

**HOME RULE CHARTER
CITY OF ANGLETON, TEXAS**

ARTICLE 1. FORM OF GOVERNMENT AND BOUNDARIES

Sec. 1.01. Form of government.

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

Sec. 1.02. Boundaries.

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

Sec. 1.03. Annexation for all purposes.

The City Council shall have the power by ordinance to fix the boundary limits of the City of Angleton, and to provide for the alteration and the extension of said boundary limits, and the annexation of additional territory subject to such procedural rules as may be prescribed by law.

Sec. 1.04. Contradiction of boundaries.

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

ARTICLE 2. POWERS OF THE CITY

Sec. 2.01. General powers.

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

Sec. 2.02. Eminent domain.

The City shall have the power conferred upon it by the Constitution, and laws of the State of Texas for eminent domain.

ARTICLE 3. THE CITY COUNCIL

Sec. 3.01. Number, selection, and term.

The legislative and governing body of the City shall consist of a Mayor and five Council Members and shall be known as the "City Council of the City of Angleton."

- (1) The Mayor shall be elected from the City at large. The election of members of the City Council shall be by position from the City at large, designating council positions as position one through position five, inclusive, authorizing qualified voters to vote on a candidate for each council position and providing for interim determination of council positions by lot.
- (2) The Mayor shall be the presiding officer of the City Council and shall be recognized as the head of the City government for all ceremonial purposes and by the governor for purposes of military law but shall have no regular administrative duties. The Mayor shall be entitled to vote on all matters under consideration by the City Council.
- (3) In each odd numbered year two Council Members and a Mayor shall be elected, and in each even numbered year three Council Members shall be elected.
- (4) The Mayor and each councilman shall hold office for a period of two years and until his successor is elected and qualified. All elections shall be held in the manner provided in article 5 of this Charter.
- (5) A person who has served three terms as councilmember shall not be eligible to serve in such office thereafter for a period of 12 months, at which time that person's eligibility to serve another three terms shall be restored.
- (6) A person who has served three terms as Mayor shall not be eligible to serve in such office thereafter for a period of 12 months, at which time that person's eligibility to serve another three terms shall be restored.
- (7) A person who is elected Mayor or councilmember at any City election or who is appointed or elected to serve an unfinished term of office of more than one year shall be deemed to have served one term. A person who is appointed or elected to serve an unfinished term of office of one year or less, shall not be deemed to have served one term.

- (8) Persons in the positions of Mayor and/or councilmember elected at the time this amendment is approved by the voters or thereafter shall be deemed to be serving in their first terms of office. Specifically, the term limit shall be applicable and commence with the taking of the oath of office after term limits are approved by the voters with such date serving as the beginning of their first term of office.

Sec. 3.02. Qualifications.

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

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

The City Council shall be the Judge of the election and qualification of its own members and other elected officials of the City.

Sec. 3.04. Compensation.

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

Sec. 3.05. Mayor pro-tem.

The City Council, at its first meeting after each annual City election, or as soon thereafter as practicable, shall elect one of its members Mayor pro-tem, and he shall perform all the duties of the Mayor in the absence or disability of the Mayor. In the event the City Council, for any reason, fails to elect a Mayor pro-tem at its first meeting after an annual City election, then the Council Member with the longest period of service on the Angleton City Council shall automatically become Mayor pro-tem. In the event that the office of Mayor pro-tem becomes vacant for any reason, the City Council shall elect a new Mayor pro-tem to fill the unexpired term.

Sec. 3.06. Vacancies; generally.

- (1) All vacancies shall be filled pursuant to state law.

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

Sec. 3.07. Powers of the City Council.

The determination of all matters of policy and the exercise of all powers of local self-government shall be vested in the City Council.

Sec. 3.08. Meetings of the City Council.

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

Sec. 3.09. Rules of procedure.

The City Council shall determine its own rules of procedure and may compel the attendance of its members. A quorum shall require four (4) members of the City Council. The Mayor is defined as a member of City Council. Approval of a measure shall require the affirmative vote of a majority of the members who are present and qualified to vote on the measure, but not less than three votes unless otherwise authorized by this Charter.

Sec. 3.10. Official bonds for City employees.

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

Sec. 3.11. Investigation by the City Council.

The City Council shall have power to inquire into the conduct of any office, department, agency, officer or employee of the City and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths and compel the production of books, papers, and other evidence. Failure to obey such subpoena or to produce books, papers or other evidence as ordered under the provisions of this section shall constitute a misdemeanor and shall be punishable by fine not to exceed \$500.00.

ARTICLE 4. ADMINISTRATIVE SERVICES

Sec. 4.01. City Manager.

- (1) Appointment and Qualifications. The City Council shall appoint an administrative and executive officer of the City who shall be responsible to the City Council for the administration of all the affairs of the City. He shall be chosen by the council solely on the basis of his executive and administrative training, experience and ability. No member of the City Council shall, during the time for which he is elected and for one year thereafter, be appointed City Manager.
- (2) Term and salary. The City Manager shall not be appointed for a definite term but may be removed at the will and pleasure of the City Council by a vote of the majority of the entire City Council. The action of the City Council in suspending or removing the City Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility of such suspension or removal in the City Council. In case of the absence or disability or [of] the City Manager, the City Council may designate some qualified person to perform the duties of the office during such absence or disability. The City Manager shall receive compensation as may be fixed by the council.
- (3) Duties of the City Manager.
 - a. The City Manager shall be responsible to the City Council for the efficient and economical administration of the City government. He shall have the authority with the approval of the City Council to appoint and remove all department heads. He shall have the authority to appoint and remove all

other employees in the administrative service of the City. He may authorize the head of a department to appoint and remove subordinates in his respective department. Except for the purpose of inquiry, the City Council and its members shall deal with the administrative service solely through the City Manager.

- b. Prepare the budget annually and submit it to the City Council and be responsible for its administration after adoption.
- c. 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.
- d. Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may seem desirable.
- e. 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. Department of Police.

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

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

Sec. 4.03. City Secretary.

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

Sec. 4.04. Corporation Court.

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

- (1) The Judge of said court shall be appointed by the City Council and shall be a licensed attorney and shall receive such salary as may be fixed by the City Council.
- (2) The City Council shall appoint other licensed attorneys to act as associate judges and temporary judges of said court in case of disability or absence of the Judge of the municipal court. The salaries of these associate and temporary judges are to be fixed by the City Council.
- (3) The Judge, associate and temporary judges shall serve at the will of the City Council. The Clerk and Deputy Clerk(s) shall serve at the will of the City Manager.

Sec. 4.05. City Attorney.

The City Council shall appoint and remove by a super majority competent and duly licensed attorney practicing law in the State of Texas, who shall be the City Attorney, The City Attorney, or such other attorneys selected by the City Attorney shall represent the City in all litigation. He shall be the legal advisor of, attorney and counsel for, the City and all officers and departments thereof.

Sec. 4.06. Fire Department.

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

Sec. 4.07. Other departments.

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

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

ARTICLE 5. ELECTIONS

Sec. 5.01. Regular elections.

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

Sec. 5.02 Election by majority.

At any regular or special municipal election, the candidate for each office who has received a majority of votes cast in such election shall be declared elected. If no candidate receives a majority of the vote, there shall be held a run-off election.

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

Sec. 6.01. General powers.

The qualified voters of the City of Angleton, in addition to the method of legislation hereinbefore provided, shall have the power of direct legislation by the recall, initiative and referendum except for adoption or amendment of the City budget or any capital expenditure; the appropriation of money; the levying of taxes; the adoption amendment, or repeal of zoning districts or regulations; the setting of rates, fees, charges, or assessments; approval of the issuance of bonds; or any other ordinance not subject to initiative as provided by state statute or common law.

Sec. 6.02. Scope of recall.

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

Sec. 6.03. Petitions for recall.

Notice of petition

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

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

Sec. 6.04. Form of recall petition.

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

Sec. 6.05. Various papers constituting petition.

All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall comply with Chapter 277 of the Texas Election Code as may be amended from time to time. The one instrument comprising a recall petition and filed with the person performing the duties of City Secretary are to be filed on the same day, and the said secretary shall immediately notify, in writing, the officer so sought to be removed, by mailing such notice to their Angleton address.

Sec. 6.06. Presentation of petition to City Council.

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

Sec. 6.07. Public hearing to be held.

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

Sec. 6.08. Election to be called.

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

Sec. 6.09. Ballots in recall elections.

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

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

Sec. 6.10. Result of recall election.

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

Sec. 6.11. Recall, restrictions thereon.

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

Sec. 6.12. Failure of City Council to call an election.

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

Sec. 6.13. Initiative.

Notice of Petition

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

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

Said petition must be signed by qualified voters of the City equal in number to 30 percent of the number cast at the last regular municipal election of the City, or 150 qualified voters, whichever is greater, and each copy of the petition shall have attached to it a copy of the proposed legislation. The petition shall be signed as provided for in the requirements for signatures on petitions as set forth in the Texas Election Code or any amendments thereto. Such petition shall be filed with the person performing the duties of City Secretary and within ten days after the filing of such petition, the person performing the duties of City Secretary shall present a copy of said petition and proposed ordinance or resolution to each

member of the City Council. Upon presentation to City Council, it shall become the duty of the City Council, at the next regular meeting, or within thirty days, whichever is earlier to either pass and adopt such ordinance or resolution or to call a special election, to be held on the earliest date allowed by the election laws of the State of Texas. However, if any other municipal election is to be held within 78 days after the filing of the petition, the question may be voted on at such uniform election date.

Sec. 6.14. Referendum.

Notice of Petition

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

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

Qualified voters of the City of Angleton may require that any ordinance or resolution, with the exception of ordinances or resolutions levying taxes or issuing tax or revenue bonds, passed by the City Council be submitted to the voters of the City for approval or disapproval, by submitting a petition for this purpose within 30 days after final passage of said ordinance or resolution. Said petition shall be addressed, prepared, signed and verified as required for petitions initiating legislation, as provided in section 6.13 of this Charter and shall be submitted to the person performing the duties of City Secretary. Immediately upon filing of such petition, the City Secretary shall present said petition to the City Council. Thereupon the City Council shall immediately reconsider such ordinance or resolution and, if it does not entirely repeal the same, shall submit it to popular vote as provided in section 6.13 of this Charter. Pending the holding of such election, such ordinance or resolution shall be suspended from taking effect and shall not later take effect unless a majority of the qualified voters voting thereon at such election shall vote in favor thereof.

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

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

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

Sec. 6.16. Form of ballots.

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

Sec. 6.17. Publication of proposed and referred ordinances.

The person performing the duties of City Secretary shall publish at least once in accordance with the Texas Election Code, as amended.

Sec. 6.18. Adoption of ordinances.

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

ARTICLE 7. MUNICIPAL PLANNING AND ZONING

Sec. 7.01. Platting of property.

- (1) The City Council shall create a Planning Commission and a Zoning Commission, and may combine or, after being combined, separate the same at its discretion.
 - a. Every owner of any tract of land situated within the corporate limits of the City of Angleton who may divide the same in two or more parts for the purpose of laying out any subdivision or any addition to the City shall comply with the provisions of City code of ordinances as amended.
- (2) The provisions of section 7.01(a) shall apply similarly to the owner of any tract of land situated within the area of extraterritorial jurisdiction of the City of Angleton.

Sec. 7.02 Zoning board of adjustment.

The City Council shall appoint a zoning board of adjustment in accordance with State law.

ARTICLE 8. MUNICIPAL FINANCE

Sec. 8.01. Fiscal year.

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

Sec. 8.02. Preparation and submission of budget.

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

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

Sec. 8.03. - Power to tax.

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

Sec. 8.04. Issuance of bonds.

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

ARTICLE 9. FRANCHISES AND PUBLIC UTILITIES

Sec. 9.01. Powers of the City.

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

Sec. 9.02. Power to grant franchise.

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

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

Sec. 9.03. Right of regulation.

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

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

Sec. 9.04. Regulation of rates.

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

Sec. 9.05. Municipally owned utilities.

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

ARTICLE 10. GENERAL PROVISIONS

Sec. 10.01. Official oath.

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

Sec. 10.02. Notice of claim.

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

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

The property, real and personal belonging to the City shall not be liable to be sold or appropriated under any writ of execution or cost bill. The funds belonging to the City in the hands of any person, firm or corporation, shall not be liable to garnishment, attachment or sequestration, nor shall the City be liable to garnishment on account of any debt it may owe or funds or property it may have on hand or owing to any person. Neither the City nor any of its officers or agents shall be required to answer any such writ or garnishment on any account whatever. The City shall not be obligated to recognize any assignment of wages or funds by its employees, agents or contractors.

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

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

Sec. 10.05. Personal interest in City contract.

Any officer or employee of the City having a substantial interest in a business entity or real property, as those terms are defined in Chapter 171 of the Texas Local Government

Code as it now reads or may hereafter be amended, shall comply with Chapter 171 and, if necessary, shall file an affidavit stating the nature and extent of the interest before any vote or discussion on the matter involving the business entity or real property, abstain from participation, discussion and vote in the matter and comply with other applicable provisions of Chapter 171.

Sec. 10.06. Nepotism.

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

Sec. 10.07. Applicability of general laws.

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

Sec. 10.08. Amending the Charter.

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

NON-SUBSTANTIVE REVISIONS. The City Council may, without approval of the voters, adopt an ordinance that makes the following types of revisions to this Charter:

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

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

Sec. 10.09. Severability clause.

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

Sec. 10.10. Charter Review Commission.

Every five years the City Council shall appoint at its first regular meeting in October a Charter Review Commission of five citizens of the City of Angleton.

- (1) Duties of the commission. It shall be the duty of such charter review commission to:
 - a. Inquire into the operations of the City government under the Charter provisions and determine whether any such provisions require revision. To this end public hearings may be held, and the commission shall have the power to compel the attendance of any officer or employee of the City and to require the submission of any of the City records which it may deem necessary to the conduct of such hearing;
 - b. Propose any recommendations it may deem desirable to ensure compliance with the provisions of the Charter by the several departments of the City government;
 - c. Propose, if it deems desirable, amendments to this Charter to improve the effective application of said Charter to current conditions;
 - d. Report its finding and present its proposed amendments, if any, to the City Council.
- (2) Action by the City Council. The City Council shall receive any report presented by the charter review commission, shall consider any recommendations made, and if any amendments or amendment be presented as a part of such report may order such amendment or amendments to be submitted to the voters of the City in the manner provided by the applicable statute of the State of Texas.
- (3) Term of office. The term of office of such charter review commission shall be twelve months and, if during such term no report is presented to the City Council, then all records of the proceedings of such commission shall be filed with the person performing the duties of City Secretary and shall become a public record.

Sec. 10.11. Meaning of word "City."

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