

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

PREAMBLE

We, the citizens of Rosenberg, Texas, in order to establish a home rule municipal government, provide for the future progress of our city and obtain more fully the benefits of local self-government, do hereby adopt this Home Rule Charter in accordance with the statutes of the State of Texas; and do hereby declare the residents of the City of Rosenberg in Fort Bend County, Texas, living within the legally established boundaries of said city, to be a political subdivision of the State of Texas incorporated forever under the name and style of the "City of Rosenberg" with such powers, rights and duties as are herein provided.

ARTICLE I. FORM OF GOVERNMENT AND BOUNDARIES

Sec. 1.01. Form of government.

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

Sec. 1.02. The boundaries.

The boundaries of the City 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

Sec. 1.03. Extension of boundaries.

- (a) The City shall have the power to fix the boundaries of the City, to extend the boundaries of the City and annex area adjacent to the City, and to exchange area with other cities.
- (b) Any area of the City may be disannexed pursuant to any procedure allowed under state law whenever, in the opinion of the City Council, there exists within the corporate limits of the City a territory not suitable or necessary for City purposes. The City Council may discontinue said territory as part of the City by ordinance after conducting a public hearing on the matter. State law reference—Annexation, V.T.C.A., Local Government Code § 43.001 et seq.

ARTICLE II. POWERS OF THE CITY

Sec. 2.01. General.

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

execution those powers and those express and implied powers necessary for the government, interests, health, welfare, and good order of the City and its inhabitants.

Sec. 2.02. Intergovernmental Relations.

The City 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, 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.

Sec. 2.03. Eminent domain.

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

Sec. 2.04. Disaster clause.

In case of disaster when a legal quorum of the City Council cannot otherwise be assembled due to multiple deaths or injuries, the surviving persons of the City Council, or highest surviving City official, if no elected official remains, shall, within 24 hours of such disaster, request the highest surviving officers of the Fort Bend County Commissioners Court to appoint a number of residents of the City equal to the number necessary to make a quorum to act during the emergency as the City Council. The newly appointed City Council shall call a City election within 15 days of their appointment, or as provided in the Texas Election Code, for election of the vacant offices, if for good reasons it is known a quorum of the present City Council will never again meet. If it is determined that a quorum of the present City Council will meet again, the appointed Council Members shall serve in their position until such time as the present Council Members may begin serving.

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.

ARTICLE IV. ADMINISTRATIVE SERVICES

Sec. 4.01. City manager.

- (a) *Appointment and qualifications:* The city council shall appoint a city manager by a vote of two-thirds (2/3) of the entire city council who shall be the chief administrative and executive officer of the city and shall be responsible to the city council for the administration of all the affairs of the city under his jurisdiction. He shall be chosen by the city council solely on the basis of his executive and administrative training, experience and ability, and need not, when appointed, be a resident of the City of Rosenberg. No member of the city council shall, during the time for which he is elected and for one year thereafter, be appointed or designated city manager.
- (b) *Term and salary:* The city manager shall not be appointed for a definite term but may be removed at the will and pleasure of the city council by a vote of two-thirds (2/3) of the entire council. The action of the city council in suspending or removing the city manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the city council. In case of the absence or disability of the city manager, the city council may designate some qualified person to perform the duties of the office during such absence or disability. The city manager shall receive such compensation as may be fixed by the city council.
- (c) *Powers and duties of the city manager:*
 - (1) Appoint, and when necessary for the welfare of the city, remove any employee of the city, except as otherwise provided by this Charter.
 - (2) Prepare the budget annually and submit it to the city council, and be responsible for its administration after adoption.
 - (3) Prepare and submit to the city council as of the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year.
 - (4) Keep the city council advised of the financial condition and future needs of the city and make such recommendations as may seem desirable.
 - (5) Perform such duties as may be prescribed by this Charter or may be required of him by the city council not inconsistent with this Charter.

Sec. 4.02. Police department.

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

- (a) *Chief of police.*
 - (1) *Appointment.* The chief of police shall be the chief executive officer of the police department, and he or she shall be appointed by the city council for an indeterminate term and may be removed or discharged at any time by a majority vote of the entire council. Such removal and discharge shall be solely within the discretion of the city council, and may be made with or without cause, and the chief of police shall be directly responsible and accountable to the city council for the faithful discharge of the responsibilities of such department.
 - (2) *Qualifications.* The chief of police shall be at least thirty years of age, with prior experience in the field of law enforcement, possessed of good moral character and shall have never been convicted of a felony or any crime involving moral turpitude, in this or any other state.
 - (3) *Duties.* It shall be the duty of the chief of police to enforce the laws and ordinances of the City of Rosenberg and this state, and shall perform such other duties as may be required by the city council, provided such duties shall not be contrary to the provisions of this Charter or in violation of the laws and constitution of the State of Texas and the United States; and he or she shall cooperate with all other law enforcement agencies for the purpose of the prevention and discovery of crimes and the apprehension of criminals and the promotion of public safety; and he or she shall cooperate with the city manager and all department heads of the city government in all matters of common concern to the end that all functions of the city shall be integrated.
- (b) *Appointment of subordinates.* The chief of police shall have the power to appoint, discharge and remove all subordinate personnel of the police department.
- (c) *Budget and disbursement of funds.* The chief of police shall on or before the first day of June of each year, submit to the city manager, a proposed annual budget for the police department for the following fiscal year, such proposed annual budget to be included in the annual budget for the City of Rosenberg. Payment of salaries and purchase of supplies and equipment and payments therefor shall be governed by the provisions of this Charter applicable thereto.
- (d) *Special police.* No persons, except as otherwise provided by general law or this Charter or the ordinances passed pursuant thereto, shall act as special police or special detective.

Sec. 4.03. City secretary.

The city council shall appoint a city secretary. The city secretary shall give notice of council meetings, shall keep the minutes of the proceedings of such meetings, shall authenticate by his signature and record in full in a book kept and indexed for the purpose, all ordinances and resolutions, and shall perform such other duties as the city council shall assign to him, and those elsewhere provided for in this Charter.

Sec. 4.04. Municipal court.

- (a) There shall be established and maintained a court designated as a Municipal Court for the trial of misdemeanor offenses with all such powers and duties as are now or hereafter prescribed by the laws of the State of Texas.
- (b) The City Council shall appoint Municipal Judge(s).

Sec. 4.05. City attorney.

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

Sec. 4.06. Health and sanitation.

The City shall employ one or more health sanitarians.

Sec. 4.07. Other departments.

The city council may abolish or consolidate such offices and departments as it may deem to be to the best interest of the city, and may divide the administration of any such departments as it may deem advisable, may create new departments, and may discontinue any offices or departments at its discretion, except those specifically established by this Charter. Two or more departments may be headed by the same person or officer.

ARTICLE V. NOMINATIONS AND ELECTIONS

Sec. 5.01. Elections.

All City elections shall be held as provided by Texas Election Code and in accordance with the laws of the State of Texas.

Sec. 5.02. Regulation of elections.

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

Sec. 5.03. Election by majority and run-off elections.

At every regular election and at every special election called to fill one or more vacant places on the city council, election to each place on the council shall be by a majority of all votes cast for such place at such election. In every such election, each qualified voter shall vote for not more than one candidate for mayor and for each at large council place to be filled and shall vote for not more than one (1) candidate for a district council position in the district where said qualified voter resides and shall not vote for candidates for other council districts.

ARTICLE VI. RECALL OF OFFICERS, LEGISLATION BY THE PEOPLE, INITIATIVE AND REFERENDUM

Sec. 6.01. General Authority.

- (a) Any elected city official, whether elected to office by the qualified voters of the city or appointed by the city council to fill a vacancy, shall be subject to recall and removal from office by the qualified voters of the city on grounds of incompetency, misconduct, or malfeasance in office.
- (b) The registered voters of the City shall have the power to enact ordinances through the initiative process set forth in this Charter unless otherwise preempted by state law such as: the enactment of ordinances relating to the adoption or amendment of the City budget or any capital expenditure; the appropriation of money; the levying of taxes; the adoption or amendment of a comprehensive plan; the adoption, amendment, or repeal of zoning districts or regulations; the annexation or disannexation of land; the setting of rates, fees, charges, or assessments; the setting of salary or compensation of officers or employees; or the granting of franchises.
- (c) The registered voters of the City shall have the power to repeal ordinances through the referendum process set forth in this Charter, unless otherwise preempted by state law such as: the repeal of ordinances relating to the adoption or amendment of the City budget or any capital expenditure; the appropriation of money; the levying of taxes; the adoption or amendment of a comprehensive plan; the adoption, amendment, or repeal of zoning districts or regulations; the annexation or disannexation of land; the setting of rates, fees, charges, or assessments; the setting of salary or compensation of officers or employees; or the granting of franchises.
- (d) If any officer or employee of the City fails or refuses to perform any duty required under this Article, any citizen may file with the appropriate court for a writ of mandamus to force the officer or employee to perform such duty.

- (e) No ordinance, resolution, or action of the City Council, as referenced in Section 6.01, shall be subject to more than one initiative or referendum election per 12-month period from the date of the election.
- (f) No recall petition shall be filed against any officer of the City of Rosenberg within six months after his election, nor within three months after an election for such officer's recall.

Sec. 6.02. Form of recall, initiative and referendum petition, generally.

- (a) Any registered voter of the City may commence recall, initiative, or referendum proceedings by filing with the City Secretary a petition as required by this Article, provided that the registered voter must file with the City Secretary a Notice of Intent to circulate a petition before circulating the petition. For a recall petition only, The Notice of Intent to circulate a petition required by this subsection must be filed at least six months after the election of the person sought to be removed and must be filed prior to the date of signing of each signature contained in the petition.
- (b) At least one signer of the petition must swear or affirm before a notary public or other person authorized to administer oaths that each signature on the petition was made by the person whose signature it purports to be, and that oath must be memorialized on the petition.
- (c) A petition is valid if:
 - (1) The petition complies with the applicable requirements of this Article and Chapter 277, Texas Election Code; and
 - (2) The petition is filed after the notice of intent to circulate a petition is properly filed under subsection (a), if applicable.
- (d) Not later than the tenth business day after the date a petition is filed, the City Secretary shall review the petition and determine whether the petition is valid. If the City Secretary determines the petition is valid, the City Secretary shall attach a certificate to the petition stating that the petition is valid and submit the petition and certificate to the City Council as soon as practicable. If the City Secretary determines that the petition is not valid:
 - (1) The City Secretary shall attach a certificate to the petition stating the facts supporting the determination that the petition is not valid;
 - (2) The City Secretary shall notify the person who filed the petition of the City Secretary's determination;
 - (3) The City Secretary shall return the petition to the person who filed it; and
 - (4) The petition may be amended or supplemented and resubmitted not later than the tenth business day after the date of the certification under Subdivision (1). The City Secretary shall determine the validity of a petition resubmitted under this subdivision in the same manner as the original submission except that, if the City Secretary determines the petition is not valid, then the petition may not be further amended or supplemented.
- (e) The petition may consist of one or more copies, or subscription lists, circulated separately, and the signatures thereto may be upon the paper or papers containing the form of petition, or upon other papers attached thereto. Verifications provided for in this article may be made by one or more petitioners, and the several parts or copies of the petition may be filed separately and by different persons; but no signatures to such petition shall remain effective or be counted which were placed thereon more than forty-five days prior to the filing of such petition or petitions with the person performing the duties of city secretary. All papers comprising a recall petition shall be filed with the person performing the duties of city secretary on the same day, and the said secretary shall immediately notify, in writing, the officer so sought to be removed, by mailing such notice to his Rosenberg address. City Council shall adopt a form of a petition for recall, initiative and referendum petitions by ordinance.

Sec. 6.03. Petitions for recall.

Before the question of recall of such officer shall be submitted to the qualified voters of the city, a petition demanding such question to be so submitted shall first be filed with the city secretary; which said petition shall be signed by qualified voters of the city equal in number to at least ten percent (10%) of the registered voters who voted at the City's last general election or the signatures of at least 180 qualified voters, whichever is greater. Each signer of such recall petition shall personally sign his name thereto in ink or indelible pencil and shall write after his name

his place of residence, giving name of street and number, or place of residence, and shall also write thereon the day, the month and year his signature was affixed.

Sec. 6.04. Presentation of petition to city council.

At the next regular or special council meeting after the date of the filing of the papers constituting the recall petition, the person performing the duties of city secretary shall present such a petition to the city council of the City of Rosenberg.

Sec. 6.05. Public hearing and Elections.

Upon a valid petition and certificate being submitted to the City Council by the City Secretary, the City Council shall hold a public hearing on the matter as soon as practicable, at which only the person whose removal is sought may be heard. Unless the person whose removal is sought resigns prior to the conclusion of the public hearing, at the conclusion of the public hearing, the City Council shall order a recall election to be held on the first uniform election date that occurs 78 days after the date of the order.

Sec. 6.06. Ballots in recall election.

The ballot for a recall election shall be printed to permit voting for or against the removal of the person sought to be removed and shall state the full name and title of the person. If less than a majority of the votes received at the recall election are in favor of removal of the person named on the ballot, the person remains in office. If a majority of the votes received are in favor of the removal of the person, the person's office shall be deemed vacant upon the passing of the resolution canvassing the election, and the vacancy shall be filled in the manner prescribed by this Charter for filling such vacancy. A person removed by recall may not be appointed to fill the vacancy and may not be a candidate in any election called to fill the vacancy.

Sec. 6.07. Result of recall election.

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

Sec. 6.08. Petitions for Initiative.

- (a) Before an initiative election shall be submitted to the qualified voters of the city, a petition demanding such question to be so submitted shall first be filed with the city secretary. A petition for initiative must contain a number of signatures equivalent to at least ten percent (10%) of the registered voters who voted at the City's last general election or the signatures of at least 180 qualified voters, whichever is greater and must set forth in full the text of the ordinance sought to be enacted.
- (b) Upon a valid petition and certificate being submitted to the City Council by the City Secretary, the City Council shall hold a public hearing on the matter as soon as practicable, at which any resident of the City may be heard. At the conclusion of the public hearing, the City Council shall either:
 - (1) Adopt the ordinance set forth in the petition without any change in substance; or
 - (2) Order an initiative election to be held on the first uniform election date that occurs 78 days after the date of the order.
- (c) The ballot for an initiative election shall be printed to permit voting for or against the ordinance sought to be enacted, and shall set forth the nature of the ordinance sufficiently to identify it. If less than a majority of the votes received at the initiative election are in favor of the ordinance, the ordinance is void. If a majority of the votes received are in favor of the ordinance, the ordinance shall be deemed enacted and become effective upon the passing of the resolution canvassing the election, and the City Council may only amend the ordinance

pursuant to subsequent initiative proceedings, and may only repeal the ordinance pursuant to subsequent referendum proceedings.

Sec. 6.09. Petitions for Referendum.

- (a) A petition for referendum must contain a number of signatures equivalent to at least ten (10%) percent of the registered voters who voted at the City’s last general election or the signatures of at least 180 qualified voters, whichever is greater, and must cite and attach the ordinance sought to be repealed and any and all amendments thereto.
- (b) Upon a valid petition and certificate being submitted to the City Council by the City Secretary, the City Council shall hold a public hearing on the matter as soon as practicable, at which any resident of the City may be heard. At the conclusion of the public hearing, the City Council shall either:
 - (1) Repeal the ordinance cited and attached to the petition and any and all amendments thereto; or
 - (2) Order a referendum election to be held on the first uniform election date that occurs 78 days after the date of the order. The ballot for a referendum election shall be printed to permit voting for or against the ordinance sought to be repealed, and shall set forth the nature of the ordinance sufficiently to identify it. If a majority of the votes received at the referendum election are in favor of the ordinance, the ordinance remains in effect. If less than a majority of the votes are in favor of the ordinance, the ordinance shall be deemed repealed and become void upon the passing of the resolution canvassing the election, and the City Council may only reenact the ordinance pursuant to subsequent initiative proceedings.

Sec. 6.10. Voluntary submission of legislation by the council.

The city council, upon its own motion and by a majority vote of its members, may submit to popular vote at any election for adoption or rejection any proposed ordinance or resolution or measure, or may submit for repeal any existing ordinance, resolution or measure, in the same manner and within the same force and effect as provided in this article for submission on petition, and may in its discretion call a special election for this purpose. No ordinance, resolution or measure may be voluntarily submitted to the voters twice within any 12-month period under this Sec. 6.10.

Sec. 6.11. Inconsistent ordinances.

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

Sec. 6.12. Ordinances passed by popular vote, repeal or amendment.

No ordinance or resolution which may have been passed by the city council upon a petition or adopted by popular vote under the provisions of this article shall be repealed or amended except by the city council in response to a referendum petition or by submission as provided in section 6.10 of this Charter.

Sec. 6.13. Further regulations by city council.

The city council may pass ordinances or resolutions providing other and further regulations for carrying out the provisions of this article not inconsistent herewith.

ARTICLE VII. MUNICIPAL PLANNING

Sec. 7.01. Development of property.

No expenditure of public funds shall be authorized by the city council for the development of privately owned property within the corporate limits of the city, except for those that are authorized by the constitution and the laws

of this state. The expenditure of public funds for the extension of water and sewer to such areas, shall be authorized by the city council, only if it can be shown to the satisfaction of the city council that the taxes from the assessed valuation of said property will, within a reasonable time after it is made, pay for said extension or extensions.

Sec. 7.02. Planning commission.

The city council may appoint a city planning commission consisting of seven members and up to two ex-officio members who shall be residents of the City of Rosenberg, shall serve without compensation, and shall not hold any other position in the city government other than a temporary special task force or temporary committee.

- a. *Term of office.* The six members first appointed shall serve until May 31st, 1958. Thereafter, the membership of the planning commission shall be appointed after each city election to serve a term of two years, ending on the 31st day of May of each second year, or until their successor shall have qualified.
- (b) *Rules of procedure.* The commission shall elect, annually, one of its number chairman, and shall establish its own rules of procedure which shall include the following: A quorum shall consist of a majority of the members of the commission and an affirmative vote of a majority of those present shall be necessary to pass upon pending questions, the chairman being entitled to vote upon any question. All meetings shall be open to the public and a record of all proceedings shall be kept, which record shall be filed with the person performing the duties of city secretary and shall be a public record.
- (c) *Vacancies.* Membership of the planning commission shall be accompanied by active participation in the activities of the commission, and any member who is absent from three consecutive meetings of the commission without valid excuse, as determined by the commission, shall automatically be dismissed from membership. The commission shall at once notify the city council that a vacancy in the planning commission exists. Vacancies occurring in the commission, for whatever reason, shall be filled within thirty days by appointment by the city council for the remainder of the unexpired term.
- (d) *Powers and duties.* The commission shall have the power and shall be required to:
 1. Make, amend, extend and add to the master plan for the physical development of the city.
 2. Make and recommend to the city council, approval or disapproval of plats of proposed subdivisions submitted in accordance with State law. In considering such plats, the planning commission shall require that the proposed subdivisions shall meet, so far as is practicable, all the standards of layout and street and sidewalk construction on comparable property within the corporate limits of the City of Rosenberg, and shall further require that restrictions be placed on the use of the property within the City of Rosenberg.
 3. Draft, and recommend to the city council for adoption, an official map of the city and recommend or disapprove proposed changes in such map.
 4. Make, and recommend to the city council for adoption, a zoning plan and recommend or disprove proposed changes in such plan.
 5. Make, and recommend to the city council for adoption, plans for the clearance and rebuilding of slum districts and blighted areas which may develop within the city.
 6. Compile, and recommend to the city council for adoption, a building code, which code shall include the minimum standards of construction for buildings, the minimum standards for plumbing, and the minimum standards for wiring, and gas piping.
 7. Submit annually to the city manager, not less than ninety days prior to the beginning of the budget year, a list of recommendations for capital improvements which, in the opinion of the commission, are necessary or desirable to be constructed during the forthcoming five years. Such list shall be arranged in order of preference, with recommendations as to which projects shall be constructed in which year.
 8. Meet not less than once each month; meetings to be held at the city hall unless prior notice of change of meeting place be given by publication in a newspaper of general circulation published in the City of Rosenberg.

-
9. Perform such other duties and be vested with such other powers as the city council shall from time to time prescribe.
- (e) *Liaison with city council.* The city manager, or his representative, shall attend the meetings of the planning commission and shall serve as liaison between the planning commission and the city council.

Sec. 7.03. Referendum on zoning.

The City of Rosenberg shall have the power to adopt a zoning ordinance only by:

- (a) Allowing a six-month waiting period after publication of any proposed ordinance for public hearings and debate; and
- (b) Holding a binding referendum at a regular or special election to be held on an authorized election date prescribed by the Texas Election Code.

ARTICLE VIII. MUNICIPAL FINANCE

Sec. 8.01. Fiscal year.

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

Sec. 8.02. Preparation and submission of budget.

The city manager, between forty-five and ninety days prior to the beginning of each fiscal year, shall submit to the council a proposed budget, which budget shall provide a complete financial plan for the fiscal year.

ARTICLE IX. ISSUANCE AND SALE OF BONDS

Sec. 9.01. Power to borrow money.

- (a) In keeping with the Constitution of Texas, and not contrary thereto, the City of Rosenberg shall have the right to issue, as provided herein, all tax bonds, revenue bonds, funding and refunding bonds, time warrants and other evidence of indebtedness as now authorized or as may hereafter be authorized to be issued by cities and towns by the General Laws of the State of Texas.
- (b) The City of Rosenberg shall not authorize or issue Certificates of Obligation unless authorized by an ordinance with a vote of two-thirds (2/3) approval of the entire City Council.

ARTICLE X. FINANCE ADMINISTRATION

Sec. 10.01. Director of finance, appointment and qualifications.

There shall be a department of finance, the head of which shall be the director of finance, who shall be appointed by the city manager with the approval of the city council; and he shall give a surety bond for faithful performance of his duties.

Sec. 10.02. Purchasing policy.

The City shall adopt a purchasing policy which shall be reviewed and approved annually by the appropriate subcommittee of the City Council.

All purchases by the City of Rosenberg shall be in accord with the laws of the State of Texas and the United States of America.

ARTICLE XI. FRANCHISES AND PUBLIC UTILITIES

Sec. 11.01. Authority to grant franchises.

- a. The right of control and use of the public streets, highways, sidewalks, alleys, parks, public squares, and public places of the City is hereby declared to be inalienable by the City, except as may be provided by this Charter or other law, and no act or omission by the City Council or any officer or agent of the City shall be construed to grant, renew, extend, or amend by estoppel or indirection any right, franchise, or easement affecting said public streets, highways, sidewalks, alleys, parks, public squares, public places and other real property.
- (b) To the full extent allowed by law, the City may require that any person, utility, or company making use of City streets, highways, sidewalks, alleys, parks, public squares, or other public places of the City to provide any service to the public first obtain the written consent of the City by license, permit, franchise, ordinance, or otherwise, which may be subject to certain terms and conditions at the discretion of the City Council.
- (c) To the full extent allowed by law, the City may regulate the rates, charges, fees, operations, and services of any person, utility, or entity providing water, wastewater, electricity, natural gas, telephone, telecommunications, cable television, taxicab, bus, solid waste, transportation, or similar service to the public within the City.

ARTICLE XII. GENERAL PROVISIONS

Sec. 12.01. Conflicts of interest.

For purposes of this section the term "City Official" means any individual subject to the requirements of Texas Local Government Code, Chapter 171. It is hereby prohibited for City Council members or a City Official to violate the rules and regulations regarding conflicts of interest as set out in the Texas Local Government Code, Chapter 171.

Sec. 12.02. No officer or employee to accept gifts.

No officer or employee of the City of Rosenberg shall ever accept, directly or indirectly, any gift, favor, privilege, or employment from anyone during such employment of such employee except as may be authorized by law or ordinance; provided, however, that policemen and firemen in uniform or wearing their official badges may accept such free services where the same is permitted by ordinance. Any officer or employee of the city who shall violate the provisions of this section shall be guilty of a misdemeanor and may be punished by any fine that may be prescribed by ordinance for this offense, and shall forthwith be removed from office.

Sec. 12.03. Persons indebted to the city shall not hold office or employment.

No person shall be qualified to hold a municipal office or serve the city in any other capacity for which compensation is paid who is, or may become while in service, in arrears in the payment of taxes or other liabilities due the city.

Sec. 12.04. Damage suits.

The City shall not be held liable on account of any claim for the death of any person or injuries to any person or damage to any property unless the person making such complaint or claiming such damages shall, within 120 days after the time at which it is claimed such damages were inflicted upon such person or property, file with the City written statement, under oath, stating the nature and character of such damages or injuries, the extent of the same, the place where the same happened, the circumstances under which same happened and the condition causing same, with a detailed statement of each item of damages and the amount thereof, giving a list of any witnesses known by affiant to have seen the accident.

Sec. 12.05. Power to settle claims.

The city council shall have the power to compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the city, including suits by the city to recover delinquent taxes.

Sec. 12.06. Service of process against the city.

All legal process against city shall be served upon the city manager.

Sec. 12.07. City not required to give security or execute bond.

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

Sec. 12.08. Power to remit penalties.

The city council shall have the right to remit in whole or in part any fine or penalty belonging to the city, which may be imposed under any ordinance or resolution passed in pursuance of this Charter.

Sec. 12.09. Church and school property not exempt from special assessments.

No property of any kind, by whomsoever owned or held or by whatsoever institution, agency, political subdivision, or organization, owned or held, whether in trust or by non-profit organization, or corporation, or by foundation, or otherwise, (except property of the City), shall be exempt in any way from any of the special charges, levies and assessments except where required by state law.

Sec. 12.10. Construction and separability clause.

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

Sec. 12.11. Amending the Charter.

Amendments to this Charter may be framed, proposed, and adopted in the manner provided herein by the laws of the State of Texas.

Sec. 12.12 Charter Review Commission.

- (a) Five years after the adoption of this Charter and every five years thereafter, the City Council shall appoint a Charter Review Commission composed of 13, 15, or 17 members from a pool of qualified applicants. Appointment shall be made at the first regular meeting following the anniversary date of the Charter's adoption. The Charter Review Commission shall serve for six months, or a longer term if extended by the City Council, and shall meet at least once each month during its term.
- (b) The Charter Review Commission must establish its own rules of procedure, which must require that a quorum consists of a majority of its members and that an affirmative vote of a majority of all members present is necessary to act.

- (c) The Charter Review Commission shall:
 - 1. Inquire into the operations of City government and review the Charter to determine whether it requires revision. Public hearings may be held and the commission shall have the power to compel the attendance of City officers or employees and to require the submission of City records necessary to its inquiry and review;
 - 2. Propose any recommendations it deems desirable to ensure compliance with Charter provisions by City departments;
 - 3. Propose any Charter amendments it deems desirable to improve the effective application of the Charter to current conditions; and
 - 4. Make a written report of its findings and recommendations to the City Council.
- (d) The City Council shall receive and have published in the City's official newspaper the Charter Review Commission's final report. It shall consider any recommendations and, if any amendments are presented, shall order the amendment or amendments submitted to the voters of the City.

Sec. 12.13. Non-substantive Revisions.

- (a) The City Council may at a regular meeting, without approval of the voters, adopt an ordinance that makes the following types of revisions to this Charter:
 - 1. Renumbering, revising titles, and rearranging parts thereof;
 - 2. Correcting errors in spelling, grammar, cross-references, and punctuation; and
 - 3. Revising language to reflect modern usage and style.
- (b) A revision adopted under this section is not intended to and is not to be interpreted as making any substantive change in any Charter provision.

Sec. 12.14. Liability Coverage for City Officials.

The City shall provide liability coverage to all officials and officers in an amount to be determined by the City Council to provide protection for any claim, judgment, or litigation arising out of the official's or officer's actual or alleged error or misstatement of fact or omission or neglect or breach of duty, including misfeasance, malfeasance, or nonfeasance, by the official or officer in the discharge of their duties with the City, individually or collectively, or any matter claimed against them solely by reason of their being or having been City officials or officers.