City Council shall state the nature of the hearing and the allegations to be considered, shall be provided the results of any investigation and a presentation of the evidence against the office holder including, but not limited to testimony from individuals;
7. The individual who is subject to the hearing shall be provided an opportunity to respond to the allegations and present any relevant evidence including, but not limited to, testimony from individuals;
8. City Council may ask questions of any individual;
9. No public comment shall be allowed unless agreed to by a majority vote of the members of City Council present. Rules for public comment shall be set by City Council;
10. In the case of a violation of Section 3.08 of this Charter City Council shall vote on the forfeiture and on the affirmative vote of two-thirds of City Council declare the office of said office holder to be forfeited and vacant;
11. In the case of a violation of Section 3.09 of this Charter City Council may on the affirmative vote of a majority of the City Council take any action it determines to be appropriate including, but not limited to, directing further investigation, requesting further information, vote to enforce a penalty pursuant

to section _____ of this Charter, vote to bring an action in municipal court, take a vote of censure; or, upon the affirmative vote of two-thirds of City Council, declare the office of said office holder to be forfeited and vacant.

DRAFT

Examples of Other Cities

ARTICLE III. - CITY COUNCIL

Sec. 3.01. - City Council [composition].

The City Council shall be comprised of a Mayor and five (5) City Council members.

Sec. 3.02. - Mayor.

The person elected Mayor shall be the governmental and ceremonial head of the City government and Chief Administrative Officer. The Mayor shall preside over all meetings of the City Council. The Mayor will be able to vote only to break a tie vote of the City Council. Under the direction of the City Council, the Mayor shall serve as the direct supervisor of the City Manager.

(Amended 11-2-2010)

Sec. 3.03. - Powers of the City Council.

All powers of the City and the determination of all matters of policy shall be vested in the City Council. Except where in conflict with and otherwise expressly provided by this Charter, the City Council shall have all powers authorized to be exercised by the City Council in accordance with the laws of the State of Texas. Among the exclusive powers that may be exercised by the City Council, the following are hereby enumerated for greater certainty:

- (1)
Appoint and remove the City Manager, all City Officers, and Department Heads;
- (2)
Establish other administrative departments;
- (3)
Establish the city's organizational chart and the number and position of employees;
- (4)
Adopt the City budget;
- (5)
Authorize the issuance of bonds by a bond ordinance;
- (6)
Hear employee complaints of nonfeasance, malfeasance, and misfeasance, and inquire into the conduct of any office, department, or agency of the City and make investigations as to municipal affairs;
- (7)
Appoint all commissions, boards, committees, task forces, and/or appointed groups to assist the City Council

in the performance of its duties and responsibilities;

(8)

Set and fix the salaries and compensation for the non-elective City officers and employees;

(9)

Adopt and modify the zoning plan and the building code of the City;

(10)

Compromise and settle any and all claims and lawsuits of every kind and character in favor or against the City;

(11)

Adopt plats;

(12)

Adopt and amend the Comprehensive Plan;

(13)

Adopt Robert's Rules of Order governing City Council parliamentary procedures and amend such rules as necessary; and

(14)

Adopt and modify the official map of the City.

(Amended 11-2-2010)

Sec. 3.04. - Qualifications.

Each candidate for election to the City Council or office of Mayor shall be a qualified voter of the City, shall be not less than twenty-one (21) years of age, shall have resided in the City not less than twelve (12) months immediately preceding Election Day, and shall meet the requirements of the Texas Election Code. Each Council Member and the Mayor shall continually reside within the City during the term of office, and any removal of residence from the City during the term of office shall constitute vacating the office, and such vacancy shall be filled as provided in [Section 3.09](#).

Sec. 3.05. - City Council to judge qualifications of members.

The City Council shall be the judge of the qualifications of its members under [Section 3.04](#), and the grounds for forfeiture of their office under [Section 3.08](#). In order to exercise these powers, the City Council shall have power to subpoena witnesses, administer oaths, and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published one (1) time in the designated official newspaper of the City at least one (1) week in advance of the hearing.

Sec. 3.06. - Terms of office.

The Mayor's term of office shall be for a period of two (2) years. The five (5) City Council members shall have a term of two (2) years each. The Mayor and two (2) City Council members shall be elected one year, and three (3) City Council members elected the next year.

Sec. 3.07. - Compensation.

Members of the City Council may receive compensation as set by City ordinance, except that City Council members shall be entitled to reimbursement of all necessary and reasonable expenses incurred in the performance of their official City Council duties, upon approval of such expenses by the City Council.

Sec. 3.08. - Removal of elective officers; grounds for removal.

A.

Causes. The Mayor or any City Council member shall be subject to removal from office for any one (1) or more of the following causes:

(1)

Incompetence, misfeasance or malfeasance in office;

(2)

Conviction of a crime involving moral turpitude;

(3)

Failure at any time to possess any of the qualifications of office as provided by this Charter or by State Law;

(4)

Willful violation of any express prohibition of this Charter;

(5)

Abandonment of office or neglect to perform the duties thereof;

(6)

Failure for any other cause to perform the duties of office as required by this Charter or by law; or

(7)

Any of the grounds listed under Texas Local Government Code Section 21.022 and Section 21.025 [V.T.C.A., Government Code §§ 21.022 and 21.0245].

B.

Initiation. Removal proceedings shall be initiated when a sworn written complaint charging a member of the council with an act or omission that is a cause for removal is presented to the Mayor or, if the complaint is

against the Mayor, to the Mayor pro tem. The person receiving the complaint shall file it with the City Secretary within three (3) working days, who shall provide a copy to the member complained against and all other council members within three (3) working days. The Mayor or the Mayor pro-tem shall set a time and date for a hearing on the complaint within 60 days of the presentation of the sworn complaint.

C.

Hearing and decision. The remaining members of the City Council shall conduct a hearing to hear and review evidence regarding the sworn complaint. The member complained against shall have a right to representation at the hearing and to question and cross-examine all witnesses, but may not vote on the question of removal. Based on the evidence presented at the hearing, the City Council shall make a decision whether the member should be removed from office and shall issue an order setting out its decision. If it determines by at least an eighty percent (80%) affirmative vote that removal is warranted, it shall declare a vacancy to be filled no sooner than the next regular meeting and in accordance with [section 3.09](#). The decision of the city council shall be final and binding so long as it is made in good faith.

(Amended 11-2-2010)

Sec. 3.09. - Vacancies on the City Council.

A.

The office of a City Council member or office of the Mayor shall become vacant upon death, resignation, recall, or removal from office in any manner authorized by law or this Charter, or forfeiture of office.

B.

A City Council member or the Mayor shall forfeit office if they lack at any time during the term of office any qualifications for the office prescribed by this Charter or law, or failure to attend three (3) consecutive regular City Council meetings without being excused by the City Council. The City Council shall be the final judge in matters involving forfeiture of office by a City Council member.

C.

If for any reason a vacancy exists on the City Council, the remaining members of the City Council shall select a person qualified for the position, as described in the Charter, within thirty (30) days of the occurrence of the vacancy. An official who has been recalled may not be reappointed to any immediate vacancy. Once appointed, the person shall serve until the position can be filled at the next regular election date.

D.

In the event that a legal quorum of the elected City Council cannot be convened due to a disaster resulting in multiple injuries, deaths, or forfeiture of offices, the surviving City Council members and the Board chairs, and if necessary, the Board Vice Chairs of the Economic Development Corporation, Planning and Zoning Commission and Board of Adjustment in numbers sufficient to constitute an interim City Council shall, within fifteen (15) days of such disaster, or as provided in the Texas Election Code, call for an election to fill all vacant City Council positions. Such constituted interim City Council shall serve until the requested election occurs.

(Amended 11-2-2010)

Sec. 3.10. - Meetings/quorum.

Regular meetings of the City Council shall be held at such times as may be prescribed from time to time by resolution of the City Council. Special meetings shall be called by the City Secretary upon the written request of the Mayor, the City Manager, or two (2) members of the City Council. Notice of any regular or special meetings of the City Council shall state the subject(s) to be considered at the meeting and shall be posted to the public in accordance with the laws of the State of Texas. A quorum shall consist of three (3) City Council members. The City Council may sanction its members for misconduct, and may compel the attendance of absent members. Items may be placed on the agenda by the request of the Mayor, the City Manager, or a City Council Member. Posted agendas will provide for "Citizens to be Heard" allowing citizens the opportunity to address the City Council on topics not on the agenda for no more than three minutes. Citizens shall also have an opportunity to address the council during consideration of the posted agenda items for no more than six minutes. These opportunities for citizens to speak will be included in the agendas of all Council Meetings, Special Council Meetings and Workshops. This rule applies to all boards and city commissions.

(Amended 11-2-2010)

Sec. 3.11. - Mayor Pro Tempore.

The City Council shall elect one of its members as Mayor Pro Tempore, who shall perform the duties of the Mayor in the case of the absence or inability of the Mayor to perform the duties of office, and who shall, during that time, be vested with all the powers belonging to the Mayor.

Sec. 3.12. - Investigations by City Council.

The City Council shall have the power to inquire into the affairs of the City and the conduct of any City department, office, agency, officer, or employee of the City and to make investigations as to municipal affairs, and for these purposes may subpoena witnesses, administer oaths, take testimony, and compel the production of reports, papers, and other documentary evidence. Failure or refusal to produce evidence, to comply with a subpoena, or to obey a lawful order issued in the exercise of these powers by the City Council shall be a misdemeanor punishable by a fine of not more than the maximum allowable by law for each failure or refusal.

Sec. 3.13. - Procedures for passage of ordinances and resolutions.

A.

Passage. Ordinances shall be introduced to the City Council only in written or printed form. The subject or subjects of all ordinances shall be clearly expressed in the title. Except as may otherwise be prescribed in this Charter, an ordinance shall not be finally passed at the meeting of the City Council at which it is first introduced, but it shall then be read, and the City Council will determine whether it shall be rejected or further considered at a subsequent meeting of the City Council. If rejected, no further action shall be required. Upon second reading, the ordinance may be adopted and enacted. The affirmative vote of three (3) or more members of the City Council is required to enact any ordinance.

B.

Penalty and franchise ordinances. Caption or title and penalties of every ordinance imposing any penalty, fine, or forfeiture shall, as soon as practical after passage thereof, be published one (1) time in the designated official newspaper of the City of Windcrest. All ordinances granting, confirming, extending, renewing, or

amending a franchise shall be accepted in writing by the grantees and shall be published as otherwise provided in this Charter.

C.

Resolutions and ordinances. The City Council shall evidence its official actions by written ordinances, resolutions, or oral motions. The style of all ordinances shall be: "Be it Ordained by the City Council of the City of Windcrest, Texas;" and the style of all resolutions shall be: "Be it Resolved by the City Council of the City of Windcrest." Every Ordinance shall be authenticated by the signature of the Mayor, or in the Mayor's absence the Mayor Pro Tempore. The City Secretary shall attest all signatures. All ordinances and resolutions passed by the City Council shall become effective immediately from and after passage except where publication of a caption is required or where the ordinance, State law, or other provisions of this Charter provide otherwise, in which case the effective date shall be as prescribed in the ordinance.

(Amended 11-2-2010)

Sec. 3.14. - Code of ordinances.

The City Council shall have the power to cause the ordinances of the City to be printed, in code form, and shall have the same arranged and digested, as often as the City Council may deem advisable, provided that failure to print the ordinance shall not affect its validity.

Copperas Cove, Texas, Code of Ordinances >> - CHARTER >> ARTICLE II. THE COUNCIL >>

ARTICLE II. THE COUNCIL

[Sec. 2.01. Composition and terms of office.](#)

[Sec. 2.02. Restrictions.](#)

[Sec. 2.03. Presiding officer: mayor and mayor pro tempore.](#)

[Sec. 2.04. Qualifications.](#)

[Sec. 2.05. Judge of qualifications.](#)

[Sec. 2.06. Compensation of council members and mayor.](#)

[Sec. 2.07. Vacancies, forfeitures, filling of vacancies.](#)

[Sec. 2.08. Prohibitions.](#)

[Sec. 2.09. Meetings of council.](#)

[Sec. 2.10. Rules of procedure.](#)

[Sec. 2.11. Investigative power of the council.](#)

[Sec. 2.12. City secretary.](#)

Sec. 2.01. Composition and terms of office.

- (a) *Composition.* The council shall be composed of a mayor and seven (7) council members. The mayor and all council members shall be elected from the city at large, and each council member shall occupy a position on the council, such positions being numbered one (1) through seven (7) consecutively. The mayor will not be designated as a numbered position on the ballot but shall be designated as "MAYOR."
- (b) *Terms of office.* At the first general election held under this charter, and each three (3) years thereafter, the mayor and two (2) council members shall be elected, with the mayor filling the office of mayor and the two (2) council members filling the office of numbered positions one (1) and two (2). The following year, and each three (3) years thereafter, three (3) council members shall be elected, to fill the office of numbered positions three (3), four (4) and five (5). The following year, and each three (3) years thereafter, two (2) council members shall be elected to fill the office of numbered positions six (6) and seven (7). A council member, unless sooner removed from office under the provisions of this charter, shall serve for a term of three (3) years, and shall serve not more than two (2) terms in succession in the office to which elected. Section 2.07(c) also applies.

Sec. 2.02. Restrictions.

If any member of the city council desires to run for a different council office other than that which he/she holds, he/she must resign and vacate his/her present office at least sixty (60) days prior to the next election for the desired office. The resignation shall be effective on the date of such resignation. For the purposes of this provision there shall be only two (2) offices; the office of mayor and the office of numbered council member.

Sec. 2.03. Presiding officer: mayor and mayor pro tempore.

- (a) The mayor shall be elected in the manner provided by this charter to serve for a term of three (3) years and shall not serve more than two (2) terms in succession. The mayor shall preside at all meetings of the city council and shall be recognized as head of the city government for all ceremonial purposes, by the governor for purposes of martial law, and shall serve as the emergency

management director in times of an emergency as provided by state law, but shall have no day-to-day administrative duties other than signatory duties where the mayor signs a variety of documents to give them official legal effect. The mayor shall vote at council meetings only to break a tie.

- (b) At the city council's second regular meeting following each yearly regular election of council members, or runoff election if required, the council shall elect one (1) of its members as mayor pro tem, for a period of one (1) year. The mayor pro tem shall act as mayor during the absence or disability of the mayor and, when so acting, shall have the same powers, duties, and restrictions as set forth for the office of mayor, except that he/she shall not lose the right to vote.
- (c) In the event that both the mayor and mayor pro tem are absent from a council meeting, if there be a quorum as elsewhere stated in this charter, the council members present shall elect a chairperson who shall have the authority to conduct the meeting as if he/she were the mayor.

Sec. 2.04. Qualifications.

A candidate for office must:

- (1) Be a United States citizen.
- (2) Be 18 years of age or older upon the commencement of the term to be filled at the election.
- (3) Be a qualified voter in the City of Copperas Cove.
- (4) Be domiciled within the corporate limits of Copperas Cove for at least one (1) year next preceding the day of the election at which they are a candidate.
- (5) Not have been convicted of a felony for which he or she has not been pardoned or otherwise released from the resulting disabilities.
- (6) Not have been determined by a final judgment of a court exercising probate jurisdiction to be:
 - (a) Totally mentally incapacitated; or
 - (b) Partially mentally incapacitated without the right to vote, and
- (7) Not be disqualified by reason of any section of this charter or by state or federal law.

Sec. 2.05. Judge of qualifications.

The city council is the final judge of all elections and the qualifications of its members and of any other elected officials of the city.

Sec. 2.06. Compensation of council members and mayor.

The mayor shall receive [fifty dollars] (\$50.00) and all other council members shall receive [twenty-five dollars] (\$25.00) for each regular and specially called meeting attended. No council member shall receive any compensation for attendance at any workshop meeting, except for any workshop meeting that is conducted on a date separate from a regular or special called meeting. In addition, city council shall establish by ordinance methods of reimbursement for all actual and necessary expenses incurred by the mayor and council members in the performance of their duties.

Sec. 2.07. Vacancies, forfeitures, filling of vacancies.

- (a) *Vacancies.* The office of a council member or office of the mayor shall become vacant upon death, resignation, removal from office by recall, or forfeiture of his/her office.
- (b) *Forfeiture.*
 - 1. A council member or the mayor shall forfeit his/her office if he/she:
 - (1) Lacks at any time during the term of office any qualification for the office prescribed by this charter or by law,

- (2) Violates any express prohibition of this charter,
 - (3) Is convicted of a misdemeanor involving moral turpitude, felony or is assessed a deferred adjudication or probation for a felony,
 - (4) Fails to attend two (2) consecutive regular meetings unless excused by city council (said excusal may be obtained before or after the absence occurs) caused by sickness or emergency, or
 - (5) Moves his/her permanent residence outside the city limits.
2. If a council member forfeits his/her office, and does not immediately resign, the council and mayor may conduct a hearing to determine if the office holder has forfeited and should vacate his/her office. The hearing shall be held within 30 days of the council, as a body, learning of the alleged forfeiture. The council may, by an affirmative vote of five (5) members, declare the office of said office holder to be forfeited and vacant. Disposition of the matter under this charter is final and is res judicata. Further relief may be sought in a court of law. The office holder subject to the forfeiture shall not have a vote. The mayor shall vote unless he is the office holder subject to the forfeiture.
- (c) *Filling of vacancies.* Any city council member or mayoral vacancy will be filled by majority vote of qualified voters at a special election called for that purpose. The special election will be conducted in accordance with state and federal election laws. The term of office will be for the unexpired term of the office vacated. If the unexpired term is one (1) year or less, that council member may seek re-election for two (2) additional consecutive terms. If the unexpired term exceeds one (1) year that council member may succeed himself/herself only once. For the purposes of this section the period from one [(1)] annual general election to the next annual general election shall be considered as one [(1)] year or less regardless of the number of calendar days involved.

Sec. 2.08. Prohibitions.

- (a) *Holding other office.* Except where authorized by law, no mayor or council member shall hold any other city office or city employment during his/her term as mayor or council member, and no former mayor or council member shall hold any compensated appointive city office or city employment until two (2) years after the expiration of his/her term as mayor or council member.
- (b) *Continuation of city employment upon candidacy.* No employee of the city shall continue in such position after becoming a candidate for an elective office.
- (c) *Appointments and removals.* Neither the council nor any of its individual members, including the mayor, shall in any manner dictate the appointment or removal of any city administrative officer or employee whom the city manager or any of his/her subordinates are empowered to appoint, however, the council may express its views and fully and freely discuss with the city manager anything pertaining to appointment and removal of such officers and employees.
- (d) *Interference with administration.* Neither the council nor its individual members, including the mayor, shall give any orders or direction, public or private, to any officer or employee who is subject to the direction and supervision of the city manager. Council members, including the mayor, shall not give orders or direction to the city secretary, city judge, city attorney or city manager unless acting as a council as a whole. This is not to preclude the council or its individual members, including the mayor, from conducting a dialog with city staff where the spirit and intent is not to interfere with the management and administration of the city. The mayor is not prohibited from performing administrative duties under a Declaration of Emergency Disaster per section 2.13 or when performing administrative duties as the Emergency Management Director per section 2.15.

(Ord. No. 2012-34, § 1, 8-14-12, approved 11-6-12)

Sec. 2.09. Meetings of council.

The council shall hold at least two (2) regular meetings each month with the exception of December,

which shall have a minimum of one (1) regular meeting, and as many additional meetings as it deems necessary to transact the business of the city and its citizens. The council shall fix, by ordinance, the days, time and place of the regular meetings. All meetings shall be open to the public, except as otherwise provided by law. Special meetings of the council may be held at any time during the year.

Sec. 2.10. Rules of procedure.

The council shall, by ordinance, determine its own rules and order of business and the rules shall provide that citizens of the city shall have a reasonable opportunity to be heard at all regular and special council meetings in regard to any matter under consideration. The council shall provide for minutes being taken and recorded of all meetings, and such minutes shall be a public record. Voting, except on unanimous votes, shall be by roll call and the yeas, nays, and abstentions shall be recorded in the minutes. Four (4) council members shall constitute a quorum for the purpose of transaction of business. Unless otherwise required by law, no actions of council shall be valid and binding unless adopted by the affirmative vote of four (4) or more members of the council.

(Ord. No. 2012-34, § 2, 8-14-12, approved 11-6-12)

Sec. 2.11. Investigative power of the council.

The council shall have the power to inquire into or investigate the official conduct of any department, agency, office, officer, employee, council members and mayor of the city and for that purpose shall have the power to administer oaths, subpoena witnesses, compel the production of books, papers, records or other evidence, and as it shall provide by ordinance, to punish and fix penalties for contempt for failure or refusal to obey any such subpoena or to produce any such books, papers, records, or other evidence, unless otherwise stated by state law.

Sec. 2.12. City secretary.

- (a) The city council shall appoint to the office of city secretary a person to serve as city secretary at the discretion of the council. Any adjustments to the salary, the compensation package or employment status of the city secretary will be approved by the city council.
- (b) The secretary shall be provided an office in the city hall sufficient to maintain the records entrusted to his/her care and shall be entitled to a seat at the council table at all official meetings.
- (c) The secretary shall give notices of its meetings, shall keep the journal of its proceedings, shall authenticate by signature and record in full in a book kept and indexed for that purpose, all ordinances and resolutions, and shall perform such other duties as the council may assign.
- (d) The secretary shall recommend to the council rules and regulations to be adopted by ordinances to protect the safety and security of the municipal records.
- (e) The secretary shall be responsible for all city elections.

The city secretary shall have such additional duties and authority not herein specified as shall be included for city secretaries in the Texas Civil or Penal Statutes presently existing or adopted in the future, except such duties and authority as may be expressly excluded by ordinance adopted by the city council consistent with the mandatory duties and authority prescribed either by state or federal law. The city council and the mayor shall evaluate the city secretary in accordance with the city's personnel policies manual, and each council member and the mayor shall sign the evaluation. The city council shall also appoint an alternate city secretary to serve in the absence of the city secretary.

Live Oak, Texas, Code of Ordinances >> PART I - CHARTER >> **ARTICLE IV. CITY COUNCIL** >>

ARTICLE IV. CITY COUNCIL

[Section 4.01 Number, selection and term.](#)

[Section 4.02 Qualifications.](#)

[Section 4.03 Judge of election qualifications.](#)

[Section 4.04 Compensation.](#)

[Section 4.05 Mayor.](#)

[Section 4.06 Mayor pro-tem.](#)

[Section 4.07 Vacancies, forfeiture, filling of vacancies.](#)

[Section 4.08 Prohibitions.](#)

[Section 4.09 Powers of the council.](#)

[Section 4.10 Meetings and procedures.](#)

Section 4.01 Number, selection and term.

The city council shall be composed of the mayor and five (5) council members. The mayor and council members shall be elected from the city at large. The mayor and council members shall be elected in the manner provided in Article IX of this charter for two (2) year terms. Each council member shall occupy a position on the council, such positions being numbered one (1) through five (5). At the first general election held under this charter and each odd numbered year thereafter, council members to fill positions 1, 3, and 5 shall be elected. The following year and each even numbered year thereafter, the mayor and the council members filling positions 2 and 4 shall be elected.

Section 4.02 Qualifications.

The mayor and each council member must, at time of taking office, have attained the age of 21, be a qualified voter and have been a resident of the city for at least twelve (12) consecutive months.

Section 4.03 Judge of election qualifications.

The city council is the final judge of all elections and the qualifications of its members and any other elected officials of the city.

Section 4.04 Compensation.

Members of the city council shall serve with such compensation as determined by the council. An increase in compensation shall not be effective for any member of the council during the term for which elected and the increase was voted. Payment of expenses incurred in performance of official duty may be approved by the council.

Section 4.05 Mayor.

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. The mayor may debate and discuss any matters before the council but may vote only in the event of a tie. The mayor shall, when authorized by the council, sign all official documents such as conveyance, grant agreements, official plats, contracts and bonds. With consent of the council, the mayor shall appoint special committees

deemed advisable and as instructed by the council. These committees are temporary in nature and are to perform some special task, secure more information, investigate a situation and ultimately bring back a report or a recommendation to the council. The mayor shall perform such other duties consistent with this charter or as may be imposed by the council. The mayor shall sign such ordinances and resolutions as the incumbent may approve. The mayor may delay any ordinance or resolution passed by the council by:

- (1) Not signing it, and taking no further action with respect thereto, in which case such ordinance or resolution shall go into effect without the mayor's signature following the expiration of three (3) days after the date of passage of the same, excluding Saturday, Sunday, and legal holidays provided by state law.
- (2) Not signing it and filing written objections with the city secretary not later than the third (3rd) day after the date of passage of the same, excluding Saturday, Sunday, and legal holidays provided by state law, in which case such ordinance or resolution shall not go into effect. The resolution or ordinance must be reconsidered at the next regular meeting, at which time an affirmative vote of the majority of the whole number of council members present shall constitute enactment.

(Ref. of 5-5-90; Ref. of 5-2-98; Res. No. 1850, § 2, 5-28-13)

Section 4.06 Mayor pro-tem.

The mayor pro-tem shall be a council member elected by the council at the first regular council meeting following each regular city election. The mayor pro-tem shall act as mayor during the absence or disability of the mayor and when acting in this capacity he shall retain the right to vote.

(Ref. of 5-2-98)

Section 4.07 Vacancies, forfeiture, filling of vacancies.

- (a) *Vacancies:* The office of a council member or office of the mayor shall become vacant upon the incumbent's death, mental or physical disability, resignation, removal from office in any manner authorized by law or forfeiture of incumbent's office. Determination of mental or physical disability shall be on the certificate of two (2) physicians qualified to practice medicine in the State of Texas.
- (b) *Forfeiture:* The mayor or a council member shall forfeit office upon:
 - (1) Final conviction of a felony or offense involving moral turpitude.
 - (2) Ceasing to be a resident of the City.
 - (3) Failure to regularly attend council meetings without an approved absence obtained by a majority vote by City Council either before or after the absence. There shall be a presumption of failure to regularly attend when four (4) regular meetings are missed during a term year without obtaining an approved excuse from City Council.

If the Mayor or a council member forfeits his/her office, and does not immediately resign, the council and mayor may conduct a hearing to determine if the office holder has forfeited and should vacate his/her office. The hearing shall be held within 60 days of the council, as a body, learning of the alleged forfeiture. The council may, by an affirmative vote of four (4) members, declare the office of said office holder to be forfeited and vacant. Disposition of the matter under this charter is final and is res judicata. Further relief may be sought in a court of law. The office holder subject to the forfeiture shall not have a vote. The mayor shall vote unless he/she is the office holder subject to the forfeiture.

- (c) *Filling of vacancies:* When a vacancy occurs in the city council, the remaining members of the council shall, within thirty (30) days, appoint a qualified person to fill the unexpired term. An appointment must be approved by an affirmative vote of at least three (3) council members. At no given time shall two (2) appointed council members serve on the council. In case a vacancy has been filled by the council prior to a subsequent vacancy or vacancies, the vacancy shall be filled at

the next authorized election date in accordance with state law.

(Ref. of 5-5-90; Ref. of 5-2-98; Ref. of 5-9-09; Res. No. 1850, § 2, 5-28-13)

Section 4.08 Prohibitions.

- (a) *Holding other office:* No mayor or council member shall hold any other public office which is incompatible with their office as provided by state law or be employed with the city.
- (b) *Non-interference:* Neither the mayor nor council members shall dictate the appointment or removal of any city employee whom the city manager is empowered to appoint or remove.
- (c) *Dealing with city employees:* Neither the city council nor any of its members shall direct the appointment of any person to office by the city manager or by any city manager subordinates. The city council and its members shall deal with the administrative services solely through the city manager and neither the city council nor any member thereof shall give orders to any subordinate of the city manager.

(Ref. of 5-2-98; Res. No. 1850, § 2, 5-28-13)

Section 4.09 Powers of the council.

All city powers shall be vested in the council, except as otherwise provided by law or this charter. The city council shall have the power to create by ordinance and appoint the members of such boards, committees and/or commissions it deems necessary to effectively carry on the business and welfare of the city, such boards, when so created to be comprised of five (5) or more members and to be empowered to act by ordinance authorizing its duties, powers and responsibilities.

(Ref. of 4-3-83; Ref. of 5-5-90)

Section 4.10 Meetings and procedures.

- (a) *Regular, special meetings:* The council shall meet at least once each month at a time and place prescribed by ordinance. Special meetings may be called by the mayor on the mayor's own motion. On application of three (3) council members, the mayor shall call a special meeting.
- (b) *Quorum:* Three council members (excluding the mayor) shall constitute a quorum and no action shall be valid unless adopted by the affirmative vote of three or more members of the council.
- (c) *Rules of procedure:* The council shall, by ordinance, determine its own rules and order of business. Provision shall be made for the taking of minutes, which shall be a public record. Voting, except on procedural matters, shall be by roll call, and the ayes and nays shall be recorded in the minutes.
- (d) *Passage of ordinances:* Ordinances and resolutions shall be introduced to the city council only in written or printed form. The subject or subjects of all ordinances shall be clearly expressed in the title. Except as may be otherwise prescribed in this charter, an ordinance or resolution shall be finally passed by an affirmative vote of three or more council members. The enacting clause of all ordinances shall be, "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIVE OAK, TEXAS": and every ordinance shall be authenticated by the signature of the mayor and the city secretary and shall be systematically recorded and indexed in an ordinance book in a manner approved by council.
 - (1) *Penal ordinances:* Caption or title and penalties of every ordinance imposing any penalty, fine or forfeiture shall, after passage thereof, be published one (1) time in the official newspaper of the City of Live Oak and shall take effect after publication.
 - (2) *Franchise ordinances:* All ordinances granting, confirming, extending, renewing or amending a franchise shall be accepted in writing by the grantees and before taking effect shall be published as otherwise provided in this charter for penal ordinances.
 - (3) *Effective date:* Every ordinance passed by the city council shall be enrolled by the city secretary as soon as practicable after its passage. If the ordinance was published, the city

secretary shall note the time and place of publication which shall be prima facie proof of publication thereof. The affidavit by printer or publisher shall also be prima facie proof of the publication. Enrollment of an ordinance shall be prima facie proof of the publication. Enrollment of an ordinance shall be prima facie proof of its legal adoption and effect.

- (4) *Codification of ordinances:* The city council shall have the 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 full force and effect without the necessity of publishing the same or any part thereof in a newspaper. All printed ordinances or codes of ordinances shall be admitted as evidence in all courts without proof, and shall have the same force and effect as did the original ordinance.

(Ref. of 5-2-98; Ref. of 5-13-06; Res. No. 1850, § 2, 5-28-13)

Roma, Texas, Code of Ordinances >> PART I - CHARTER >> ARTICLE III. CITY COUNCIL >>**ARTICLE III. CITY COUNCIL**

- [Sec. 3.01. Number, selection and term.](#)
- [Sec. 3.02. Qualifications.](#)
- [Sec. 3.03. Compensation.](#)
- [Sec. 3.04. Mayor and mayor pro tem.](#)
- [Sec. 3.05. Vacancies, forfeiture and filling of vacancies.](#)
- [Sec. 3.06. Powers of the city council.](#)
- [Sec. 3.07. Prohibitions.](#)
- [Sec. 3.08. Meeting of the city council.](#)
- [Sec. 3.09. Quorum.](#)
- [Sec. 3.10. Conflict of interest.](#)
- [Sec. 3.11. Abstentions.](#)
- [Sec. 3.12. Rules of procedure.](#)
- [Sec. 3.13. Passage of ordinances in general.](#)
- [Sec. 3.14. Authentication, indexing, codification, printing and distribution.](#)
- [Sec. 3.15. Investigations by the city council.](#)
- [Sec. 3.16. Bond.](#)

Sec. 3.01. Number, selection and term.

The legislative and governing body of the city shall consist of a mayor and five councilmembers and shall be known as the city council.

- (1) THE MAYOR AND THE OTHER MEMBERS OF THE CITY COUNCIL SHALL BE ELECTED FROM THE CITY IN THE MANNER PROVIDED IN ARTICLE IV OF THIS CHARTER. ELECTIONS SHALL BE BY MAJORITY VOTE WITH RUNOFFS TO BE ORDERED BY THE CITY COUNCIL.
- (2) A MUNICIPAL ELECTION SHALL BE HELD TO ELECT THE CITY COUNCIL AND MAYOR AS FOLLOWS: MAYOR, PLACES 1 AND 2 ONE YEAR; PLACES 3, 4 AND 5 THE FOLLOWING YEAR AND THE FOLLOWING YEAR OFF. THE ROTATION IS THEN REPEATED.
- (3) A TERM OF OFFICE FOR THE MAYOR SHALL BE FOR A PERIOD OF THREE YEARS AND NO MORE THAN TWO FULL CONSECUTIVE TERMS. AN INDIVIDUAL WHO HAS BEEN ELECTED FOR TWO FULL CONSECUTIVE TERMS AS MAYOR CANNOT RUN FOR THAT OFFICE AGAIN FOR THREE YEARS.
- (4) A TERM OF OFFICE FOR EACH COUNCILMEMBER SHALL BE FOR A PERIOD OF THREE YEARS AND NO MORE THAN TWO FULL CONSECUTIVE TERMS. AN INDIVIDUAL WHO HAS BEEN ELECTED FOR TWO FULL CONSECUTIVE TERMS AS COUNCILMEMBER CANNOT RUN FOR THAT OFFICE AGAIN FOR THREE YEARS.
- (5) A FORMER MAYOR CAN RUN FOR CITY COUNCIL AND A FORMER CITY COUNCILMEMBER CAN RUN FOR MAYOR FOR THE SAME TERM OF OFFICE AND TERM LIMITS AS CITED IN (2) AND (3) ABOVE. THE THREE-YEAR WAITING PERIOD IS NOT APPLICABLE FOR SUCH INDIVIDUALS.

Sec. 3.02. Qualifications.

- (1) Candidates for elective city offices shall file for office in accordance with the Texas Election Code.
- (2) Candidates for elective city offices shall meet the following qualifications:
 - (A) Shall be at least 21 years of age at the time of the election for which they are filing;
 - (B) Shall be a qualified voter;
 - (C) Shall have resided within the corporate limits of the city, or recently annexed territory, for at least 12 months prior to the filing date;
 - (D) Shall not, at the time of filing or while in office, be in arrears in payment of taxes or other liabilities due the city after the expiration of 30 days following the providing of notice of any delinquency;
 - (E) No candidate may file, in a single election, for more than one elective office or position;
 - (F) No employee of the city shall continue in such position after filing for an elective city office; and
 - (G) Shall comply with all other city ordinances and/or resolutions that may be applicable.

Sec. 3.03. Compensation.

Compensation of the city council shall be \$600.00 per year, and the mayor shall be compensated at \$1,200.00 per year. Any subsequent increases shall be determined and approved by a vote of the citizens at a regular election.

The city council and mayor shall also be entitled to reimbursement for actual expenses incurred in the performance of official duties with the approval of the city council at a public meeting.

Sec. 3.04. Mayor and mayor pro tem.

- (1) The mayor shall preside at meetings of the city council and shall be recognized as head of the city government for all ceremonial purposes, and by the governor for purposes of military law, but shall have no regular administrative duties. The mayor may participate in the discussion of all matters coming before the city council. The mayor shall not be entitled to vote as a member thereof, on legislative or other matters, except in case of a tie, when the mayor shall cast the deciding vote, but shall have no power to veto.
- (2) The mayor pro tem shall be a councilmember elected by the city council at the first regular meeting of every fiscal year. The mayor pro tem shall act as mayor during the disability or absence of the mayor and in this capacity, shall have all the rights conferred upon the mayor and shall still be entitled to vote as a councilmember.

Sec. 3.05. Vacancies, forfeiture and filling of vacancies.

- (1) The office of a councilmember or the mayor shall become vacant upon his/her death, resignation, forfeiture of, or removal from office by any manner authorized by law.
- (2) If any member of the city council is absent from three consecutive regular meetings, without explanation acceptable to a majority of the remaining councilmembers, his/her office shall be declared vacant at the next regular meeting of the city council by resolution.
- (3) Any person of the city council who ceases to possess the required qualifications for office or who is convicted of a felony or a misdemeanor involving moral turpitude or is convicted of violating any state laws regulating conflicts of interest of municipal officers shall forfeit his/her office. Every forfeiture shall be declared and enforced by the city council.
- (4) Any vacancy in the office of city council and/or mayor shall be filled by election at the next uniform election date.

- (5) Notwithstanding the requirement that a quorum of the city council consists of a majority of the members (excluding the mayor), if at any time, the membership of the city council is reduced to less than a majority, the remaining members may, by majority action, appoint additional members to raise the membership to four. These appointees shall serve only until the vacant positions can be filled at the next uniform election date. All vacancies filled by election shall be for the remainder of the unexpired term(s) of the office so filled.

Sec. 3.06. Powers of the city council.

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

- (1) Appoint and remove the city manager;
- (2) Appoint and remove the municipal judge(s) of the municipal court;
- (3) Appoint and remove the city attorney;
- (4) Appoint and remove the city secretary;
- (5) Establish administrative departments;
- (6) Adopt the budget of the city;
- (7) Collectively inquire into the conduct of any office, department or agency of the city and make investigations as to municipal affairs;
- (8) Provide for and appoint a planning and zoning commission, and other boards and commissions as deemed necessary, and appoint the members of all such boards and commissions. Such boards and commissions shall have all powers and duties now or hereafter conferred and created by this Charter, by city ordinance or by law;
- (9) Adopt and modify the official boundaries map of the city and the official zoning map;
- (10) Adopt, modify and carry out plans in cooperation with the planning and zoning commission for the replanning, improvement and redevelopment of specific areas of the city;
- (11) Adopt, modify and carry out plans in cooperation with the planning and zoning commission for the replanning, reconstruction or redevelopment of any area or district which may have been destroyed, in whole or part, by disaster;
- (12) Regulate, license and fix the charges or fares, or tariffs made by any person owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire on the public streets and alleys of the city;
- (13) Provide for the establishment and designation of fire limits and prescribe the kind and character of buildings or structures or improvements to be erected therein; provide for the erection of fireproof buildings within certain limits; and provide for the condemnation of dangerous structures or buildings; or dilapidated structures or buildings; or structures or buildings calculated to increase the fire hazard, and the manner of their removal or destruction;
- (14) Fix and regulate rates and charges of all utilities and public services and operate municipal utilities;
- (15) Approve and adopt regulations for development of master plans and subdivision plats; and
- (16) Provide for the development and maintenance of a comprehensive plan and a capital improvement plan in accordance with Texas state law.

Sec. 3.07. Prohibitions.

- (1) EXCEPT WHERE AUTHORIZED BY LAW OR BY THIS CHARTER, NO MAYOR OR COUNCILMEMBER SHALL HOLD ANY OTHER CITY OFFICE OR CITY EMPLOYMENT DURING HIS/HER TERM AS MAYOR OR COUNCILMEMBER. NO FORMER MAYOR OR COUNCILMEMBER SHALL HOLD ANY COMPENSATED APPOINTIVE OFFICE OR CITY EMPLOYMENT UNTIL TWO YEARS AFTER THE EXPIRATION OF THE TERM FOR WHICH THEY WERE ELECTED OR APPOINTED TO THE CITY COUNCIL.
- (2) MEMBERS OF THE CITY COUNCIL SHALL NOT IN ANY WAY DICTATE THE APPOINTMENT OR REMOVAL OF THE CITY ADMINISTRATIVE OFFICERS OR EMPLOYEES WHOM THE CITY MANAGER OR ANY OF THE CITY MANAGER'S SUBORDINATES ARE EMPOWERED TO APPOINT. THE CITY COUNCIL, AT A MEETING CALLED FOR THAT PURPOSE, MAY EXPRESS ITS VIEWS AND FULLY AND FREELY DISCUSS WITH THE CITY MANAGER ANYTHING PERTAINING TO APPOINTMENT AND REMOVAL OF SUCH OFFICERS AND EMPLOYEES.
- (3) EXCEPT FOR THE PURPOSE OF INQUIRIES AND INVESTIGATIONS AS PROVIDED BY THE CHARTER, THE CITY COUNCIL SHALL DEAL WITH CITY OFFICERS AND EMPLOYEES, WHO ARE SUBJECT TO THE DIRECTION AND SUPERVISION OF THE CITY MANAGER, SOLELY THROUGH THE CITY MANAGER. THE CITY COUNCIL SHALL NOT GIVE ORDERS TO ANY SUCH OFFICER OR EMPLOYEE, EITHER PUBLICLY OR PRIVATELY, EXCEPT AS OTHERWISE PROVIDED IN THIS CHARTER.

Sec. 3.08. Meeting of the city council.

- (1) The city council shall hold at least one regular meeting each month and as many additional meetings as it deems necessary to transact the business of the city. The city council shall fix, by ordinance, the date and time of the regular meetings.
- (2) Special meetings of the city council shall be held at the call of the mayor or a majority of the city councilmembers upon provision of public notice in accordance with state law.
- (3) All city council meetings shall be open to the public and shall be held and notice given in accordance with the Texas Open Meetings Act. The council may hold executive sessions as allowed by state law.

Sec. 3.09. Quorum.

Three councilmembers shall constitute a quorum for the purpose of transacting business. No action of the city council, except as specifically provided in this Charter, shall be valid or binding unless adopted by the affirmative vote of a majority of the city council present and voting.

Sec. 3.10. Conflict of interest.

Should any member of the city council, including the mayor, have a conflict of interest, pursuant to any state laws and/or city ordinances regulating conflicts of interest of municipal officers, with an agenda item then before the city council, he/she shall openly declare same before discussion proceeds, file the statement required by state law with the city secretary, and he/she is thereby prohibited from discussing the item or voting on the question and is not considered as present and voting for the purposes of the tally.

Sec. 3.11. Abstentions.

Should any member of the city council, including the mayor, choose to abstain from voting on any question before the city council, where no statutory or legal conflict of interest exists, the person's vote shall be recorded as an abstention vote in the official minutes of the meeting and said member is considered as present and voting no.

Sec. 3.12. Rules of procedure.

- (1) The city council and all commissions and boards shall conduct business in accordance with Robert's Rules of Order. The city council shall provide that the citizens of the city shall have a reasonable opportunity to clearly hear and be heard at all regular meetings and public hearings with regard to specific matters under consideration. The city council shall provide for minutes to be taken and recorded for all public meetings as required by law. Such minutes shall be a public record and shall be kept and maintained by the city secretary.
- (2) The mayor or councilmembers individually or by motion may place items on the agenda prior to the agenda being posted.

Sec. 3.13. Passage of ordinances in general.

- (1) The city council shall legislate by ordinance, resolution, or order, and the enacting clause of every ordinance shall be "Be it ordained by the city council of the City of Roma, Texas..." Each proposed ordinance shall be introduced in the written or printed form required for adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. General appropriation ordinances may contain various subjects and accounts for which monies are to be appropriated. After adoption, an ordinance shall not be amended or repealed except by the adoption of another ordinance amending or repealing the original ordinance. Copies of each proposed ordinance, in the form required for adoption, shall be furnished to the city council. Copies of the proposed ordinance in the form required for adoption, shall be available at the city offices and shall be furnished to citizens upon request to the city secretary from and after the date on which such proposed ordinance is posted as an agenda item for a city council meeting and, if amended, shall be available and furnished in amended form for as long as the proposed ordinance is before the city council.
- (2) Every ordinance shall become effective upon adoption or at any later time(s) specified in the ordinance, except that every ordinance imposing any penalty, fine or forfeiture shall become effective only after having been published once in its entirety, or a caption that summarizes the purpose of the ordinance and the penalty for violating the ordinance in a newspaper designated as the official newspaper of the city. An ordinance required to be published under this section shall take effect when the publication requirement is satisfied unless provided otherwise in the ordinance.
- (3) If a majority of the city council present requests that the ordinance title and caption be read or that the ordinance in its entirety be read, it must be read.

Sec. 3.14. Authentication, indexing, codification, printing and distribution.

- (1) All ordinances and resolutions adopted by the city council shall be authenticated by seal and signature of the person performing the duties of the city secretary and numbered consecutively as adopted. They shall be properly indexed and placed in a book kept open for public inspection. In addition, all city ordinances may be available by link on the city's official website.
- (2) The city council shall plan and budget for the codification of ordinances of the city. This codification shall be known and cited as "The City of Roma, Texas Code" and shall be in full force and effect, without the necessity of such code or any part thereof being published in any newspaper. The caption, descriptive clause and other formal parts of the ordinances of the city may be omitted without affecting the validity of such ordinances when codified. Every general ordinance, enacted subsequent to such codification, shall be enacted as an amendment to the Code. For the purpose of this section, general ordinances shall be deemed to be those ordinances of a permanent or continuing nature which affect the residents of the city at large. Copies of the Code shall be furnished to city officers, placed in the city offices and made available for purchase by the public at a reasonable price to be fixed by the city council. The initial codification shall be completed within two years of the adoption of this Charter.
- (3) The city council shall cause all ordinances and amendments to this Charter to be printed promptly following their adoption. A copy of each ordinance and amendment shall be placed in appropriate city offices for public reference.

Sec. 3.15. Investigations by the city council.

The city council shall have the power to inquire into the official conduct of any department, agency, office, officer or employee of the city. For that purpose, the city council shall have the power to administer oaths, subpoena witnesses and compel the production of books, papers or other evidence material to the inquiry. The city council shall provide, by ordinance, penalties for contempt for failing or refusing to obey any such subpoena or to produce any such contempt in the manner provided by the ordinance and/or the laws of the State of Texas.

Sec. 3.16. Bond.

The city council shall require bonds of all municipal officers and employees who receive monies for or pay out any monies of the city. The amount of the bonds shall be determined by the city council, and the cost shall be borne by the city.

Universal City, Texas, Code of Ordinances >> - CITY CHARTER >> ARTICLE III. CITY COUNCIL >>**ARTICLE III. CITY COUNCIL**

[Sec. 3.01. Composition, eligibility, election and terms.](#)

[Sec. 3.02. Compensation; expenses.](#)

[Sec. 3.03. General powers and duties.](#)

[Sec. 3.04. Prohibitions.](#)

[Sec. 3.05. Vacancies; forfeiture of office; filling vacancies.](#)

[Sec. 3.06. Judge of qualifications.](#)

[Sec. 3.07. City Clerk.](#)

[Sec. 3.08. Investigations.](#)

[Sec. 3.09. Audits.](#)

[Sec. 3.10. Procedure.](#)

[Sec. 3.11. Procedures for passage of ordinances.](#)

Sec. 3.01. Composition, eligibility, election and terms.

- (a) *Composition.* There shall be a City Council composed initially of a Mayor and five Councilmembers elected at large by the qualified voters of the City. After the regular election in 1974, upon the taking of office of the persons then elected, the Council shall be composed of a Mayor and six (6) Councilmembers.
- (b) *Eligibility requirements for public office.* Any person who meets the requirements of [Section 8.01](#) of the Amended Charter and Chapter 141 of the Texas Election Code as amended shall be eligible to hold office as Mayor or Councilmember.
- (c) *Elections and terms.* The Mayor and Councilmembers elected or serving on the City Council under the provisions of the general statutes of the State of Texas at the time this Amended Charter is adopted shall continue to serve as the Mayor and Councilmembers under this Amended Charter until the expiration of the terms for which elected under those general statutes. Commencing in 1973, a regular election under this Charter shall be held each year on the first Saturday in May. At each such regular election three (3) Councilmembers shall be elected. At the regular election in 1974 and each even numbered year thereafter, a Mayor shall be elected. Each Councilmember and the Mayor shall serve for a term of two (2) years and until their successors have been duly qualified.
- (d) *Mayor.* The Mayor shall be the presiding officer of the Council and shall be recognized as head of the city government for all legislative and ceremonial purposes and by the Governor for purposes of military or martial law.
- (e) *Mayor Pro-Tempore.* The Council shall elect from among its members a Mayor Pro-Tempore who shall serve at the pleasure of the Council, usually for a term of one year. The Mayor Pro-Tempore shall act as Mayor during the absence or disability of the Mayor.

(Res. No. 517, Prop. 1, approved 4-7-87; Res. No. 546, Props. 1, 2, approved 5-10-89)

Sec. 3.02. Compensation; expenses.

The Council may determine the annual salary of the Mayor and Councilmembers by ordinance, but no ordinance increasing such salary shall become effective until the date of commencements of the terms of Councilmembers elected at the next regular election, provided that such elections follow the adoption of such ordinance by at least six (6) months. The Mayor and each Councilmember shall receive their actual and necessary expenses incurred in the performance of their duties of office.

(Res. No. 517, Prop. 1, approved 4-7-87)

Sec. 3.03. General powers and duties.

All the powers of the City shall be vested in the Council, except as otherwise provided by law or this Amended Charter, and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.

(Res. No. 546, Prop. 1, approved 5-10-89)

Sec. 3.04. Prohibitions.

- (a) *Holding other office.* Except where authorized by law, no Councilmember shall hold any other city office or city employment during the term for which he or she was elected to the Council.
- (b) *Appointments and removals.* Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the Manager or any of his or her subordinates are empowered to appoint, but the Council may express its views and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees.
- (c) *Interference with administration.* Except for the purpose of inquiries and investigations under section 3.08, the Council or its members shall deal with city officers and employees who are subject to the direction and supervision of the Manager solely through the Manager and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately.

(Res. No. 517, Prop. 1, approved 4-7-87)

Sec. 3.05. Vacancies; forfeiture of office; filling vacancies.

- (a) *Vacancies.* The office of Mayor or Councilmember shall become vacant upon the death, resignation, recall or removal from office in any manner authorized by law or forfeiture of his office.
- (b) *Forfeiture of office.* Any member of the Council who ceases to possess the required qualifications for office; or is convicted, while in office, of a felony or misdemeanor involving moral turpitude shall forfeit his or her office, which forfeiture shall be declared and enforced by a majority vote of the Council.
- (c) *Filling of Vacancies.*
 - (1) When a vacancy occurs in the City Council, the remaining members shall within thirty (30) days appoint a qualified person to fill the unexpired term.
 - (2) The Council will not fill more than one (1) vacancy by appointment within the period between two (2) regular City elections. In the event a second vacancy occurs, the Council will order a special election to be held within forty-five (45) days of the last vacancy, or, in accordance with the Texas Election Laws as amended.
 - (3) The only exception will be if the second vacancy occurs within ninety (90) days prior to a regular or special City election as specified by law. Vacancies filled by special election shall be for the remainder of the term of office.
- (d) *Succession.* In the event the Mayor cannot perform his or her duties as Mayor, the following officers shall succeed to the Mayor's powers and responsibilities in the following order: Mayor Pro Tempore, then Councilmembers in order of seniority on Council shall succeed to the Mayor's powers and responsibilities in the event neither the Mayor nor the Mayor Pro Tempore can perform the duties of the Mayor.

(Ord. No. 345, § 1(C)—(E), passed at referendum 4-7-84; Res. No. 517, Prop. 1, approved 4-7-87; Res. No. 517, Props. 3, 4, approved 5-10-89)

Sec. 3.06. Judge of qualifications.

The Council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office and for that purpose shall have power to subpoena witnesses, administer oaths and require the production of evidence. In the event a question should arise as to the qualifications of a City Councilmember to serve on the City Council (after being duly elected), such question shall be decided by a two-thirds majority of all duly elected Councilmembers including the Mayor and excluding the Councilmember under challenge at a regular meeting or specially called meeting for hearing such matter. In the event a question should arise as to whether a conflict of interest exists on the part of any Councilmember or Mayor, a majority of those Councilmembers present shall determine such question. This procedure may be used by the Council at its option in determining the fitness or qualifications of any member of any commission or committee serving the City.

(Ord. No. 345, § 1(F), passed at referendum 4-7-84; Res. No. 517, Props. 1, 2, approved 4-7-87)

Sec. 3.07. City Clerk.

The City Manager shall appoint or discharge the City Clerk with the advice and consent of a three-fourths vote of the City Council. The City Clerk or an assistant clerk shall give notice of Council meetings, shall keep the minutes of the proceedings of such meetings, shall authenticate by his or her signature and record in full in a minute book kept and indexed for that purpose, all ordinances and resolutions, and shall perform such other duties as the Council shall assign to him or her and those elsewhere provided for in this Amended Charter. In the event the City Clerk is unable to function in that capacity, then the City Manager shall serve as acting City Clerk.

(Res. No. 517, Prop. 1, approved 4-7-87; Res. No. 546, Prop. 5, approved 5-10-89)

Sec. 3.08. Investigations.

The Council may make investigations into the affairs of the City and the conduct of any city department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the Council shall be guilty of a misdemeanor and punishable by a fine of not more than two hundred dollars (\$200.00).

Sec. 3.09. Audits.

The Council shall provide for an independent annual audit of all city accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants and who have no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers.

Sec. 3.10. Procedure.

- (a) *Meetings.* The Council shall meet regularly at least once in every month at such times and places as the Council may prescribe by ordinance. Special meetings may be held on the call of the Mayor or of four (4) or more members and, whenever practicable, upon no less than twelve (12) hours notice to each member. Meetings of the City Council shall be open except as to those instances where closed meetings are permitted by law.

(Ord. No. 345, § 1(G), passed at referendum 4-7-84)

State law reference— *Open meetings, V.A.C.S. art. 6252-17.*

- (b) *Rules and journal.* The Council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record.
- (c) *Voting.* Voting, except on procedural motions, shall be by roll call and the "ayes" and "nays" shall be recorded in the journal. Four (4) members of the Council shall constitute a quorum. No action of the

Council, except as otherwise provided in the preceding sentence and in [section 3.05](#) shall be valid or binding unless adopted by the affirmative vote of a majority of the Council members present. Every Councilmember present shall cast a vote on every proposition presented, and, if he or she fails to do so, his or her vote shall be recorded as a "no" vote. The Mayor shall vote only when necessary to break a tie.

(Res. No. 517, Props. 1, 3, approved 4-17-87)

Sec. 3.11. Procedures for passage of ordinances.

Ordinances and resolutions shall be introduced to the City Council only in written or printed form. The subject or subjects of all ordinances shall be clearly expressed in the title. Except as may otherwise be prescribed in this Amended Charter, an ordinance shall not be passed at the meeting of the Council at which it is first introduced, but it shall then be read, and the Council will determine whether it shall then be rejected or further considered at the next meeting of the Council. If rejected, no further action shall be required. If the Council determines that a proposed ordinance shall be further considered, the City Clerk shall cause a short synopsis of the proposed ordinance to be published in the official newspaper of the City of Universal City prior to the next meeting of the Council, at which time final action may then be taken on such ordinance. Notwithstanding the foregoing provisions, if the Council, by a vote of not less than two-thirds of the members present at the meeting at which an ordinance is first introduced, determines that an emergency exists requiring immediate action, such ordinance may then be voted upon and rejected or passed at that meeting. The "ayes" and "nays" shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the Council.

The enacting clause of all ordinances shall be, "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS"; and every ordinance shall be authenticated by the signature of the Mayor and the City Clerk and shall be systematically recorded and indexed in an ordinance book in a manner approved by Council.

- (a) *Penal ordinances.* Caption or title and penalties of every ordinance imposing any penalty, fine or forfeiture shall, after passage thereof, be published in the official newspaper of the City of Universal City at least twice within fifteen (15) days after the passage of said ordinance.
- (b) *Franchise ordinances.* All ordinances granting, confirming, extending, renewing or amending a franchise shall be accepted in writing by the grantees and before taking effect shall be published as otherwise provided in this Amended Charter for penal ordinances.

Cross reference— *Enactment of franchise ordinances, § 10.02.*

- (c) *Effective date.* Every ordinance passed by the City Council shall be enrolled by the City Clerk as soon as practicable after its passage. If the ordinance was published, he or she shall note the time and place of publication which shall be prima facie proof of publication thereof. The affidavit by printer or publisher shall also be prima facie proof of the publication. Enrollment of an ordinance shall be prima facie proof of its legal adoption and effect.
- (d) *Codification of ordinances.* The City Council shall have the 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. All printed ordinances or codes of ordinances shall be admitted as evidence in all courts without further proof, and shall have the same force and effect as did the original ordinance.
- (e) *Publishing synopsis of ordinance.* For any ordinance not required to be published by the foregoing, the City Clerk shall cause a short synopsis of the ordinance to be published in the official newspaper of the City of Universal City at least once within fifteen (15) days after the passage of such ordinance.

(Res. No. 517, Prop. 1, approved 4-7-87; Res. No. 546, Prop. 1, approved 5-10-89)

Item 5

IV. ELECTIONS

Section 4.01 Elections

- A. The regular City election shall be held annually on the uniform election date in May, or at such other times as may be specified by State Law, at which time officers will be elected to fill those offices which become vacant that year.
- B. The City Council shall fix the place for holding such election.
- C. The City Council may, by ordinance or resolution, order a special election, fix the date and place for holding same, and provide all means for holding such special election.
- D. Notice of elections shall be published in a newspaper of general circulation of the City of Leon Valley, such publication to follow the requirements of the Election Code and any applicable law.
- E. Early voting shall be governed by the general election laws of the State of Texas.

Section 4.02 Regulation of Elections

- A. All elections shall be held in accordance with the laws of the State of Texas regulating the holding of municipal elections and in accordance with the ordinances adopted by the City Council for the conduct of elections.
- B. The City Council shall appoint the election judges and other election officials.

Section 4.03 Filing for Office

- A. Any person having the qualifications set forth under Section 3.03 of this Charter shall have the right to file an application to have their name placed on the official ballot as a candidate for any elective office.
 - 1. Any such application shall be in writing, signed by such candidate, and filed with the City Secretary in accordance with the Texas Election Code and this Charter.
 - 2. An application filed in accordance herewith shall entitle such applicant to a place on the official ballot.
- B. A candidate of City Council shall specify the place number or position the candidate is seeking. **[use only if electing by place]**

Section 4.04 Official Ballot

A. The names of all candidates for office, except such as may have withdrawn, died or become ineligible, shall be placed on official ballots without party designations specifying the council place for which each is seeking election.

Section 4.05 Run-Off Election

[if needed] In the event no candidate for an elective office receives a majority of the votes cast for that place in the general or special election or there is a tie, a run-off election shall be held between the two (2) candidates who received the greater number of votes.

Section 4.06 Taking of Office

Each newly elected person to the City Council shall be inducted into office at the first regular City Council meeting following the canvass of the votes.