

THE CHARTER
OF THE
CITY OF ROSENBERG
HOME RULE CHARTER
For The
CITY OF ROSENBERG, TEXAS

ARTICLE III. THE CITY COUNCIL

Sec. 3.01. Number, selection and term.

The legislative and governing body of the city shall consist of the mayor and six (6) council members and shall be known as the "City Council of the City of Rosenberg."

- (a) The mayor and two members of the city council shall be elected from the city at large.
- (b) The mayor shall be the presiding officer of the city council and shall be recognized as the head of city government for all ceremonial purposes and by the government [governor] for purposes of military law but shall have no regular administrative duties. The mayor shall be entitled to vote on all matters under consideration by the city council.
- (c) The mayor and six (6) council members, including two (2) at large council members and four (4) council members elected by districts shall be elected to two-year terms. The mayor and (2) council members shall be elected at-large in even number years, except as otherwise specifically stated in this section. The two (2) at large council members positions shall be respectively designated as Position 1 and Position 2. The remaining four (4) council members shall be elected by districts, designated as Districts one (1), two (2), three (3) and four (4), in even numbered years.
At the general election in May 2021, the mayor and the two (2) at large positions, Position 1 and Position 2, shall be placed on the ballot for election for a one-year term. At the General election in May 2022, the mayor and six (6) council members, including two (2) at large council members and four (4) council members elected by districts shall be placed on the ballot for election to two-year terms.
All positions shall be elected to two-year terms after the foregoing provisions have been effected.
- (d) The four (4) members of the city council elected by districts shall be elected from districts which shall be designated Districts one (1), two (2), three (3) and four (4). The area or territory includable in the district shall be adjusted from time to time or reconfigured as the city may annex or de-annex territory or area within the city.
- (e) No elected official shall serve for more than a combined total of five (5) consecutive terms on the city council or in the position of mayor. When calculating consecutive terms, time spent as a council member and time spent in the position of mayor shall be combined. For purposes of this subsection, an official shall have been considered to have served a term upon taking the oath of office, regardless of whether the official serves the complete term. Any official who has served five (5) consecutive terms shall be prohibited from serving another term for a period of one (1) year and eleven (11) months from the date of the expiration of the fifth consecutive term. Such consecutive term limitations shall include an elected official's current term on the effective date of this amendment, as well as all prior successive terms.

Sec. 3.02. Qualifications.

The mayor and each other member of the city council shall have and possess the following qualifications to be a candidate for such office and shall retain such qualifications during the term of the office for which a person might be elected. Such qualifications are:

- (a) Be a resident of the City of Rosenberg for three hundred and sixty five (365) consecutive days prior to the election date and have resided in the State of Texas for twelve (12) continuous months, and if a

candidate for a council district position, then shall have been a resident of such district for twelve (12) continuous months before the election date; and

- (b) Be a United States citizen; and
- (c) Be twenty-one (21) years of age or older on the first day of the term of office that the candidate is seeking; and
- (d) Not finally convicted of a felony for which a pardon has not been given; and
- (e) Shall not be delinquent in paying any local, state, or federal taxes; and
- (f) Shall not be indebted to the City; and
- (g) Shall satisfy any other eligibility requirements prescribed by this Charter or other law for the office for which they are a candidate.

Sec. 3.03. Council to be judge of election and qualifications.

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

Sec. 3.04. Compensation.

The city council shall fix the compensation to be received by its members; provided, however, that no council member shall receive more than four hundred dollars (\$400.00) per month and the mayor shall not receive more than five hundred dollars (\$500.00) per month.

Sec. 3.05. Mayor pro-tem.

The city council, at its first meeting after election of councilmen, shall elect one of its number mayor pro-tem, and he shall perform all the duties of the mayor in the absence or disability of the mayor.

Sec. 3.06. 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. However, the city council shall not appoint more than one councilman in any twelve months period, and in case a vacancy has been filled by the city council within twelve months prior to the subsequent vacancy, or if more than one vacancy occurs at the same time or before a prior vacancy has been filled, the city council shall call a special election within thirty (30) days from the date the last vacancy occurred. Said election shall occur on the first day thereafter set under the laws of the State of Texas as a uniform date for elections in municipalities under the laws of the State of Texas. However, in the event that the unexpired term is 12 months or less, City Council may appoint a person to fill the vacancy.

Sec. 3.07. Powers of the city council.

All powers of the city and the determination of all matters of policy shall be vested in the city council. 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:

- (a) Establish, consolidate or abolish administrative departments.
- (b) Adopt the budget of the city.
- (c) Authorize the issuance of bonds.
- (d) Inquire into the conduct of any office, department or agency of the city and make investigations as to municipal affairs.
- (e) Provide for such additional boards and commissions, not otherwise provided for in this Charter, as may be 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 ordinances or by law.

- (f) Adopt and modify the building code of the city.
- (g) Adopt and modify the official map of the city.
- (h) Adopt, modify and carry out plans for the replanning, improvement and redevelopment of any area or district which may have been destroyed in whole or in part by disaster.
- (i) Regulate, license and fix the charges or fares made by any person, firm or corporation owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire or the transportation of freight for hire on the public streets and alleys of the city.
- (j) Provide for the establishment and designation of fire limits and prescribe the kind and character of buildings or structures or improvements to be erected therein, and provide for the erection of fireproof buildings within said limits, and provide for the condemnation of dangerous structures or buildings or dilapidated buildings, or buildings calculated to increase the fire hazard, and prescribe the manner of their removal or destruction within said limits.
- (k) Fix the salaries and compensation of the city officers and employees.
- (l) Provide for a sanitary sewer and water system and fix charges therefor, and require property owners to connect their premises to such sewer system, and provide for penalties for failure to make sanitary sewer connections.
- (m) Exercise exclusive dominion, control and jurisdiction, in, upon, over and under the public streets, avenues, sidewalks, alleys, highways, boulevards and public grounds of the city and provide for the improvement of same.
- (n) Provide for sanitary garbage disposal, and set fees and charges therefor, and provide penalties for failure to pay such fees and charges.
- (o) Compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the City of Rosenberg.
- (p) Provide, by ordinances, for the exercise by this city of any and all powers of local self-government not made self-enacting by this Charter or by statute.
- (q) Provide, by ordinance, for the exercise of the police powers of the city.
- (r) Prevent the construction of housing below standards fixed by the council.
- (s) Pass all ordinances deemed by it to be necessary or proper for the government of the city.
- (t) To lay out, establish, open, alter, widen, lower, extend, grade, abandon, discontinue, abolish, close, care for, pave, supervise, maintain and improve streets, alleys, sidewalks, squares, parks, public places and bridges; and to regulate the use thereof; and to require the removal from streets, sidewalks, alleys and other public property or places of all obstructions and encroachments of every nature or character; and to vacate and close private ways as permitted by general law.
- (u) To exercise all other powers authorized by the constitution and laws of the State of Texas and by the other provisions of this Charter.
- (v) The city council may, by ordinance, prohibit the drilling of water wells for commercial, industrial or agricultural purposes and may provide regulations for the drilling and use of water wells for commercial, industrial, agricultural and domestic purposes.
- (w) Reserved.

Sec. 3.08. City council not to interfere in appointments.

Neither the city council nor any of its members, except as herein otherwise provided, shall direct the appointment of any person to office by the city manager or by any of his subordinates. Except for all purpose of inquiry, 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, either publicly or privately.

Sec. 3.09. Meetings of the city council.

The city council shall hold at least one regular meeting in each month at a time to be fixed by it for such regular meetings, and may hold as many additional meetings during the month as may be necessary for the transaction of the business of the city and its citizens. The mayor or any three members of the city council may call special meetings

of the city council at any time. The city council shall determine its own rules of procedure and may compel the attendance of its members. Four of the qualified members of the city council shall constitute a quorum to do business.

Sec. 3.10. Procedure for passage of ordinances.

The affirmative vote of four (4) members of the council shall be necessary to adopt any ordinance or resolution. Except as otherwise provided in this Charter, no ordinance shall be finally passed until it has been read on two (2) separate days, unless the requirements for reading it on two (2) separate days be dispensed with by an affirmative vote of five (5) of the council members.

Sec. 3.11. Official bonds for city employees.

The city manager and the city secretary and such other city officers and employees as the city council may require, shall, before entering upon the duties of their offices, enter into a good and sufficient fidelity bond in a sum to be determined by the city council, payable to the City of Rosenberg and conditioned upon the faithful discharge of the duties of such persons and upon the faithful accounting for all monies, credits and things of value coming into the hands of such persons, and such bonds shall be signed as surety by some company authorized to do business under the laws of the State of Texas, and the premium on such bonds shall be paid by the City of Rosenberg, and such bonds must be acceptable to the city council.

Sec. 3.12. Investigation by the city council.

The city council shall have power to inquire into the conduct of any office, department, agency, officer or employee of the city and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths and compel the production of books, papers and other evidence. Failure to obey such subpoena or to produce books, papers or other evidence as ordered under the provisions of this section shall constitute a misdemeanor.

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

As soon as practicable after the close of each Fiscal Year, an independent audit shall be made of all accounts of the City government and corporations established by the City. The certified public accountants, appointed by the City Council, shall have no personal interest, directly or indirectly, in the financial affairs of the City or any of its officers.

Sec. 3.14. Comprehensive Plan.

- (a) The City Council shall adopt and implement a comprehensive plan to guide, regulate, and manage the future development within the corporate limits and the extraterritorial jurisdiction of the City, and to assure the most appropriate and beneficial use of land, water, and other natural resources, consistent with the public interest.
- (b) The comprehensive plan shall be reviewed and adopted no less than every five years.