

HOME RULE CHARTER*

*Editor's note--Printed herein is the Charter of the City of Missouri City, Texas, as adopted by referendum on November 23, 1974. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

Editor's note--The election of May 1, 1999, Amendment No. 8, changed all occurrences of the term "councilman" to "councilmember." Additionally, at the editor's discretion, all occurrences of "councilmen" have been changed to "councilmembers."

PREAMBLE

We, the citizens of Missouri City, Texas in an attempt to obtain more fully the benefits of local self-government in order to better provide for the future progression of our City, do HEREBY adopt this Home Rule Charter pursuant to the laws of the State of Texas. We do HEREBY declare the residents of the City of Missouri City situated in Fort Bend and Harris Counties, 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 MISSOURI CITY, TEXAS" with such powers, privileges, rights, duties and immunities as are herein provided.

ARTICLE I. INCORPORATION, FORM OF GOVERNMENT AND BOUNDARIES

Sec. 1.01. Incorporation.

The inhabitants of the City of Missouri City, Fort Bend and Harris Counties, Texas, residing within its corporate boundaries and limits as heretofore established, or as may be hereafter established, are hereby constituted and shall continue to be a municipal body politic and corporate in perpetuity under the name of the "City of Missouri City," hereinafter referred to as the "city" with such powers, privileges, rights, duties and immunities as are herein provided.

Sec. 1.02. Form of government.

The municipal government provided by this Charter shall consist of a mayor and councilmembers, elected by the people and responsible to the people, and a city manager, appointed by and responsible to the Council for proper administration of the affairs of the city. The term "city council" or "the council" shall mean collectively the mayor and the councilmembers. Pursuant to its provisions and subject only to the limitations imposed by the state constitution, the general laws of the state, and by this Charter, all powers of the city shall be vested in the elected mayor and councilmembers, who shall enact and enforce local legislation, adopt budgets, and determine policies.

All powers of the city, whether expressed or implied, shall be exercised and enforced in the manner prescribed by this Charter, or if not prescribed herein, then in such manner as may be prescribed by ordinance or resolution of the council, or by the state constitution or by the applicable general laws of this state.

Sec. 1.03. Boundaries.

The bounds and limits of the City of Missouri City, Texas, are hereby established and described as being those boundaries heretofore established in the original incorporation proceedings of the said City of Missouri City, Texas, and those boundaries established and changed thereafter in all annexation ordinances and proceedings of the City of Missouri City, Texas, filed in the office of the city secretary of the City of Missouri City, Texas.

ARTICLE II. POWERS OF THE CITY

Sec. 2.01. General powers.

The city shall have all the powers to perform and render all public services as are granted to municipal corporations and to cities by the constitution and laws of the State of Texas together with all of the

implied powers of local self-government necessary to execute all such powers granted. The city may use a corporate seal; and by action of its city council may sue, may implead and be impleaded in all courts and places and in all matters whatever; and may be sued; and, through its city council or when so enumerated herein and not inconsistent with the constitution and laws of this state through its city manager or other officer:

- (a) May contract and be contracted with;
- (b) May cooperate with the government of the State of Texas or any agency or any political subdivision thereof, or with the federal government or any agency thereof, to accomplish any lawful purpose for the advancement of the interest, welfare, health, morals, comfort, safety and convenience of the city and its inhabitants;
- (c) May acquire property within or without its corporate limits for any municipal purpose in fee simple, or in any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and, subject to the provisions of this Charter, may sell, lease, mortgage, hold, manage, improve and control any real estate or personal property as may now or hereafter be owned by it;
- (d) May pass and enforce any and all ordinances not inconsistent with the provisions of this Charter upon any subject and enact such regulations as may be expedient for the life, general welfare, health, morals, comfort, safety, amusement, quiet, prosperity and convenience of the city and its inhabitants and property; and
- (e) May prevent and summarily abate and remove nuisances.

The powers hereby conferred upon the city shall include, but are not restricted to, the powers conferred expressly and permissively by chapter 147, page 307, of the Acts of the 33rd Legislature, Regular Session enacted in 1913 pursuant to the Home Rule Amendment of the Constitution of Texas, known as the Enabling Act and including articles 1175 to 1180, inclusive, of Vernon's Annotated Civil Statutes of Texas [Vernon's Ann. Civ. St. art. 1175; V.T.C.A., Health and Safety Code § 122.006; V.T.C.A., Local Government Code §§ 26.021, 26.041, 26.043, 43.021, 43.903, 43.142, 51.072, 51.072--51.078; 52.013, 53.001--53.006; 54.004, 54.011 et seq., 101.022, 101.023, 141.004, 211.003, 211.005, 211.013, 214.001, 214.013, 214.901, 215.072--215.075, 216.901, 217.042, 251.001, 341.003, 341.903, 342.011, 342.012, 372.041, 401.002, 402.002, 402.017, 402.904; V.T.C.A., Tax Code §§ 302.001, 302.002, 302.102; V.T.C.A., Transportation Code §§ 311.001, 311.004, 311.005, 311.007, 311.901--311.904, 311.904, 726.001 et seq.], as now or hereafter amended, all of which are hereby adopted. In addition to the powers enumerated herein, and subject only to the limitations imposed by the state constitution, the state laws and this Charter, it is provided that the specification of particular powers herein granted, and the city shall have and may exercise without the necessity of express enumeration in this Charter, each and every municipal power, function, right, privilege and immunity of every name and nature whatsoever which, by virtue of article XI, section 5 of the Constitution of Texas, the people of the city are empowered by election to grant or to confer upon the city by expressly and specifically granting and enumerating the same herein.

Sec. 2.01a. Adoption of state law.

The terms, powers and provisions of chapters 13 and 17 of title 28 of the 1925 Revised Civil Statutes of the State of Texas and all amendments thereto [V.T.C.A., Local Government Code § 1.001 et seq.] are hereby adopted, embraced in and made a part of the Charter of the City of Missouri City; and such powers, terms and provisions shall exist, be in force, and may be exercised by the governing body of the City of Missouri City as alternative to and independent of the other powers, terms and provisions of this Charter, with any amendments thereto, and which in anywise relate to the same subject matter.

It is the intention hereof to write into and make a part of the Charter of the City of Missouri City the terms, powers and provisions of said chapter, as amended, as fully as if same were set forth herein in full.

Sec. 2.02. Change of boundaries and annexation of territory.

The council shall have the power by ordinance to fix the boundary limits of the city and to provide by ordinance for the annexation of additional territory lying adjacent to the city with or without the consent of the inhabitants or owners of the territory to be annexed. The council shall have the power to detach by ordinance any territory with or without the consent of the inhabitants or owners of such area to be detached. Such annexation or detachment of any such territory shall be in accordance with the provisions of chapter 160, page 447, Acts of 1963, 58th Legislature, as the same is now or may hereafter be amended, such being article 970a, Revised Civil Statutes of Texas [V.T.C.A., Local Government Code §§ 42.001 et seq. and 43.051 et seq.], entitled the Municipal Annexation Act; and upon the final passage of any such ordinance, the corporate limits of the city shall thereafter include the territory so annexed; and when any additional territory has been so annexed, same shall bear its pro rata part of the taxes levied by the city, and the inhabitants thereof shall be entitled to all the rights and privileges of all citizens and shall be bound by the acts and ordinances, resolutions and regulations of the city.

Should any property situated within the city limits, or within the extraterritorial jurisdiction of said city, as established or as may hereafter be established, be subdivided or be platted into blocks and lots, the owner or owners of said property shall comply with all the provisions of article 974a of the Revised Civil Statutes of Texas, as amended, being Acts of 1927, 40th Legislature, page 342, chapter 231 as now or hereafter may be amended [V.T.C.A., Local Government Code § 212.001 et seq.], the provisions of which act and article are herein especially and specifically adopted by the vote of the qualified voters of the city; likewise the owner or owners situated within a distance of five (5) miles beyond the corporate limits of the City of Missouri City, Texas, shall comply with the provisions of the aforesaid article 974a, Revised Civil Statutes of Texas, as now or hereafter amended [V.T.C.A., Local Government Code § 212.001 et seq.].

(Ord. No. O-78-12, § 3(1), 5-1-1978/4-1-1978)

Sec. 2.03. Eminent domain.

The city shall have the full right, power and authority 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 or laws of the State of Texas. In all cases where the city seeks to exercise the power of eminent domain, the city shall be controlled, as nearly as practicable, by the laws governing the condemnation of property of railroad corporations in this state, the city taking the position of the railroad corporation in any such case. The city may also exercise the power of eminent domain in any other manner authorized or permitted by the constitution and laws of this state, or in the manner and form that shall be provided by ordinance of the governing body of the city and which does not conflict with the general laws of this state. The power of eminent domain hereby conferred shall include the right of the city to take the fee in the lands so condemned or to take a lesser estate or interest in land, and such power and authority shall include the right to condemn public property for such purposes. The city shall have and possess this power for condemnation for any municipal or public purpose, even though not specifically enumerated herein or in this article.

State law reference(s)--Eminent domain, V.T.C.A., Local Government Code §§ 251.001, 251.002, 273.001 et seq.

Sec. 2.04. Streets and public property.

The city shall have exclusive dominion, control and jurisdiction in, upon, over and under the public streets, sidewalks, alleys, highways, public squares and public ways within the corporate limits of the city, and in, upon, over and under all public property of the city. With respect to each and every public street, sidewalk, alley, highway, public square, public park or other public way within the corporate limits of the city, the city shall have the power to establish, maintain, improve, alter, abandon or vacate the same; to regulate the use thereof, including but not limited to the right to erect traffic signals, lights and signs thereon; and to abate and remove in a summary manner any encroachment thereon.

(Ord. No. O-78-12, § 3(2), 5-1-1978/4-1-1978)

Sec. 2.05. Street development and improvements.

The city shall have the power to develop and improve, or cause to be developed and improved, any and all public streets, sidewalks, alleys and other public ways within the corporate limits of the city by laying out, opening, narrowing, widening, straightening, extending, lighting and establishing building lines along the same; by purchasing, condemning and taking property therefor; by filling, grading, raising, lowering, paving, repaving and repairing, in a permanent manner, the same; and by constructing, reconstructing, altering, repairing and realigning curbs, gutters, drains, sidewalks, culvert and other appurtenances and incidentals in connection with such development and improvement authorized herein, or any combination or parts thereof.

The cost of such development and improvement may be paid partly by assessments levied by a lien against the property abutting thereon and against the owners thereof, and such assessments may be levied in any amounts and under any procedure not prohibited by state law.

The city council may authorize the payment of paving assessments in installments, together with accrued interest on any balance at a current rate of interest to be set by council not inconsistent with the state law.

If improvements be ordered constructed in any area used or occupied by the tracks or facilities of any railroad or public utility, then the city council shall have the power to assess the whole cost of improvements in such area and the added costs of improvements in areas adjacent thereto made necessary by such use or occupancy against such railroad or utility, and shall have the power, by ordinance, to provide for the enforcement of such assessment.

When the city undertakes developing, improving and paving any and all public streets, sidewalks, alleys, highways and other public ways within its corporate limits, the city shall have the power and authority to proceed in accordance with chapter 106, page 489, Acts 1927, Fortieth Legislature, First Call Session, as now or hereafter amended, the same being article 1105b of Vernon's Annotated Civil Statutes of Texas.

(Elec. of 5-1-99, Amend. No. 2)

Sec. 2.06. Tort liability.

Before the city shall be liable for damages for the death or personal injuries of any person or for damages to or destruction of property of any kind, which does not constitute a taking or damaging of property under article 1, section 17, Constitution of the State of Texas, the person injured, if living, or his representatives, if deceased, or the parent or guardian of a minor child, or the owner, his agent or attorney of the property damaged or destroyed shall give the city manager or city secretary notice in writing of such death, injury, damage or destruction, duly verified by affidavit, within thirty (30) days after same has been sustained, stating specifically in such written notice when, where and how the death, injury, damage or destruction occurred, and the apparent extent of any such injury, the amount of damages sustained, the actual residence of the claimant by street and number at the date the claim is presented, the actual residence of such claimant for six (6) months immediately preceding the occurrence of such death, injury, damage or destruction, and the names and addresses of all witnesses upon whom it is relied to establish the claim for damages. The failure to so notify the city manager or city secretary within the time and manner specified herein shall exonerate, excuse and exempt the city from any liability whatsoever. No act of any officer or employee of the city shall waive compliance or estop the city from requiring compliance with the provisions of this section as to notice.

State law reference(s)--Tort claims, V.T.C.A., Civil Practice and Remedies Code § 101.101 et seq.

Sec. 2.07. Officials protected from financial loss.

Duly elected and appointed city officials and members of a city board, commission, or committee created by charter, ordinance, or resolution of the city shall be indemnified against a loss arising out of any claim, suit, or judgment resulting from an act or omission of the officials or members of a city board, commission, or committee, during the discharge of their duties and within the scope of their office or employment with the city. Indemnification shall not apply to a claim, suit, or judgment that is brought against an official or member of a city board, commission, or committee arising out of an act or

omission which such official or member knew or should have known violated the constitution or laws of the United States or this State, or the ordinances of this city, or arising out of any acts of fraud committed by or at the direction of the official or member of a board, commission, or committee. (Ord. No. O-92-14, § 1, 3-1-1992/5-2-1992)

ARTICLE III. CITY COUNCIL

Sec. 3.01. Elected officers, number, selection, term, and qualifications.

A. The governing body of the City of Missouri City, Texas, shall be the city council of said city. The city council shall be vested with all the powers thereof as enumerated herein and as enumerated in the constitution or laws of the State of Texas; and all such powers, expressed or implied, shall be exercised and enforced in the manner prescribed by this charter and the laws of this state. The city council shall be composed of the mayor and six (6) councilmembers.

B. The mayor and two (2) councilmembers shall be elected from the city at large. Each of said two (2) councilmembers shall occupy a position on the council, such positions being designated as councilmember-at-large, Position 1 and councilmember-at-large, Position 2.

C. Four (4) councilmembers shall each be elected from within geographic districts of the city, as established elsewhere in this Charter, and shall each occupy a position on the council. One (1) councilmember shall be designated as councilmember, District A and shall be elected from District A. One (1) councilmember shall be designated as councilmember, District B and shall be elected from District B. One (1) councilmember shall be designated as councilmember, District C and shall be elected from District C. One (1) councilmember shall be designated as councilmember, District D and shall be elected from District D. The four (4) district councilmembers shall be elected by a majority of the qualified votes cast for the office of district councilmember within their respective districts.

D. The mayor and the councilmembers shall be elected in the manner provided in Article VI of this Charter to serve for the terms set forth therein and shall hold office until their respective successors shall have been elected and shall have qualified.

E. In addition to any other qualifications prescribed by law, the mayor and each councilmember shall meet the conditions contained in Article III and Article VI hereof. No person shall be eligible to be elected to, appointed to, or to serve in the office of mayor or councilmember unless that person is a resident of Missouri City, Texas, for the six (6) months immediately preceding that person's appointment or election to fill such office. Additionally, no person shall be eligible to be elected to, appointed to, or to serve in the office of district councilmember unless that person resides in the district and has resided within the district, or in an area that has been added to the district, for the six (6) months immediately preceding that person's appointment or election to fill such office.

(Ord. No. O-92-14, § 1, 3-1-1992/5-2-1992)

Sec. 3.01a. Reserved.

Editor's note--Section 1 of Ord. No. O-92-14 repealed § 3.01a. Former § 3.01a pertained to designation of districts of Missouri City and derived from Ord. No. O-78-12, § 3(3), (13), adopted May 1, 1978. Such amendment was passed at an election held on May 2, 1992.

Sec. 3.02. Establishment of districts within Missouri City.

A. The City of Missouri City, Texas, shall be divided into four (4) districts for the purpose of electing district councilmembers. Such districts are hereby designated as District A, District B, District C, and District D, respectively.

B. The city council shall establish the boundaries of each of the districts by ordinance adopted according to law. Whenever the council shall annex additional land into the city, the council shall thereafter provide for the inclusion of the annexed land within one (1) or more districts. Not less than once in every ten (10) years, within two (2) years following the date of each decennial federal census, the city council shall determine the boundaries of each of the districts by ordinance adopted according to law. From time to time the city council may by ordinances amend the boundaries of the districts when,

in the council's sole determination, such amendment is necessary so that all districts are drawn and configured to provide equal and fair representation to all citizens of the City of Missouri City.

(Ord. No. O-78-12, § 3(4), 5-1-1978/4-1-1978; Ord. No. O-92-14, § 1, 3-1-1992/5-2-1992)

Sec. 3.03. Judge of election qualifications.

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

Sec. 3.04. Compensation.

The council may provide by ordinance for compensation to its members. Provided, however, an ordinance establishing such compensation shall not become effective until the commencement of the terms of the members of council elected at the next regular city election held after the expiration of six (6) months from the date of adoption of such ordinance. Members of the council shall receive their actual and necessary expenses incurred in the performance of their official duties upon approval by the council.

(Ord. No. O-78-12, § 3(5), 5-1-1978/4-1-1978)

Sec. 3.05. Mayor and mayor pro tem.

The mayor shall be the official head of the city government and act as chief administrative officer of the city and fulfill all duties of city manager until a city manager is appointed. He shall be the chairman and shall preside at all meetings of the city council. The mayor shall vote upon all matters before the city council except when the matter involves the consideration of his own official conduct or where his financial interest is involved. He shall see that all ordinances, bylaws, motions and resolutions of the council are faithfully obeyed and enforced. He shall sign all ordinances and resolutions; and when authorized by the council, he shall sign all official documents, such as conveyances, grant agreements, official plats, contracts and bonds. He shall appoint special committees as he deems advisable and also those special committees as instructed by the council. He shall perform such other duties consistent with the Charter or as may be imposed upon him by the city council.

The mayor pro tem shall be a councilmember and shall be elected by the council at the first regular council meeting following each regular city election. The councilmember elected as the mayor pro tem shall hold the title and serve in such capacity during the pleasure of the council. The mayor pro tem shall act as mayor during the absence or disability of the mayor and when so acting in this capacity shall have the authority conferred upon the mayor.

Sec. 3.06. Vacancies, forfeiture, automatic resignation, filling of vacancies.

A. Vacancies: The office of the mayor or the office of a councilmember shall become vacant upon his death, resignation, removal from office in any manner authorized by law, or forfeiture of his office.

B. Forfeiture of office: The mayor or a councilmember shall forfeit his office and the office shall immediately become vacant when in the judgment of council, expressed by a two-thirds majority, such mayor or councilmember:

1. Lacks, at any time during his term of office, any qualification for the office prescribed by this Charter or by law; or

2. Violates any express prohibition of this Charter; or

3. Is convicted of a crime involving moral turpitude.

C. Automatic resignation: If a member of the city council shall become a candidate for election to the office of mayor or for any place on the city council other than the specific office or place the person is then holding, such announcement of candidacy shall constitute an automatic resignation of the office then held to be effective as of the date of the election to which such candidacy relates, unless such member of the city council resigns earlier in accordance with state law.

D. Filling of vacancies: A single vacancy in the council shall be filled within thirty (30) days of the occurrence of the vacancy by a majority vote of the remaining members of the council by selection of a person qualified for the position as described in this Charter. This appointee shall serve until the position can be filled at the next regular city election.

When more than one (1) vacancy shall develop at any one time, a special election shall be called by the council within thirty (30) days following the occurrence of the vacancies to fill the vacancies in the same manner as described herein for regular elections. However, if such vacancies occur within one hundred twenty (120) days of a regular election, then no special election shall be called and the remaining councilmembers shall appoint persons considered to be qualified to fill the vacancies until the regular election.

(Ord. No. O-78-12, § 3(6), 5-1-1978/4-1-1978; Elec. of 5-1-99, Amend. No. 2)

Sec. 3.07. General powers and duties.

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

Sec. 3.08. Prohibitions.

A. Holding other office: Except where authorized by law, no mayor or councilmember shall hold any other city office or city employment during his term as mayor or councilmember, and no former mayor or councilmember shall hold any compensated appointive city office or city employment until the passage of one (1) year after the expiration of his term as mayor or councilmember.

B. Appointments and removals: Neither the council nor any of its members shall in any manner dictate the appointment or removal of any city administrative officer or employee whom the city manager or any of his subordinates are empowered to appoint, but the council may express its views and fully and freely discuss with the city manager anything pertaining to any such officer or employee.

C. Interference with administration: Except for the purpose of inquiries and investigations under section 3.17, the council or its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager; and neither the mayor nor a councilmember may give orders publicly or privately to any such officer or employee.

Sec. 3.09. Meetings of council.

The council shall hold at least two (2) regular meetings each month, which meetings shall be at least ten (10) days apart, and they shall hold as many additional meetings as they deem necessary to transact the business of the city. The council shall fix, by ordinance, the days and times of the regular meetings. All meetings of the council shall be held at the City Hall of Missouri City or at such other public place within the city as may be approved by council and, except as otherwise permitted by law, all meetings shall be open to the public and closed or executive meetings or sessions shall only be permitted as authorized by law. Such councilmember, if present, shall vote upon all matters before the council except when the matter involves the consideration of that councilmember's own official conduct or where that councilmember's financial interest is involved. In the event that any member of the council has any financial interest in a matter then before the council for vote, that councilmember shall at that time make full disclosure thereof. No member of the council, or any officer of the city shall be pecuniarily interested, directly or indirectly, in any contract let by the city, or in any work done by the city, or in any matter wherein the rights or liabilities of the city are or may be involved.

(Ord. No. O-78-12, § 3(7), 5-1-1978/4-1-1978; Ord. No. O-92-14, § 1, 3-1-1992/5-2-1992)

Sec. 3.10. Rule[s] of procedure.

The council shall by ordinance determine its own rules and order of business, and the rules shall provide that citizens of the city shall have a reasonable opportunity to be heard at any meeting in regard to any matter under consideration. The council shall provide for minutes being taken and recorded of all council meetings, and such minutes shall be a public record. Four (4) council members shall constitute a quorum for the purpose of transaction of business, and no action of the council shall be valid or binding unless by the affirmative vote of four (4) or more members of the council. If at any meeting of four (4) or more members of the city council neither the mayor nor mayor pro tem is present, then those councilmembers present shall elect one of their number to be the chairman for conducting the meeting as provided herein.

Sec. 3.11. Action by council.

The council may legislate and act only by ordinance, resolution or motion; and all ordinances, resolutions or motions, except ordinances making appropriations, shall be confined to one subject, which shall be clearly expressed in the title, and ordinances making appropriations shall be confined to the subject of appropriations. The enacting clause of every ordinance shall be, "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:". Before any ordinance shall be adopted, the attorney for the city shall approve such ordinance in writing as to form or shall file with the city secretary written legal objections thereto. Every ordinance enacted by the council shall be signed by the mayor or mayor pro tem and shall be filed with and recorded by the city secretary before the same shall become effective. Every ordinance shall become effective upon adoption, or at any later time specified in the ordinance, except that every ordinance imposing any penalty, fine or forfeiture shall become effective after having been published at least one (1) time within ten (10) days after passage thereof and for the time and in the manner required by law. The city secretary shall note on every ordinance that must be published and on the record thereof the date or dates and medium of its publication, and such notation shall be prima facie evidence of compliance with the requirements of this section. Except as otherwise provided in this charter, no ordinance shall be finally passed until it has been considered and favorably acted on by the council at two (2) separate council meetings. The requirement of consideration and favorable action on an ordinance at two (2) separate council meetings shall not apply and only one (1) reading at one (1) council meeting shall be required for the final passage of an ordinance relating to:

- (1) The adoption or amendment of a budget;
- (2) The assessment, levy or collection of taxes;
- (3) The calling of an election or the canvassing of the returns and declaration of the results of an election;
- (4) The incurring of indebtedness, including, specifically, the issuance or sale of bonds or certificates of obligations; and
- (5) An emergency.

In the event an ordinance is adopted as an emergency measure, the same shall be expressed in the title and the body of such ordinance. After adoption, an ordinance shall not be amended or repealed except by the adoption of another ordinance amending or repealing the original ordinance. Any member of council may offer any ordinance in writing that he desires after it has been approved by the attorney for the city as to form and has been placed on the agenda of a regular council meeting.

(Ord. No. O-78-12, § 3(8), 5-1-1978/4-1-1978)

Sec. 3.12. Code of technical regulations.

The council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the city secretary pursuant to section 3.13.

Sec. 3.13. Authentication and recording.

The city secretary shall authenticate all ordinances passed by the council by affixing the signature of the city secretary thereto and also shall record in full all ordinances passed by the council as well as all resolutions adopted by the council in a properly indexed book kept for the purpose. All ordinances and resolutions shall be numbered numerically and consecutively in the order in which passed and adopted. This record shall be open for public inspection.

Sec. 3.14. Code of ordinances.

Within twelve (12) months after the adoption of this Charter, the council shall cause all general ordinances of the city to be compiled and printed in code form. For the purpose of this section general ordinances shall be deemed to be those ordinances of a permanent nature which affect the residents of the city at large. Every general ordinance enacted subsequent to the original codification required above shall be enacted as an amendment to the code. After the original codification, the council shall have the

power to cause all general ordinances to be recodified and reprinted whenever in its discretion such is deemed desirable, and it shall be mandatory upon the council to cause all general ordinances to be recodified and reprinted before the expiration of any ten (10) consecutive years following the last preceding codification or recodification. When adopted by the council, the printed codes of general ordinances contemplated by this section shall be known and cited officially as the City Code of Missouri City, Texas, and shall be in full force and effect without the necessity of such codes or any part thereof being published in any newspaper, unless otherwise required by law. The caption, descriptive clause, and other formal parts of the ordinances of the city may be omitted without affecting the validity of such ordinances when they are published as a code. Copies of the code shall be furnished to the city officers, placed in any city library for free reference and made available for purchase by the public at a reasonable price (not below cost) fixed by the council.

Sec. 3.15. Proof of ordinance.

An ordinance of the City of Missouri City may be proved prima facie by a printed code of ordinances purporting to be printed by authority of the city, or by a copy of the ordinance certified by the city secretary to be a true copy of the same, or by the city secretary's record thereof.

Sec. 3.16. Bond for city employees.

The council shall require a bond of all municipal officers and employees who receive or pay out any monies of the city, and such bonds shall be in effect before they shall enter upon the duties of their offices. The amount of such bonds shall be determined by the council and the cost thereof shall be borne by the city.

Sec. 3.17. Investigation by the city council.

The council may make investigations into the affairs of the city and the conduct of any city department, division, or office and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person in the employ of the city who fails to or refuses to obey a lawful order issued in the exercise of these powers shall be subject to be discharged as a city employee.

ARTICLE IV. ADMINISTRATIVE SERVICES

Sec. 4.01. City manager.

A. Appointments and qualifications: The council by majority vote of entire council shall appoint a city manager who shall be the chief administrative and executive officer of the city. The method of selection shall be left to the discretion of the city council so long as the method insures orderly, nonpartisan action toward securing a competent and qualified person to fill the position. The city manager shall be chosen solely upon the basis of his executive and administrative training, experience and ability and need not when appointed be a resident of the City of Missouri City; however, during the tenure of his office he shall reside within the city. The city manager shall be bonded at city expense in the amount of not less than twenty-five thousand dollars (\$25,000.00).

B. Compensation: The city manager shall receive compensation as may be fixed by the council according to his experience, education and training. The compensation shall be agreed upon before appointment with the understanding that the council may change it at their discretion.

C. Term and removal: The city manager shall not be appointed for a definite term but may be removed at the discretion of the council, by vote of the majority of the entire council. The action of the council in suspending or removing the city manager shall be final. It is the intention of this Charter to vest all authority and fix all responsibilities of such suspension or removal in the council.

D. Powers and duties: The city manager shall be responsible to the council for the proper administration of all the affairs of the city and to that end shall have the power and be required to:

1. See that all state laws and city ordinances are effectively enforced.
2. Except as prohibited by this Charter, the city manager shall appoint, suspend or remove all or any one of the directors of departments with the concurrence of the council; and he shall employ, suspend or discharge all other employees of the city.

3. Attend all meetings of the council except when excused by council.
 4. Prepare the budget annually and submit it to the council and be responsible for its administration after its adoption.
 5. Prepare and submit to the council at the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year.
 6. Keep the council advised of the financial condition and future needs of the city and make such recommendations as may seem to him advisable.
 7. Perform such other duties as may be prescribed by this Charter or required of him by the council, as consistent with this Charter.
- E. Acting city manager: The city manager, within sixty (60) days after taking office, shall designate by letter filed with the city secretary, a qualified administrative officer of the city to perform the duties of the city manager in his absence or disability and to then be known as "acting city manager." Such designation shall be subject to approval by council. No person while serving as a member of city council or as the city secretary shall ever serve at the same time as city manager or as acting city manager. No member of the city council shall, during the time for which he is elected or for two (2) years thereafter, be chosen as city manager or acting city manager.

Sec. 4.02. Attorney for the city.

The council shall appoint as the attorney for the city (referred to as city attorney) a competent and duly qualified and licensed attorney who has practiced law in the State of Texas for at least five (5) years immediately preceding the person's appointment. The city attorney shall receive for services such compensation as may be fixed by the council and shall hold the office at the pleasure of the council. The city attorney shall be the legal advisor of, and the attorney for, all of the offices and departments of the city, and shall represent the city in all litigation and legal proceedings; provided, that the council may retain special legal counsel for any purpose and at any time it shall deem same appropriate and necessary. The city attorney shall draft, review, approve, or file written legal objections to, every ordinance before it is acted upon by the council; and shall review and concur or dissent upon all documents, contracts, and legal instruments in which the city may have an interest. The city attorney shall perform other duties prescribed by this Charter, ordinance, or as directed by council. There shall be such assistant city attorney as may be authorized by the council and appointed by the city manager and who shall receive such compensation as may be fixed by the council.

(Ord. No. O-92-14, § 1, 3-1-1992/5-2-1992)

Sec. 4.03. 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 jurisdiction, powers and duties as are now, or may hereafter be prescribed by laws of the state of Texas relative to municipal courts.
- B. The municipal court shall be presided over by a magistrate who shall be known as the "judge of the municipal court." The council may, by ordinance, divide the municipal court into two (2) or more panels or divisions, one of which shall be presided over by the presiding judge. Each additional panel or division shall be presided over by an associate judge, who is a magistrate with the same powers as the presiding judge. The judge or judges for said court shall be appointed for a term of two (2) years by the council but may be removed or replaced, at any time, at the discretion of the council, by vote of the majority of the entire council. Each judge shall be an attorney licensed and practicing in the State of Texas and shall receive such salary as may be fixed by the council.
- C. The city attorney or his assistant shall serve in the capacity of city prosecutor in the municipal court.
- D. There shall be a clerk of said court and such deputy clerks as may be authorized by the council and appointed by the city manager.
- E. The clerk of said court and deputies shall have the power to administer oaths and affidavits, make certificates, affix the seal of said court thereto, and generally do and perform any and all acts

usual, and necessary to be performed, by the clerk of courts, in issuing process of said courts, and conducting the business thereof.

F. In case of the disability or absence of the judge of the municipal court, the council shall appoint a qualified person as provided in B. above to act as judge of the municipal court.

G. All costs and fines imposed by the municipal court shall be paid into the city treasury for the use and benefit of the city.

(Ord. No. O-86-10, § 3(2), (3), 1-30-1986/4-5-1986; Ord. No. O-92-14, § 1, 3-1-1992/5-2-1992)

Sec. 4.04. City secretary.

There shall be a city secretary who shall be appointed by a majority vote of all the council. The council may, if it shall so choose, by a two-thirds majority vote of all the members appoint an assistant city secretary who shall act in the absence of the city secretary. The city secretary and assistants, if any, shall act as the secretary to the council and shall hold office at the pleasure of the council. The city secretary shall be provided an office in the City Hall sufficient to maintain the records entrusted to the care of the city secretary, and shall be entitled to a seat at the council table at all official meetings.

A. Duties of the city secretary: The duties of the city secretary shall be as follows:

1. Record the minutes of all official meetings of the council. All ordinances and resolutions shall be recorded.

2. Be the custodian of all municipal records of the council.

3. Recommend to the council rules and regulations to be adopted by ordinances to protect the safety and security of the municipal records.

4. Hold and maintain the City Seal and affix to all instruments requiring such seal.

5. Administer oaths in any matter pertaining to municipal affairs.

6. Perform any and all other acts and duties as may be provided in this Charter.

B. Compensation: The council shall set the compensation of the city secretary and the assistant city secretary, if any.

Sec. 4.05. Administrative departments.

There shall be such administrative departments as are established by this Charter and as may be established by ordinance; and, except as otherwise provided in this Charter, these administrative departments shall be under the direction of the city manager.

The council shall have power by ordinance to establish administrative departments or offices not herein provided by this Charter. The council may discontinue, redesignate or combine any of the departments and/or administrative offices. No changes shall be made by the council in the organization of the administrative service of the city until the recommendations of the city manager thereon shall have been heard by the council.

The head of each department shall be a director, who shall have supervision and control over his department. Two (2) or more departments may be headed by the same individual, and the city manager may head one (1) or more departments.

Sec. 4.06. Personnel system.

A. Appointments and promotions: Appointments and promotions in the administrative service of the city shall be made according to merit and fitness. To carry out this purpose, the council shall provide by ordinance a system for the classification of employees and rules for the appointment and promotion of employees within such classifications.

B. Classified service: No officer, employee, member of a board, or other person who is to be appointed by the council under this Charter, and no department head shall be included within the classified service of the city; but all other persons in the administrative services of the city shall be included therein unless specifically excluded therefrom by the ordinance providing for a system of classified services.

C. Prohibited acts: No person employed in the administrative service of the city, or who seeks employment therein, shall be employed, promoted, reduced, removed or in any way favored or discriminated against because of his race, sex, color, national origin, age, disability, veteran status, or his political or religious opinions or affiliations. No employee of the city shall make a contribution to the campaign fund of any person seeking election to a city office or to any political party supporting a candidate for election to a city office, nor shall he be solicited for this purpose; but his right to express an opinion or to cast a vote as a citizen shall not be limited. No person seeking employment or promotion in the administrative service of the city shall either directly or indirectly give, render or pay any money, service or other valuable thing to any person for or on account of or in connection with his employment or promotion, or any examination conducted therefor. Any person who either alone or with others violates any provision of this section shall be ineligible for employment or election to a position in the city for a period of four (4) years; and if that person is an elected officer or employee of the city, that person shall immediately forfeit the office or position held by that person.

D. [Pension plan:] The council shall have the power, subject to the general laws and constitution of this state, and subject to such regulations and limitations as the council may deem proper, to provide a pension plan, and to create, operate and contract plans or insurance which will provide health, life, accident, medical and hospital benefits, or any of these, for all or any group of city employees, and to pay or contribute toward the cost of such plan or insurance out of funds available for that purpose.

E. Personnel rules: The city manager shall prepare personnel rules. The council will by ordinance adopt them with or without amendment. These rules shall provide for:

1. The classification of all city positions, based on the duties, authority and responsibility of each position, with adequate provision for reclassification of any position whenever warranted by changed circumstances;
2. A pay plan for all city positions;
3. Methods for determining the merit and fitness of candidates for appointment or promotion;
4. The policies and procedures regulating reduction in force and removal of employees;
5. The hours of work, attendance regulations and provisions for sick and vacation leaves;
6. The policies and procedures governing persons holding provisional appointments;
7. The policies and procedures governing relationships with employee organizations;
8. Policies regarding in-service training program;
9. Other practices and procedures necessary to the administration of the city personnel system.

(Ord. No. O-78-12, § 3(14), 5-1-1978/4-1-1978; Elec. of 5-1-99, Amend. No. 3)

ARTICLE V. INITIATIVE, REFERENDUM AND RECALL

Sec. 5.01. Power of initiative.

The people of the city reserve the power of direct legislation by initiative, and in the exercise of such power may propose any ordinance, not in conflict with this Charter, the state constitution, or the state laws except an ordinance appropriating money or authorizing the levy of taxes. Any initiated ordinance may be submitted to the council by a petition signed by qualified voters of the city equal in number to at least ten percent (10%) of the qualified voters of the city at the time of such submission.

Sec. 5.02. Power of referendum.

The people reserve the power to approve or reject at the polls any legislation enacted by the council which is subject to the initiative process under this Charter and under the laws of this state, except an ordinance which is enacted for the immediate preservation of the public peace, health, safety, or welfare which contains a statement of its urgency, and which is adopted by the favorable votes of four (4) or more of the councilmembers. Prior to the effective date that any ordinance, which is subject to referendum, shall take effect, a petition signed by qualified voters of the city equal in number to at least ten percent (10%) of the qualified voters of the city, at the time of filing the petition, may be filed with the city secretary requesting that any such ordinance be either repealed or submitted to a vote of the people. When such a petition has been certified as sufficient by the city secretary, the ordinance

specified in the petition shall not go into effect, or further action thereunder shall be suspended if it shall have gone into effect, until and unless it is approved by the voters as herein provided.

Sec. 5.03. Form of petitions.

Initiative petition papers shall contain the full text of the proposed legislation in the form of an ordinance including a descriptive caption. The signatures to the initiative or referendum petitions need not all be appended to one paper, but each signer shall personally sign his name in ink or indelible pencil and shall add to his signature his place of residence by street and number, and the month and year his signature was affixed. One of the signers of each separate petition shall make an affidavit that he, and he only, personally circulated such petition and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be.

Sec. 5.04. Filing, examination and certification of petitions.

Within twenty (20) days after an initiative or referendum petition is filed, the city secretary shall determine whether the same is signed by the requisite number of qualified voters. The city secretary shall declare void any petition paper which does not have an affidavit attached thereto as required in Section 5.03 of this Article. In examining the petition the city secretary shall write the letters "D.V." (Disqualified Voter) in red ink opposite the names of signers found not qualified to vote. After completing examination of the petition the city secretary shall certify the results thereof to the council at its next regular meeting stating the number of persons found on the petition who are qualified to vote and the number of persons found on the petition who are not qualified to vote. If the certificate of the city secretary shall show an initiative or referendum petition to be insufficient, the city secretary shall notify the person filing the petition, and it may be amended within ten (10) days from the date of such notice by filing a supplementary petition upon additional papers which must be signed and filed as is provided herein for an original petition. Within ten (10) days after such amendment is filed, the city secretary shall examine the amended petition and certify as to its sufficiency. If the amended petition is found to be insufficient the city secretary shall return the petition to the person filing the same, without prejudice to the filing of a new petition for the same purpose.

Sec. 5.05. Council consideration and submission to voters.

When the council receives an authorized initiative petition certified by the city secretary to be sufficient, the council shall either: (a) pass the initiated ordinance without amendment within sixty (60) days after the date of the certification to the council; or (b) submit said initiated ordinance without amendment to a vote of the qualified voters of the city at a regular or special election to be held within ninety (90) days after the date of the certification to the council; provided, however, that when a regular city election is to be held within 120 days, but not less than sixty (60) days, after the final council vote on the initiated ordinance, such ordinance shall be submitted to a vote of the qualified voters of the city at such regular election; or (c) at such election submit to a vote of the qualified voters of the city such initiated ordinance without amendment, and an alternative ordinance on the same subject proposed by the council.

When the council receives an authorized referendum petition certified by the city secretary to be sufficient, the council shall reconsider the referred ordinance, and if upon such reconsideration such ordinance is not repealed, it shall be submitted to the voters at a regular or special election to be held not more than ninety (90) days after the date of the certification to the council. Provided, however, that when a regular city election is to be held within one hundred twenty (120) days, but not less than sixty (60) days, after the final council vote on the referred ordinance, such ordinance shall be submitted to a vote of the qualified voters of the city at such regular election. Special elections on initiated or referred ordinances shall not be held more frequently than once each six (6) months, and no ordinance on the same subject as an initiated ordinance which has been defeated at any election may be initiated by the voters within two (2) years from the date of such election.

Sec. 5.06. Ballot form and results of election.

The ballot used in voting upon an initiated or referred ordinance shall state the caption of the ordinance and below the caption shall set forth on separate lines the words, "For the Ordinance" and "Against the Ordinance."

Where an initiated ordinance and an alternative ordinance proposed by the Council are submitted, the ballot shall state the captions of each ordinance, clearly designating them "Ordinance No. 1" and "Ordinance No. 2," respectively, and shall set forth below the captions on separate lines the words "For Ordinance No. 1," "For Ordinance No. 2," and "Against Both Ordinances." Where an initiated ordinance and an alternative ordinance are submitted, each voter shall vote "For" only one ordinance or "Against Both Ordinances," and a vote for one ordinance shall be counted as a vote against the other ordinance. Any number of ordinances may be voted on at the same election in accordance with the provisions of this Article. If a majority of the votes cast is in favor of a submitted ordinance, it shall thereupon be effective as an ordinance of the city. An ordinance so adopted may be repealed or amended at any time after the expiration of two years by a two-thirds vote of the council. A referred ordinance which is not approved by a majority of the votes cast shall be deemed thereupon repealed.

Sec. 5.07. Power of recall.

The people of the city reserve the power to recall any elected official and may exercise such power by filing with the city secretary a petition, signed by qualified voters of the city equal in number to at least ten (10) percent of the voters of the city who were qualified to vote for said official at the time of the last regular election for such office at the time of such filing, demanding the removal of such elected official. The petition shall be signed and verified in the manner required for an initiative petition, shall contain a general statement of the grounds for which the removal is sought and one of the signers of each petition paper shall make an affidavit that the statements therein made are true.

(Elec. of 5-1-99, Amend. No. 4)

Sec. 5.08. Recall election.

Within twenty (20) days after a recall petition is filed, the city secretary shall examine the same. The provisions regulating examination, certification and amendment of initiative petitions shall apply to recall petitions. If the petition is certified by the city secretary to be sufficient and the elected official whose removal is sought does not resign within five (5) days after the certification to the council, the council shall order and hold a recall election within not less than thirty (30) nor more than sixty (60) days from such certification.

Sec. 5.09. Recall ballot.

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 elected official) be removed from office?"
2. Immediately below each such question there shall be printed the two following propositions, one above the other, in the order indicated:
"For the recall of (name of elected official)."
"Against the recall of (name of elected official)."

Sec. 5.10. Results of recall election.

If a majority of the votes cast at a recall election by the voters qualified to vote for said official at the time of the last regular election for such office shall be against removal of the elected official named on the ballot, he shall continue in office. If the majority of the votes cast at such election by the voters qualified to vote for said official at the time of the last regular election for such office shall be for the removal of the elected official named on the ballot, the council shall immediately declare his office vacant and such vacancy shall be filled in accordance with the provisions of the Charter for the filling of vacancies. An elected official thus removed shall not be a candidate to succeed himself in an election called to fill the vacancy thereby created.

(Elec. of 5-1-99, Amend. No. 4)

Sec. 5.11. Limitation on recall.

No recall petition shall be filed against an elected official within six (6) months after he takes office, and no elected official shall be subjected to more than one recall election during a term of office.

ARTICLE VI. ELECTIONS

Sec. 6.01. Elections to be held under this charter.

A. Elections prior to this amendment. The terms of the mayor and all councilmembers elected to their positions on or prior to the effective date of this section, or in any runoff election resulting from a general election held on or prior to the effective date of this section, shall expire on the dates provided by this Charter immediately prior to the effective date of this section.

B. Election of mayor. The mayor, when and after this section becomes effective, shall be elected at the general election which the city council shall properly call to be held on the first Saturday in May, 1993, and shall serve until the general election which the city council shall properly call to be held on the first Saturday in May, 1994, or until a successor has been elected and shall have qualified.

Thereafter, elections hereunder for the position of mayor shall be properly called by the city council to be held on the first Saturday in May of each even-numbered year. The mayor shall serve for two (2) years concluding with the election and qualification of a successor in the next subsequent even-numbered year.

C. Election of two (2) councilmembers-at-large. The two (2) councilmembers-at-large, when and after this section becomes effective, shall be elected at the general election which the city council shall properly call to be held on the first Saturday in May, 1994, and shall serve until the general election which the city council shall properly call to be held on the first Saturday in May, 1996, or until their respective successors have been elected and shall have qualified. Thereafter, elections hereunder for the two (2) positions of councilmembers-at-large shall be properly called by the city council to be held on the first Saturday in May of each even-numbered year. The councilmembers-at-large shall serve for two (2) year terms concluding with the election and qualification of their successors in the next subsequent even-numbered year.

D. Election of four (4) district councilmembers. The councilmember, District C shall be elected at the general election which the city council shall properly call to be held on the first Saturday in May, 1994, and shall serve until the general election which the city council shall properly call to be held on the first Saturday in May, 1995, or until a successor has been elected and shall have qualified. Councilmember, District A, councilmember, District B, and councilmember, District D shall be elected at the general election which the city council shall properly call to be held on the first Saturday in May, 1993, and shall serve until the general election which the city council shall properly call to be held on the first Saturday in May, 1995, or until a successor has been elected and shall have qualified. Thereafter, elections hereunder for councilmember, District A, councilmember, District B, councilmember, District C, and councilmember, District D shall be properly called by the city council to be held on the first Saturday in May of each odd-numbered year, and said councilmembers shall serve for two (2) year terms concluding with the election and qualification of their successors in the next subsequent odd-numbered year.

E. Taking office. All persons elected after the effective date of this Charter shall be sworn into office at the next regular council meeting after their election.

(Ord. No. O-92-14, § 1, 3-1-1992/5-2-1992)

Sec. 6.02. Special elections.

The council may by ordinance call such special elections as are authorized by the state law and this Charter, fix the time and places for holding same, and provide all means for holding such special elections; provided, that every special election shall be held on Saturday unless otherwise provided by law or this Charter. Special elections shall be held as nearly as practicable according to the provisions governing general elections.

Sec. 6.03. Election by majority and run-off election.

At the first election held hereunder, and thereafter at every city officer's election, the election to each office shall be by a majority of all the votes cast at such election for the respective office. In every such election each qualified voter shall vote for not more than one (1) candidate for each office to be filled. In an election to the office of mayor or councilmember, where no candidate receives a majority of all the votes cast for such office at such election, the council shall, immediately upon declaring the official results of the election, issue a call for a run-off election for every office to which no one was elected, which run-off election shall be held in accordance with state law.

(Ord. No. O-78-12, § 3(9), 5-1-1978/4-1-1978; Ord. No. O-92-14, § 1, 3-1-1992/5-2-1992; Elec. of 5-1-99, Amend. No. 5)

Sec. 6.04. Regulation of elections.

All elections shall be held in accordance with the laws of the State of Texas regulating the holding of municipal elections and in accordance with the ordinances adopted by the council for the conduct of elections. The council shall appoint the election judges and other election officials. Voting precincts shall be established by the council by ordinance and may be altered from time to time in like manner and in keeping with the state law applicable to elections in municipalities.

Sec. 6.05. Filing by candidates.

Any qualified person who desires to become a candidate for election to an office on the council shall file with the city secretary not later than 5:00 p.m. of the forty-fifth day before election day an application for their name to appear on the ballot, and therein the candidate shall clearly designate either that the candidate desires to run for mayor or that the candidate desires to run for councilmember; and if the candidate desires to run for councilmember, then the candidate must clearly designate by the position or district number the office on the council to which the candidate seeks election, and the application shall contain a sworn statement by the candidate that the candidate is fully qualified and eligible under the laws of Texas and the provisions of this Charter to hold the office sought. An application may not be filed earlier than the thirtieth day before the date of the filing deadline. No person shall be a candidate for more than one (1) council elected office at the same city election. An application filed by mail is considered to be filed at the time of its receipt by the city secretary.

(Ord. No. O-86-10, § 3(4), 1-30-1986/4-5-1986; Ord. No. O-92-14, § 1, 3-1-1992/5-2-1992)

Sec. 6.06. Ballots.

For every regular election and every special election called to fill one (1) or more vacant offices on the council, the city secretary shall place upon the official ballot the name of each candidate, except such as may have withdrawn, died, or become ineligible, who shall file an application which complies with the provisions of this Charter. The council offices to be filled shall be placed on the ballot in numerical or alphabetical order. The name of each candidate shall be placed on the ballot under the designated office for which the candidate shall have filed, and in such manner that the full names (excluding professional designations) of the candidates for each office shall be clearly separate and distinguishable from the names of the candidates for every other council office. The order on the ballot of the names of the candidates or [for] each respective council office shall be determined by lot in drawing to be held under the supervision of the city secretary, at which drawing each candidate or the candidate's named representative shall have a right to be present.

(Ord. No. O-92-14, § 1, 3-1-1992/5-2-1992)

Sec. 6.07. Canvassing election and declaring results.

The return of every municipal election shall be delivered by the election judges to the city secretary not later than twelve (12) hours after the closing of the polls. The council shall convene to conduct the canvass of the returns not earlier than the second day or later than the sixth day after election day at the time set by the mayor. The returns of every municipal election shall be recorded in the minutes of the council by precinct totals for each candidate.

(Ord. No. O-78-12, § 3(10), 5-1-1978/4-1-1978; Ord. No. O-86-10, § 3(5), 1-30-1986/4-5-1986)

Sec. 6.08. Pre-oath statement of affirmation and oath of office.

A. Every officer of the city, whether elected or appointed, before taking the oath or affirmation of office prescribed by state law and entering upon the duties of office, shall subscribe to the following statement:

For elected officers:

I, _____, do solemnly swear (or affirm) that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected so help me God.

For appointed officers:

I, _____, do solemnly swear (or affirm) that I have not directly or indirectly paid, offered, or promised to pay, contributed, or promised to contribute any money or valuable thing, or promised any public office or employment, as a reward to secure my appointment or confirmation thereof, so help me God.

B. Every officer of the city, whether elected or appointed, before entering upon the duties of office, shall take the following oath or affirmation:

For elected officers:

I, _____, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of _____ of the City of Missouri City, Texas, and will to the best of my ability preserve, protect, and defend the constitution and laws of the United States, of this State, and the Charter and ordinances of this City, so help me God.

For appointed officers:

I, _____, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of _____ of the City of Missouri City, Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States, of this State, and the Charter and ordinances of this City, so help me God.

(Ord. No. O-92-14, § 1, 3-1-1992/5-2-1992)

ARTICLE VII. TAX ADMINISTRATION*

*Editor's note--Ord. No. O-86-10, § 3(6), adopted January 30, 1986, approved at referendum April 5, 1986, amended art. VII to read as herein set out. Former art. VII, §§ 7.01--7.11, pertaining to similar subject matter, derived from the original Charter adopted at an election of November 23, 1974, as amended by Ord. No. O-78-12, § 3(11), adopted May 1, 1978.

Sec. 7.01. Division of tax administration.

There shall be established an office (department) of taxation to assess and collect taxes, the director of which shall be the city tax assessor and collector.

(Ord. No. O-86-10, § 3(6), 1-30-1986/4-5-1986)

Sec. 7.02. Power to tax.

The council of the city shall have the power, and is hereby authorized to levy, assess and collect annual taxes not to exceed the maximum limits set by the constitution and laws of the State of Texas as they now exist, or as they may be amended, on each one hundred dollars (\$100.00) assessed valuation of all property having a situs within the corporate limits of the city and not exempt from taxation by the constitution and laws of the State of Texas.

(Ord. No. O-86-10, § 3(6), 1-30-1986/4-5-1986)

Sec. 7.03. Arrears of taxes offset to debt against city.

The city shall be entitled to counterclaim and offset against any debt, claim, demand or account owed by the city to any person, partnership, association or corporation who is in arrears to the city for taxes, in the amount of taxes so in arrears, and no assignment or transfer of such debt, claim, demand or account after the said taxes are due, shall affect the right of the city to so offset the said taxes against the same.

(Ord. No. O-86-10, § 3(6), 1-30-1986/4-5-1986)

ARTICLE VIII. PLANNING

Sec. 8.01. The planning commission--Organization.

There shall be established a planning commission which shall consist of nine (9) citizens of the City of Missouri City who own real property within said city. The city manager, city attorney and city engineer shall serve as ex-officio members. The members of said commission shall be appointed by the council for a term of two (2) years, five (5) members to be appointed in every odd-numbered year and four (4) members to be appointed in every even-numbered year. The commission shall elect a chairman from among its membership and shall meet not less than once each month. Vacancies in an unexpired term shall be filled by the council for the remainder of the term.

(Ord. No. O-86-10, § 3(7), 1-30-1986/4-5-1986)

Sec. 8.02. Same--Powers and duties.

- A. Make and amend a comprehensive plan for the physical development of the city;
- B. Exercise control over platting of subdivided land within the corporate limits of the city and within an area extending five (5) miles beyond the city;
- C. Submit annually to the city manager, not less than ninety (90) days prior to the beginning of the budget year, a list of recommended capital improvements which in the opinion of the commission are then necessary or desirable;
- D. Obtain information from the other departments of the city government in relation to its work; The commission shall be responsible to the council and shall perform such additional duties and exercise such additional powers as may be prescribed by ordinance of the council not inconsistent with the provisions of this Charter.

(Ord. No. O-86-10, § 3(7), 1-30-1986/4-5-1986)

Sec. 8.03. Director of planning.

In addition to the city council's other powers, it may by ordinance authorize the city manager to appoint a director of planning who shall be qualified by special training and experience in the field of city planning. The director of planning shall serve as the regular technical adviser of the planning commission, shall have the status of director of a department, and shall have such other duties and responsibilities as the council may establish.

(Ord. No. O-86-10, § 3(7), 1-30-1986/4-5-1986)

Sec. 8.04. The comprehensive plan.

The comprehensive plan for the physical development of the City of Missouri City shall contain the commission's recommendations for growth, development and beautification of the city. A copy of the comprehensive plan, or any part thereof, shall be forwarded to the city manager who shall thereupon submit such plan, or part thereof, to the council with his recommendations. The council may adopt this plan as a whole or in parts and may adopt any amendment thereto, after at least one (1) public hearing on the proposed action. The council shall act on such plan, or part thereof, within sixty (60) days following its submission by the city manager. If such plan, or part thereof, should be rejected by the council the planning commission may modify such plan, or part thereof, and again forward it to the city manager for submission to the council. All amendments to the comprehensive plan recommended by the planning commission shall be submitted in the same manner as that outlined above, to the council for approval. Recommendations affecting the comprehensive plan may be made to the city council by any city department through its department head.

(Ord. No. O-86-10, § 3(7), 1-30-1986/4-5-1986)

ARTICLE IX. FINANCIAL ADMINISTRATION

Sec. 9.01. Fiscal year.

The fiscal year of the city shall begin on the first day of July and end on the last day of June of each calendar year. The fiscal year established by this section shall also constitute the budget and accounting year.

Sec. 9.02. Public record.

Copies of the budget as adopted shall be public records and shall be made available to the public upon request.

Sec. 9.03. Annual budget.

A. Content: The budget shall provide a complete financial plan of all city funds and activities and, except as required by state law or this Charter, shall be in such form as the city manager deems desirable or the council may require. A budget message explaining the budget both in fiscal terms and in terms of the work programs shall be submitted with the budget. It shall outline the proposed financial policies of the city for the ensuing fiscal year, describe the important features of the budget, [and] indicate any major changes from the current year in financial policies, expenditures, and revenues, with reasons for such changes. It shall also summarize the city's debt position and include such other material as the city manager deems desirable. The budget shall begin with a clear general summary of its contents; [and] shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year. The proposed budget expenditures shall not exceed the total of estimated income. The budget shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year, compared to the estimate for the budgeted year. It shall include in separate sections:

1. An itemized estimate of the expense of conducting each department, division and office.
2. Reasons for proposed increases or decreases of such items of expenditure compared with the current fiscal year.
3. A separate schedule for each department, indicating tasks to be accomplished by the department during the year, and additional desirable tasks to be accomplished if possible.
4. A statement of the total probable income of the city from taxes for the period covered by the estimate.
5. Tax levies, rates, and collections for the preceding five (5) years.
6. An itemization of all anticipated revenue from sources other than the tax levy.
7. The amount required for interest on the city's debts, for sinking fund and for any maturing serial bonds.
8. The total amount of outstanding city debts, with a schedule of maturities on any outstanding bond issue of the city.
9. Such other information as may be required by the council.
10. Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the city, if any, and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.
11. A capital program, which may be revised and extended each year to indicate capital improvements pending or in process of construction or acquisition, and shall include the following items:
 - a. A summary of proposed programs;
 - b. A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
 - c. Cost estimates, method of financing and recommended time schedules for each such improvement; and
 - d. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

B. Submission: On or before the first day of June of each year the city manager shall submit to the council a proposed budget and an accompanying message. The council shall review the proposed budget and revise as deemed appropriate prior to general circulation for public hearing.

C. Public notice and hearing: The council shall post in the City Hall and publish in the official newspaper a general summary of their proposed budget and a notice stating:

1. The times and places where copies of the message and budget are available for inspection by the public, and

2. The time and place, not less than fifteen (15) days after such publication, for a public hearing on the budget.

D. Amendment before adoption: After the public hearing, the council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income plus funds available from prior years.

E. Adoption: The council shall adopt the budget by ordinance on one reading on or before the 25th day of June of each year. Adoption of the budget shall require an affirmative vote of at least a majority of all members of the whole council. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.

F. Failure to adopt: If the council fails to adopt the budget by the 1st day of July of each year the amounts appropriated for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month to month basis with all items in it prorated accordingly until such time as the council adopts a budget for the ensuing fiscal year. The levy of property tax normally approved as a part of the budget adoption will be set to equal the total current fiscal year tax receipts, unless the ensuing fiscal year budget is approved by July 1st of the current fiscal year.

Sec. 9.04. Amendments after adoption.

A. Supplemental appropriations: If during the fiscal year the city manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the council by ordinance may make supplemental appropriation for the year up to the amount of such excess.

B. Emergency appropriations: To meet a public emergency created by a natural disaster or man-made calamity affecting life, health, property, or the public peace, the council may make emergency appropriations, not to exceed ten per cent (10%) of the current fiscal year's budgeted receipts. Such appropriations may be made by an emergency ordinance. To the extent that there are no available unappropriated revenues to meet such appropriations, the council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time.

C. Reduction of appropriations: If at any time during the fiscal year it appears probable to the city manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendations as to any other step to be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

D. Transfer of appropriations: At any time during the fiscal year the city manager may transfer part or all of any unencumbered appropriations balance among programs within a department, division, or office and, upon written request by the city manager, the council may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.

E. Limitations: No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof.

F. Effective date: The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption of the ordinance.

Sec. 9.05. Borrowing for capital improvements.

A. Borrowing. The council shall have the power, except as prohibited by law, to borrow money by whatever method it may deem to be in the public interest, including certificates of obligation pursuant to the Certificate of Obligation Act of 1971.

B. General obligation bonds. The city shall have the power to borrow money on the credit of the city and to issue general obligation bonds for permanent public improvements or for any other public purpose not prohibited by the constitution and laws of the state of Texas, and to issue refunding bonds to refund outstanding bonds of the city previously issued. All such bonds shall be issued in conformity with the laws of the state of Texas.

C. Revenue bonds. The city shall have the power to borrow money for the purpose of constructing, purchasing, improving, extending or repairing of public utilities, recreational facilities or any other self liquidating municipal function not prohibited by the constitution and laws of the state of Texas, and to issue revenue bonds to evidence the obligation created thereby. Such bonds shall be a charge upon and payable from the properties, or interest therein pledged, or the income therefrom, or both. The holders of the revenue bonds shall never have the right to demand payment thereof out of monies raised or to be raised by taxation. All such bonds shall be issued in conformity with the laws of the state of Texas.

D. Bonds incontestable. All bonds of the city having been issued and sold and having been delivered to the purchaser thereof, shall thereafter be incontestable and all bonds issued to refund in exchange for outstanding bonds previously issued shall and after said exchange, be incontestable.

Sec. 9.06. Lapse of appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation.

Sec. 9.07. Administration of budget.

A. Payments and obligations prohibited: No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the city manager or his designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payments so made illegal. Such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligations, and he shall also be liable to the city for any amount so paid. However, this prohibition shall not be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds, time warrants, certificates of indebtedness, or certificate of obligation, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

B. Financial reports: Each month the city manager shall submit to the council the financial condition of the city by budget item, budget estimate versus accruals for the preceding month and for the fiscal year to date. The financial records of the city will be maintained in accordance with generally accepted accounting principles.

C. Independent audit: At the close of each fiscal year, and at such times as it may be deemed necessary, the council shall cause an independent audit to be made of all accounts of the city by a certified public accountant. The certified public accountant so selected shall have no personal interest, directly or indirectly in the financial affairs of the city or any of its officers. Upon completion of the audit, the results thereof in a summary form shall be placed on file in the city secretary's office as a public record.

(Ord. No. O-86-10, § 3(8), 1-30-1986/4-5-1986)

Sec. 9.08. Purchasing.

All purchases made and contracts executed by the city shall be made in accordance with the requirements of the constitution and statutes of the state of Texas.

Sec. 9.09. Depositories.

All monies received by any person, department, or agency of the city for or in connection with affairs of the city shall be deposited promptly in city depositories, which shall be designated by the council in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by ordinance. All checks, vouchers, or warrants for the withdrawal of money from city depositories shall be signed by the mayor or in his absence, the mayor pro-tem, and countersigned by the city manager or in his absence, the acting city manager. In the event a city manager has not been appointed, all withdrawal instruments shall be signed by the mayor and countersigned by the mayor pro-tem.

Sec. 9.10. Sale of bonds.

No bond issued by the city shall be sold for less than its par value and accrued interest. Nor shall any bonds be sold until bids, submitted in response to public advertisement therefor, have been received and considered by the council. The council shall have the right to reject any and all bids.

Sec. 9.11. Sinking fund.

It shall be the duty of the council to levy an annual tax sufficient to pay the interest on and provide the necessary sinking fund required by law on all outstanding general obligation bonds of the city. The interest and sinking fund shall be deposited in a separate account and shall not be diverted to or used for any other purpose than to pay the interest and principal on such bonds. The sinking fund maintained for the redemption of any debt may be invested in any interest bearing bonds of the United States government, the state of Texas, or any other investments authorized by general law.

ARTICLE X. FRANCHISES AND PUBLIC UTILITIES

Sec. 10.01. Inalienability of public property.

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 by ordinances not in conflict with the provisions of this Charter. No act or omission by the 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.

Sec. 10.02. Power to grant franchise.

The council shall have the power by ordinance to grant, renew and extend all franchises of all public utilities of every character operating within the city, and, with consent of the franchise holder, to amend the same as provided herein and granted and defined under the constitution and the general laws of the state of Texas. No franchise shall be granted for an indeterminate term, nor shall any franchise be granted for a term of more than fifty (50) years. No franchise shall be granted, renewed, extended, or amended, except on condition that the city shall have the right at any time within five (5) years of the expiration of the term thereof to purchase the property of the franchise holder at a price to be determined according to the method agreed upon in the ordinance granting, renewing, extending, or amending the franchise.

Sec. 10.03. Ordinance granting franchise.

Every ordinance granting, renewing, extending, or amending a public utility franchise shall be presented in writing at three (3) regular meetings of the council, and shall not be finally acted upon until thirty (30) days after the first presentation thereof. Within five (5) days following each of the three (3) readings of the ordinance, a descriptive caption of the ordinance stating in summary the purpose of the ordinance shall be published one (1) time in some newspaper of general circulation in the city, and the expense of such publication shall be borne by the prospective franchise holder. No such ordinance shall become

effective until the expiration of forty-five (45) days following the date of its final adoption by the council, and every such ordinance shall be subject to the referendum procedure provided by State law. (Elec. of 5-1-99, Amend. No. 6)

Sec. 10.04. Transfer of franchise.

No public utility franchise shall be transferred by the holder thereof except with the approval of the council expressed by ordinance.

Sec. 10.05. Regulation of franchise.

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:

- A. To forfeit any such franchise by ordinance at any time for failure of the holder thereof to comply with the terms of the franchise, such power to be exercised only after notice and hearing.
- B. To impose reasonable regulations to insure safe, efficient and continuous service to the public.
- C. To require such expansion and extension of plants and facilities as are necessary to provide adequate service to the public.
- D. To require every franchise holder to furnish to the city, without cost to the city, full information regarding the location, character, extent and condition of all facilities of such franchise holder in, over and under the streets, alleys, and other public property of the city; and to regulate and control the location, relocation, and removal of such facilities.
- E. To collect from every public utility operating in the city its fair and just proportion of the expense of excavating, grading, paving, repaving, constructing, reconstructing, draining, repairing, maintaining, lighting, sweeping, and sprinkling such portions of the alleys, bridges, culverts, viaducts, and other public places and ways of the city as may be occupied or used in whole or in part by such utilities; or to compel such public utility to perform, at its own expense, its just share of such excavating, grading, paving, repaving, constructing, reconstructing, draining, repairing, maintaining, lighting, sweeping and sprinkling.
- F. To require every franchise holder to allow other public utilities to use its tracks, poles, wires, pipes, or other facilities, including bridges and viaducts, wherever in the judgment of the council such use shall be in the public interest, provided that in such event the council shall fix a reasonable rental to be paid to the owner of the facility for such use, after notice to the interested parties and a hearing of the facts.
- G.
 1. To prescribe the form of accounts kept by every franchise holder.
 2. To examine and audit at any time the accounts and other records of any franchise holder.
 3. To require annual and other reports, including reports on the local operations of the utility, which shall be in such form and contain such information as the council shall prescribe.
- H. To require and collect any compensation and rental not now or hereafter prohibited by the laws of this state.
- I. To require such franchise holders who request an increase in rates, charges or fares, to reimburse the city for reasonable expenses incurred in employing rate consultants to conduct investigations, present evidence and advise the council on such requested increase.

Sec. 10.06. Regulation of rates.

The council shall have full power after notice and hearing to regulate by ordinance the rates, charges and fares of every public utility franchise holder operating in the city as provided herein and to the extent permitted by the laws of the state of Texas, provided that no such ordinance shall be passed as an emergency measure. At no time in fixing rates and charges for utility services within the city shall there be included any part of the value of any franchise granted by the city. Any franchise holder requesting an increase in its rates, charges, or fares shall have, at the hearing on such request, the burden of establishing by clear and convincing evidence the value of its investments and the amount and character of its expenses and revenues. No franchise holder shall institute any legal action to contest any rate, charge, or fare fixed by the council until such franchise holder has filed a motion for rehearing with the

council specifically setting out each ground of its complaint against the rate, charge or fare fixed by the council, and until the council shall have acted upon such motion.

ARTICLE XI. GENERAL PROVISIONS

Sec. 11.01. Assignment, execution and garnishment.

The property, real and personal, belonging to the city shall not be liable for sale or appropriation under any writ of execution. 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 of 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. 11.02. Security or bond not required.

It shall not be necessary in any action, suit, or proceeding in which the city is a party for any bond undertaking or security to be demanded or executed by or on behalf of the city. The city shall have all remedies of appeal provided by law to all courts in this state without bond or security of any kind, but shall be liable in the same manner and to the same extent as if such bond, undertaking, or security had actually been executed or given.

Sec. 11.03. Effect of Charter on existing law.

All ordinances, resolutions, rules, and regulations now in force under the city government and not in conflict with the provisions of this Charter shall remain in force until altered, amended, or repealed by the council after this Charter takes effect. All rights of the city under existing franchises and contracts and all existing authority for the issuance of bonds, not in conflict with the provisions of this Charter, shall be preserved in full force and effect.

Sec. 11.04. Construction of Charter.

This Charter shall not be construed as a mere grant of enumerated powers, but shall be construed as a general grant of power and as a limitation of power on the government of the City of Missouri City in the same manner as the Constitution of Texas is constructed as a limitation on the powers of the legislature. Except where expressly prohibited by this Charter, each and every power under Article XI, Section 5 of the Constitution of Texas, which it would be competent for the people of the City of Missouri City to expressly grant to the city, shall be construed to be granted to the city by this Charter.

Sec. 11.05. Judicial notice.

This Charter shall be deemed a public act, may be read in evidence without pleading or proof, and judicial notice shall be taken thereof in all courts and places.

Sec. 11.06. Separability clause.

If any section, subsection, paragraph, sentence or clause of this Charter is held to be invalid or unconstitutional by a court of competent jurisdiction, the same shall not invalidate or impair the validity, force, or effect of any other section, subsection, paragraph, sentence or clause of this Charter.

Sec. 11.07. Rearrangement and renumbering.

The council shall have the power, by ordinance, to renumber and rearrange all articles, sections, and paragraphs of this Charter or any amendments thereto, as it shall deem appropriate, and upon the passage of any such ordinance, a copy thereof, certified by the city secretary, shall be forwarded to the secretary of state for filing.

Sec. 11.08. Interim municipal government.

From and after the date of the adoption of this Charter and until the completion of the first city election thereunder and until the qualifications of the mayor and councilmembers therein elected, the mayor and councilmembers in office on the date of the adoption of this Charter, shall continue in office and shall exercise all of the powers conferred upon the city by this Charter.

Sec. 11.09. Reserved.

Editor's note--The election of May 1, 1999, Amendment No. 7, deleted section 11.09 in its entirety. Former section 11.09 pertained to contracts concerning public improvements and derived from Ord. No. O-86-10, § 3(9) and from Ord. No. 1-30-1986/4-5-1986.)

Sec. 11.10. Nepotism.

No elected officer of the city or the city manager shall appoint, or vote for, or confirm the appointment to any office, position, clerkship, employment or duty, of any person related within the second degree by affinity or within the third by consanguinity to the person so appointing or so voting, or to any other member of the city council of Missouri City, Texas or the then city manager of Missouri City, Texas, when the salary, fees or compensation of such appointee is to be paid for, directly or indirectly, out of or from public funds of the City of Missouri City, Texas, or fees of office of any kind or character whatsoever; provided, that nothing herein contained, nor in any ordinance of this municipality, shall prevent the appointment by voting for or confirmation of any person who shall have been continuously employed in any such office, position, clerkship, employment or duty for a period of two (2) years prior to the election or appointment of the officer voting for or confirming the appointment or to the election or appointment of the officer, or city manager, related to such employee in the herein prohibited degree. No such prohibited person shall be allowed to embark upon any duties or commence employment with the city or receive any salary or fee from the city.

If the mayor or any other member of the city council or the city manager violates any provision of the immediately foregoing paragraph, then ipso facto such violation shall render vacant the office held by the person so violating it as he having violated an express prohibition of this Charter as prescribed in section 3.06(B)(2).

State law reference(s)--Nepotism, V.T.C.A., Government Code § 573.001 et seq.

Sec. 11.11. Grammatical classification.

The use of any gender herein shall be applicable to all genders. The present or past tense shall include the future. The singular and plural number shall each include the other, unless otherwise expressly provided.

Sec. 11.12. Amending the Charter.

Amendments to this Charter may be framed and submitted to the voters of the city in the manner provided by chapter 13 of title 28 of the revised Civil Statutes of Texas, 1925, as same now reads or as may be hereafter amended [V.T.C.A., Local Government Code § 9.001 et seq.].

Sec. 11.13. Charter review commission.

The council shall appoint a charter review commission at least every four (4) years. The council shall appoint the first charter review commission after the adoption of this provision no later than July, 1981. All charter review commissions shall be appointed in July and each shall consist of five (5) citizens of the City of Missouri City.

A. Duties of the commission:

1. Inquire into the operation 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 require the submission of any of the city records which it may deem necessary to the conduct of such hearing.

2. Propose any recommendations it may deem desirable to insure compliance with the provisions of the Charter by the several departments of the city government.

3. Propose, if it deems desirable, amendments to this Charter to improve the effective application of the Charter to current conditions.

4. Report its finding and present its proposed amendments, if any, to the council.

B. Action by council: The council shall receive and have published in the designated official public newspaper of the city a summary of any report presented by the Charter review commission; shall

consider any recommendations made, and if any amendments be presented as part of such report, may order such amendment or amendments to be submitted to the voters of the city in the manner provided by law.

C. Term of office: The term of office of such Charter review commission shall be six (6) months; and at the completion of such term a report shall be presented to the council, and all records of the proceedings of such commission shall be filed with the city secretary and shall become a public record. (Ord. No. O-78-12, § 3(12), 5-1-1978/4-1-1978; Ord. No. O-92-14, § 1, 3-1-1992/5-2-1992)

Sec. 11.14. Submission of Charter to voters.

Pursuant to article 1167, V.A.C.S. [V.T.C.A., Local Government Code § 9.003], the Charter commission finds and determines that it is impracticable to segregate each subject or section contained in this Charter so that the voter may vote "Yes" or "No" on the same. This Charter was drafted and framed in such a manner that the articles and sections of the Charter are so interrelated and dependent, one upon the other, to the extent that the Charter would not function properly if it were not adopted in its entirety. Therefore, the Charter commission directs that said Charter be voted upon as a whole and that it shall be submitted to the qualified voters of the City of Missouri City at an election to be held for that purpose on the twenty-third day of November, 1974, which time is fixed by the Charter commission at a time not less than forty (40) nor more than ninety (90) days after the completion of the work of the Charter commission. Not less than thirty (30) days prior to the aforesaid date of election, the city council shall cause the city secretary to mail a copy of this proposed Charter to each qualified voter of the City of Missouri City as appears from the tax collectors' rolls for the year ending January thirty-first, preceding said election. If a majority of the qualified voters voting in such election shall vote in favor of the adoption of this Charter, it shall become the Charter of the City of Missouri City, after the returns have been canvassed by the mayor and city council and an official order has been entered upon the records of the city by the mayor and council thereby declaring the adoption of this Charter. A copy of the adopted Charter, authenticated and certified by the signature of the mayor and the seal of the city, shall be forwarded to the secretary of state of the State of Texas.