

## **PREAMBLE**

We, the citizens of Pasadena, Texas, give thankful recognition for the guidance of Almighty God as we establish this Charter.

## **ARTICLE I. - INCORPORATION, FORM OF GOVERNMENT, AND POWERS**

### **Section 1. - Incorporation.**

The inhabitants of the City of Pasadena, Harris County, Texas, residing within its corporate limits as heretofore or 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 Pasadena," hereinafter referred to as the "City, with such powers, privileges, rights, duties, and immunities as are herein provided.

### **Section 2. - General Powers.**

The City shall have all the power granted to cities by the Constitution and Laws of the State of Texas together with all of the implied powers necessary to carry into execution such granted powers. The City may use a corporate seal; may sue and be sued; may contract and be contracted with; 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; 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 such property as may now or hereafter be owned by it; may pass ordinances and enact such regulations as may be expedient for the maintenance of the good government, order, and peace of the City and the welfare, health, morals, comfort, safety, and convenience of its inhabitants. 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, Acts of the 33rd Legislature of the State of Texas, Regular Session, 1913, enacted pursuant to the Home Rule Amendment of the Constitution of Texas, known as the Enabling Act and including Articles 1175, 1176, 1177, 1178, 1179 and 1180 of the Revised Civil Statutes of Texas, 1925, as heretofore 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 Constitution and Laws of the State of Texas and by this Charter, the City shall have, without the necessity of express enumeration in this Charter, each and every power which by virtue of Article XI, Section V, of the Constitution of the State 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. All such powers whether expressed or implied shall be exercised and enforced in the manner prescribed in this Charter or, when not prescribed herein, in such manner as shall be provided by ordinance of the Council.

### **Section 3. - Form of Government.**

The municipal government provided by this Charter shall be and shall be known as "Mayor-Council Government." Pursuant to the provisions of and subject only to the limitations imposed by the Constitution and Laws of the State of Texas and by this Charter, all powers of the City shall be vested in and exercised by an elective Council composed of a Mayor and eight Councilmembers, hereinafter referred to as "the Council," which shall enact legislation, adopt budgets, and determine policies of the City.

### **Section 4. - Streets and Public Property.**

The City shall have exclusive dominion, control, and jurisdiction in, upon, over, and under the public streets, sidewalks, alleys, 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, establish, or change the grade thereof; to control and regulate the use thereof, and to abate and remove in a summary manner any encroachment thereon.

### **Section 5. - Street Development and Improvement.**

The City shall have the power to develop and improve, or cause to be developed and improved, any and all public streets, sidewalks, alleys, highways, 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, culverts, and other appurtenances and incidentals in connection with such development and improvement authorized hereinabove, or any combination of part thereof. The cost of such development and improvement may be paid partly or entirely by assessments levied as a lien against the property abutting thereon and against the owners thereof, and such assessments may be levied in any amount and under any procedure not prohibited by the Laws of the State of Texas; provided, that no assessment shall be made against such land or owners in excess of the enhancement in value of such property occasioned by such improvement.

If improvements be ordered constructed in any part of any such area used or occupied by the tracks or facilities of any railway or public utility, then the City Council shall have 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 railway or utility, and shall have power by ordinance to provide for the enforcement of such assessment.

As an alternate and cumulative method of 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 of the Fortieth Legislature of the State of Texas, First Called Session, 1927, as heretofore or hereafter amended, the same being Article 1105b of the Revised Civil Statutes of Texas, 1925.

## **Section 6. - 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 for the alteration and extension of said boundary limits, the annexation of additional territory lying adjacent to the City, and the detachment or disannexation of territory, with or without the consent of the owners and inhabitants of the territory annexed, detached, or disannexed, in any manner not inconsistent with the procedural rules prescribed by Chapter 160, Page 447, Article 1, Acts of the 58th Legislature of the State of Texas, Regular Session, 1963, as heretofore or hereafter amended, the same being the Municipal Annexation Act. Upon the final passage of any ordinance annexing territory, the corporate limits of the City shall thereafter include the territory so annexed; and when any additional territory has been so annexed, the same shall be a part of the City of Pasadena and the property situated therein shall bear its pro rata part of the taxes levied by the City, and the inhabitants thereof shall be entitled to all of the rights and privileges of all citizens and shall be bound by the acts and ordinances, resolutions and regulations of the City. Upon the final passage of any ordinance detaching or disannexing territory from the City, the corporate limits of the City shall be reduced by the territory so detached or disannexed.

## **ARTICLE II. - THE COUNCIL**

### **Section 1. - Number, Selection, and Term of Office.**

The Council shall be composed of a Mayor and eight Councilmembers. One Councilmember shall be nominated and elected by the voters in each of six Council Districts, and two Councilmembers shall be nominated and elected by the voters of the entire City. The Mayor shall be elected by the qualified voters of the entire City. The Mayor, unless sooner removed under the provisions of the Charter, shall serve for four-year (4) terms, from the first (1st) day of July four (4) years later or until his successor has been elected and duly qualified. Each Councilmember, unless sooner removed under the provisions of the Charter, shall serve for two year (2) terms, from the first day of July following his/her election until the first day of July two years later, or until his/her successor has been elected and duly qualified.

No person shall be elected to more than two consecutive regular four year terms as Mayor. No person shall be elected to more than four consecutive regular two year terms as a Councilmember. Any reference to Councilmember in this Charter shall mean Council/men/women.

*(Ord. No. 13-126, § 1(Exh. A-Prop. I), 8-22-13/11-5-13)*

NOTE: Pursuant to the United States District Court's Final Judgment and Order of Injunction in *Patino v. City of Pasadena*, Civil No. H-14-3241 (S.D. Tex.) (Jan 16, 2017) the City of Pasadena City Council consists of a Mayor elected at large and eight Councilmembers elected from single-member districts rather than from a combination of single-member districts and at-large positions as set out in Sections 1, 2, 3 and 4 of Article II of the Charter.

## **Section 2. - Qualifications and Eligibility.**

At the time of his/her election to office and during his/her tenure of office, each member of the Council shall be a citizen, resident, and qualified voter of the State of Texas and the City of Pasadena. Council members elected to represent districts must physically reside within the District he/she represents for a period of twelve months immediately preceding the day of the election at which he/she is elected. The Mayor and Council Members elected at-large must have been residents of and have physically resided within the City for twelve months immediately preceding their election. No member of the Council shall hold any other office or employment under the City government while he/she is a member of the Council, nor shall he/she hold any paid employment under the City government within two years thereafter. A member of the Council ceasing to possess any of the foregoing qualifications shall immediately forfeit his/her office.

(Ord. No. 13-126, § 1(Exh. A-Props. I, IV), 8-22-13/11-5-13)

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## **Section 2(a). - Proof of Physical Residency.**

Requirements for proof of physical residence:

- (a) As part of the application for election to office, as well as upon election to office, and, if requested by the City Secretary, Mayor, or Council as a body, during their term in office, each candidate or Councilmember shall submit to the City Elections Official proof of their physical residence, as described in sections (b) and (c) herein, sufficient for the City Elections Official and/or Council to determine the candidate's compliance with Article II, Section 2.
- (b) If the candidate seeks to establish residency and physical residence at a property they own, a copy of the deed and copies of the candidate's utility bills for the applicable period, showing service to such property must be provided, upon request, as proof of compliance with Article II, Section 2.

- (c) If the candidate seeks to establish residency and physical residence at a property they do not own, a sworn affidavit by the owner of such property must be provided, upon request, to confirm the candidate's compliance with Article II, Section 2. If the residence is leased to the candidate, a copy of the lease and copies of utility bills for the applicable period must accompany the affidavit of the property owner.
- (d) Additional proof as determined by Council may be required such as valid driver's license and voters registration card. etc.
- (e) If a candidate fails to provide proof of residency and physical residence as required by Article II, Section 2 such that the City Elections Official may make a clear and final determination of the candidate's compliance with Article II, Section 2, the City Elections Official shall not approve the application for office. Should a majority of the Council, after notice and hearing find that a Councilmember has failed to comply, or continue to comply with the requirements of this Article, they may, in addition to the other reasons permitted by any law, remove the Councilmember from Council.
- (f) The City Elections Official shall not accept for filing any candidate application without proof of residency and physical residence as required by Article II, Section 2.
- (g) The City Elections Official shall not accept election to office any candidate without proof of residency and physical residence pursuant to Article II, Section 2.
- (h) The decisions of the City Elections Official or Council, as applicable under this Article, are final subject to any judicial review that may be available by law.

*(Ord. No. 13-126, § 1(Exh. A-Prop. IV), 8-22-13/11-5-13)*

### **Section 2(b). - Financial Disclosures Sources of Income.**

Each Candidate for office and each elected office holder, shall be required to place on file with the City Secretary a Financial Disclosure list showing all sources of their income. The Financial Disclosure list shall be updated by the tenth day of January of each succeeding year. Any violation of this section shall constitute malfeasance in office and immediate forfeiture of said office.

### **Section 3. - Designation of Members of Council.**

The eight Councilmembers shall be designated as:

Single-Member Districts

Councilmember Place A

Councilmember Place B  
Councilmember Place C  
Councilmember Place D  
Councilmember Place E  
Councilmember Place F  
At-Large Positions  
Councilmember Place G  
Councilmember Place H

(Ord. No. 13-126, § 1(Exh. A-Prop. I), 8-22-13/11-5-13)

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#### **Section 4. - City Divided into Districts.**

The City shall be divided into six single-member Districts to be known and designated as Districts A, B, C, D, E, and F. The Councilmembers for Districts A-F shall be elected by the voters of their respective Districts. Within six months of the date this provision of the Charter is adopted, the Council shall divide the City into six Districts to be denominated as Districts A-F. Each District shall contain relatively equal numbers of persons so that the total deviation between the largest and smallest Districts does not exceed ten percent. As soon as practicable following the publication of each federal decennial census, the Council shall determine if the Districts are materially imbalanced and, if so, shall redraw the Districts to achieve relative population equality.

The Councilmembers for Places G and H shall be elected from the City at large.

Such redistricting ordinances and the six Districts defined therein shall apply to the next succeeding City general election and to all City general and special elections and appointments thereafter until enactment and application of the next redistricting ordinance.

In the event the limits of the City are extended, annexed territory shall become a part of the District to which it adjoins until changed by the next redistricting ordinance; and in the event any annexed territory adjoins two or more Districts, the Council shall designate to which District or Districts the area is to be assigned.

The Council is authorized to pass all ordinances necessary to effectuate the division of the City into Districts in accordance with law.

(Ord. No. 13-126, § 1(Exh. A-Prop. I), 8-22-13/11-5-13)

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### **Section 5. - Investigative Body.**

The Council shall have the power to inquire into the official conduct of any department, agency, office, officer, or employee of the City, and for that purpose shall have the power to administer oaths, subpoena witnesses, compel the production of books, papers, and other evidence material to the inquiry. The Council shall provide by ordinance penalties for contempt in failing or refusing to obey any such subpoena or to produce any such books, papers, or other evidence, and shall have the power to punish any such contempt in the manner provided by such ordinance. No member of the Council shall ever vote upon any matter involving the consideration of his own official conduct.

### **Section 6. - City Secretary.**

The Council, upon recommendation of the Mayor, shall appoint the City Secretary, who shall serve at the pleasure of the Council. The City Secretary shall keep the records of the Council, and shall have such other duties and responsibilities as may be assigned to him/her by this Charter or by the Council. The City Secretary shall appoint such assistants to him/her as may be authorized by the Council. The City Secretary shall furnish two copies of the minutes of all council meetings to the City Library within thirty days after their approval; such copies of minutes of the Council shall become and be maintained as permanent public records.

### **Section 7. - Meetings of the Council.**

There shall be regular meetings of the Council on the first and third Tuesday of each month unless said Tuesday is a holiday; in which case the meeting shall be rescheduled within the next three business days. Council may hold as many additional meetings during the month as may be necessary. Special meetings may be called at any time by the Mayor as necessary. Procedures for meetings shall be governed by the laws of the State of Texas for open meetings, and as provided by the Charter and City ordinances not in conflict therewith. All meetings of the Council, regular or special, shall be open to the public and shall be held at the City Hall of the City.

(Ord. No. 13-126, § 1(Exh. A-Prop. II), 8-22-13/11-5-13)

### **Section 8. - Rules of Procedure.**

The Council shall by ordinance determine its own rules and order of business. A majority of the Council qualified and serving shall constitute a quorum for all meetings for the transaction of all business, but no action of the Council shall be of any force and effect unless it is adopted by the favorable vote of a majority of the members of the Council qualified and serving, unless otherwise provided by this Charter. Minutes of all meetings of the Council shall be taken and recorded, and such minutes shall constitute a public record.

**Section 9. - Each Member Present Must Vote on All Matters.**

Except as otherwise herein provided, each member of the Council in attendance at the council meeting shall vote upon every issue upon which a vote is called. Any member present who fails or refuses to vote under such circumstances shall be recorded as having cast a negative vote.

**Section 10. - Powers of the Council.**

All powers and authority which are expressly or impliedly conferred on or possessed by the City shall be vested in and exercised by the Council; provided, that the Council shall have no power to exercise those powers which are expressly conferred on other city officers by this Charter.

**Section 11. - Override of Mayor's Veto.**

At any meeting of the Council held not less than seven nor more than thirty days after the Mayor has vetoed any ordinance or resolution of the Council, the Councilmembers may, by the affirmative vote of a majority of its members qualified and serving, override such veto, in which event such ordinance or resolution shall be considered finally passed and approved and shall not be subject to further veto.

**Section 12. - Removal of Appointed, Salaried Officers and Employees.**

Subject only to such limitations as may be imposed by the Laws of the State of Texas or by this Charter, two-thirds of the Councilmembers qualified and serving may suspend without pay any appointed, salaried officer or employee of the City. Provided, however, such suspension must be made at a meeting of the Council. Such suspension shall permanently terminate such officer's or employee's appointment or employment with the City without recourse to the officer or employee unless he files a petition with the Council requesting a hearing on such suspension in the time and manner provided for in this Charter.

**Section 13. - Reinstatement of Appointed, Salaried Officers or Employees Suspended Without Pay.**

In the event two-thirds of the Councilmembers qualified and serving, the Mayor, or the City Controller suspends without pay any appointed, salaried officer or employee of the City in the manner authorized by this Charter, such suspended officer or employee may

within fifteen days after the date of his/her suspension, file a written petition with the Suspension Appeals Board of the City of Pasadena requesting a hearing on such suspension. Said Board shall be a standing board consisting of five members appointed by the Mayor and subject to confirmation and approval by the Council to hear petitions for reinstatement made by City of Pasadena employees. Said petition shall be signed by the officer or employee, shall contain his/her home address, and shall state whether he/she desires a public or private hearing. If the petition is timely and properly filed, the Suspension Appeals Board shall, within ten days thereafter, set a time for hearing such petition within not less than six nor more than twenty days thereafter.

The suspended officer or employee may request either a public or private hearing. The City Secretary shall give written notice of the time of such hearing to the suspended officer or employee at the address shown in the petition by depositing the same, postage paid by registered or certified mail, return receipt requested in the United State mail at least five days prior to the date of such hearing. All such hearings shall be held at City Hall. At the hearing, the Councilmembers, the Mayor, or the City Controller, as the case may be, and the suspended officer or employee shall be given the right to be heard. Within ten days following such hearing, the Suspension Appeals Board shall make a recommendation to the Councilmembers either upholding or rejecting the suspension. The Councilmembers shall then consider the recommendation of the Suspension Appeals Board and rule on said recommendation.

If the recommendation of the Suspension Appeals Board is to affirm reinstatement and if the Councilmembers uphold such recommendation and removes said suspension, then the officer or employee is to be reinstated to his/her office or position of employment and further, shall be entitled to receive all wages and benefits lost during the period of his/her suspension. However, if the petition is not timely or properly filed or if a majority of the Councilmembers qualified and serving do not remove the suspension and reinstate such officer or employee, his/her removal and discharge shall be effective as of the date of his/her suspension by the majority of Councilmembers, by the Mayor, or by the City Controller. The action of the Councilmembers on the question of the removal of such suspension and reinstatement shall be final. Any procedures necessary to effectuate this Charter provision shall be adopted by ordinance of the governing body.

#### **Section 14. - Procedure to Enact Legislation.**

The Council shall legislate by ordinance, and the enacting clause of every ordinance shall be, "Be it ordained by the City Council of the City of Pasadena." The City Attorney shall approve as to legality all ordinances adopted by the Council, or shall file with the City Secretary his written legal objections thereto. Evidence of approval of an ordinance by the City Attorney may be made by notation on the ordinance itself or by separate paper or instrument. Each ordinance finally enacted by the Council shall be signed by the Mayor, subject only to his right to veto, and shall be filed with and recorded by the City Secretary. In the event the Mayor fails or refuses to sign an ordinance after the period in which he may veto the same has expired or in the event he fails or refuses to sign an ordinance passed over his veto, such ordinance shall be signed by the Mayor Pro

Tem or by two Councilmembers. The reading aloud of the title and caption of the ordinance or resolution shall suffice as a reading, provided printed copies of the ordinance, in the form required for adoption, are in front of all members of council and a reasonable number of additional copies are available to citizens present at the meeting. Ordinances or resolutions may be read in their entirety at the discretion of a majority of the City Council. All ordinances, unless otherwise provided by or by the terms of such ordinance, shall take effect immediately upon final passage thereof. The requirements for reading ordinances on two separate days may be dispensed with respect to ordinances authorizing the issuance of obligation of the City or where an ordinance relating to the immediate preservation of the public peace, health, safety, or welfare is adopted by the favorable vote of two-thirds of all members of council qualified and serving, and contains a statement of the nature of the emergency.

### **Section 15. - Publication of Ordinances.**

Except as otherwise provided by law or by this Charter, the City Secretary shall give notice of the enactment of every ordinance imposing any penalty, fine, or forfeiture for any violation of any of its provisions, and every other ordinance required by law or by this Charter to be published, by causing the ordinance, or its descriptive caption and penalty, to be published at least one time within twenty days after final passage thereof in the official newspaper of the City. The affidavit of such publication by the publisher of such newspaper taken before any officer authorized to administer oaths and filed with the City Secretary shall be conclusive proof of the legal publication and promulgation of such ordinance in all courts. Such ordinance shall take effect ten days after the date of such publication, provided that any penal ordinance passed as an emergency measure shall take effect immediately upon publication.

### **Section 16. - Code of Ordinances.**

The Council shall have the power to cause all general ordinances of the City to be compiled and printed in code form. Every general ordinance enacted subsequent to such codification shall be enacted as an amendment to the code. The Council shall cause all general ordinances to be codified, recodified, and reprinted whenever in its discretion such is deemed desirable, or when such codification or recodification is required by law. When adopted by the Council, the printed code of general ordinances contemplated by this section shall be in full force and effect without the necessity of such code or any part thereof being published in any newspaper. The caption, descriptive clause, and other formal parts of the ordinances of the City may be omitted without affecting the validity of such ordinances when they are published as a code.

### **Section 17. - Limitation of Number of Terms of Councilmembers.**

No person shall be elected to more than four (4) consecutive regular two (2) year terms as a Councilmember. Term limitations provided for in the previous Charter are carried forward with the adoption of this Charter.

## **Section 18. - Compensation of Councilmembers.**

Each Councilmember shall receive a monthly salary of Three Hundred (\$300.00) Dollars. Provided, in the event a Councilmember is absent from any regular meeting of the Council, Twenty-Five Dollars shall be deducted from his/her salary for that month for each regular meeting from which he/she was absent during such month, except on city business; also, a Councilmember may be excused from two meetings per year for either vacation, sickness or death in the family.

## **Section 19. - Vacancies in Office of Councilmember.**

Vacancies in the office of Councilmember arising from any cause shall be filled by a majority vote of the remaining members of the Council for the unexpired term. However, if two or more vacancies exist at the same time, a special election shall be called in the manner provided for City general elections to elect successors to fill such vacancies for the unexpired terms, unless such vacancies shall exist within ninety days of the next City general election, in which event such vacancy shall be filled by appointment as in other cases. Any person elected or appointed to fill a vacancy in the office of Councilmember shall possess all of the qualifications herein required for the office.

## **Section 20. - Forfeiture of Office of Councilmember Because of Absence.**

Any Councilmember who is absent from four consecutive regular meetings of the Council, unless such absences are the result of his/her illness or the conduct of official city business, shall be deemed to have forfeited his office and the Council shall fill such vacancy in the manner prescribed by this Charter.

## **ARTICLE III. - THE MAYOR**

### **Section 1. - Head of City Government.**

The Mayor shall be the chief administrator and executive officer of the City; he shall devote his full time and efforts to and shall be responsible for the proper administration of its affairs. The Mayor shall preside at all meetings of the Council and shall be recognized as the head of the city government for all ceremonial purposes, for the purpose of receiving civil process, for emergency purposes, and for military purposes.

### **Section 2. - Mayor Pro Tem.**

At the first meeting following each general City election, the Council shall by election designate a member(s) as Mayor Pro Tem. The Mayor Pro Tem may conduct Council meetings in the absence of the Mayor and may act as Mayor upon the disability or disqualification of the Mayor. Upon vacancy of the position of the Mayor Pro Tem, the position may be filled as needed.

*(Ord. No. 13-126, § 1(Exh. A-Prop. III), 8-22-13/11-5-13)*

### **Section 3. - Acting Mayor.**

In the event of the absence, disability, or disqualification of both the Mayor and Mayor Pro Tem at any particular meeting of the Council, the remaining members of the Council shall by election designate one of their members as Acting Mayor and he/she shall act as Mayor for such particular meeting and shall have power to perform every act, except the power to remove or suspend officers and employees and the power of veto, the Mayor could perform if present.

### **Section 4. - Vacancy.**

In the event of a vacancy in the office of Mayor arising from any cause, the Mayor Pro Tem shall become Mayor for the completion of the unexpired term if one year or less of such unexpired term remains. However, if more than one year of such unexpired term remains, the Council shall within ten days following such vacancy call a special election to be held within not less than forty nor more than sixty days thereafter to fill such vacancy for the unexpired term. The Mayor Pro Tem shall act as Mayor until a successor to the office of Mayor has been elected and duly qualified and, during such time as he/she acts as Mayor under such circumstances, but only under such circumstances, the Mayor Pro Tem shall be entitled to receive the compensation of Mayor.

### **Section 5. - General Powers of the Mayor.**

The Mayor shall have and exercise such powers, prerogatives, and authorities as are expressly or impliedly conferred on him by this Charter or by the Council.

### **Section 6. - Privilege of Vote and Veto.**

The Mayor, as a member of the Council, shall be entitled to vote upon all matters considered by the Council, except in those instances where such privilege of vote is specifically denied him/her by this Charter. He/she shall have the power to veto any ordinance or resolution enacted or adopted by the Council, except those ordinances or resolutions which are not subject to the initiative or referendum process under the provisions of this Charter. To be effective, such veto must be accomplished within ten days after the final passage or adoption of the ordinance or resolution and must be accompanied by a veto message setting forth in writing the Mayor's reason for such veto, which such veto and veto message must be filed with the City Secretary within such ten day period. The City Secretary shall deliver the Mayor's veto and veto message to the Council at its next regular meeting.

### **Section 7. - Removal of Appointed, Non-Paid Persons.**

Except as may be otherwise provided by the Laws of the State of Texas or by this Charter, the Mayor shall have the exclusive authority to remove from office or position all persons appointed by him/her to serve on boards, commissions, committees, or agencies

of the City or to serve in any similar non-paid offices or positions of the City. The action of the Mayor shall be final.

**Section 8. - Suspension Without Pay of Appointed, Salaried Officers and Employees.**

The Mayor shall have the authority to suspend without pay any appointed, salaried officer or employee of the City, except officers and employees of the Department of Finance. Provided, however, notice of such suspension shall be given by the Mayor to the Council at a regular meeting of the Council held within ten working days after the effective date of such suspension. Such suspension shall permanently terminate such officer's or employee's appointment or employment with the City without recourse to the officer or employee unless he files a petition with the Council requesting a hearing on such suspension in the time and manner provided for in this Charter.

**Section 9. - Other Duties and Powers.**

Unless otherwise provided by law or by this Charter, the powers and responsibilities of the Mayor shall include, but shall not be limited by, the following:

- (a) To appoint, subject to confirmation and approval by the Council, all officers and employees of the City and the members of all boards, commissions, committees, and agencies of the City.
- (b) To exercise control and direction over all departments and divisions of the City and to supervise and direct all officers and employees of the City appointed by him/her.
- (c) To recommend to the Council such measures, resolutions, and ordinances as he/she may deem proper and necessary.
- (d) To advise the City Council as to the financial status of the City. The Mayor may appoint subject to confirmation and approval by the Council and supervise a Budget and Financial Planning Officer who will work with the Mayor and the City Controller to ascertain the needs of the City and prepare an annual budget and a multi-year plan based on the present and projected financial revenues of the City.
- (e) To perform such other duties as may be prescribed by this Charter or required of him/her by the Council.

**Section 10. - Compensation of Mayor.**

Effective May 1, 1975, the Mayor shall receive a minimum annual salary of Twenty-Five Thousand Dollars, with an annual cost-of-living adjustment at the 100% recovery

rate, the amount of which will be determined by the cost-of-living index figure as found in the current Consumer Price Index as determined by the United States Government.

Such annual salary shall be paid in twelve equal monthly installments and the annual cost-of-living adjustment shall become effective from and after each May 1, beginning 1976. Each incoming Mayor shall receive the salary of his/her predecessor with the cost-of-living adjustments effective May 1 of each succeeding year.

### **Section 11. - Limitation on Number of Terms of Mayor.**

No person shall be elected to more than two (2) consecutive regular four (4) year terms as Mayor. Term limitations provided for in the previous City Charter are carried forward with the adoption of this Charter.

## **ARTICLE IV. - ELECTION**

### **Section 1. - General Elections.**

The first regular City general election for Mayor and Councilmember shall be held on the first Saturday in May, 1993. Regular City general elections shall be held on the first Saturday in May in each odd numbered year thereafter, all Councilmembers to be elected every two years and a Mayor to be elected every four years. In each such election, each qualified voter shall vote for not more than one candidate for Mayor, if such position is to be filled at such election, and for not more than one candidate for Councilmember. Said election shall be ordered by the Mayor or, in the event he/she fails to do so, by the Council. The City Secretary shall give notice of such election by causing said notice to be published at least forty days prior to the date of such election in the official newspaper of the City.

### **Section 2. - Run-off Elections.**

In the event any candidate for Mayor for Councilmember fails to receive a majority of all votes cast for his/her particular office at any regular or special election, the Mayor or, if he/she fails to do so, the Council shall on the first day following the completion of the official count of ballots cast at the first election order a second election to held on the last Saturday in May following the date of such order, at which election the two candidates receiving the highest number of votes cast for such particular office in the first election at which no one was elected to such office by receiving a majority of all votes cast for all candidates for such particular office shall again be voted for, and the one receiving the highest number of votes cast shall be elected to such office. The City Secretary shall give notice of such run-off election by causing said notice to be published at least ten days prior to the date of such election in the official newspaper of the City.

### **Section 3. - Order of Names on Ballot.**

In all elections, regular or special, first or run-off, the order of names of candidates for a particular office on the ballot shall be determined by the drawing of lots.

#### **Section 4. - Regulation of Elections.**

All election procedures for the City of Pasadena shall be governed by the laws of the State of Texas for municipal elections, and as provided by the Charter and City Ordinances not in conflict therewith. The Council shall appoint the Election Judges and other election officials and shall provide for the compensation of all election officials in city elections and for all other expenses of holding such elections.

#### **Section 5. - Filing of Candidates.**

Any qualified person who desires to become a candidate for election to the office of Mayor or Councilmember shall file an application for his/her name to appear on the ballot with Mayor or, if designated by the Mayor, the City Secretary, at least thirty days prior to the date of election or at such earlier time as may be required by state law. Such application shall clearly designate the office and, if a candidate for Councilmember, the Place for which the candidate seeks election and shall contain proof of physical residence as well as a sworn statement by the candidate that he/she is fully qualified under the Laws of the State of Texas and the provisions of this Charter to hold the office he/she seeks.

*(Ord. No. 13-126, § 1(Exh. A-Prop. I), 8-22-13/11-5-13)*

#### **Section 6. - Method of Filing.**

An application to become a candidate for Mayor or for the office of Councilmember must be accompanied by any one of the following means of qualification:

- (a) A filing fee of Three Hundred (\$300.00) Dollars to become a candidate for the office of Mayor. A filing fee of One Hundred (\$100.00) Dollars to become a candidate for the office of Councilmember. The payment of such filing fees shall be in cash or by cashier's check or certified check made payable to the order of the City of Pasadena.
- (b) A nominating petition requesting that his/her name be placed on the ballot bearing signatures of qualified electors who are residents of the City of Pasadena equal in number to the greater of 25 voters or ½ of one (1%) percent of the total vote cast for the office of Mayor at the last preceding City General Election. The petition shall show the address of each signer, the number of his/her voter registration certificate, and the county of its issuance.

#### **Section 7. - Canvassing Election and Declaring Results.**

The returns of every municipal election shall be delivered forthwith by the Election Judges to the City Secretary. The Council shall canvass the returns, investigate the

qualifications of the candidates, and declare the official results of the election not later than the first regular meeting following the delivery of the votes to the City Secretary. The returns of every municipal election shall be recorded in the minutes of the Council by precinct totals. At each first election the qualified person receiving a majority of all votes cast for the office he/she seeks shall thereupon be declared by the Council elected. In each run-off election, the qualified person receiving the highest number of votes cast for the office he/she seeks shall thereupon be declared by said Council elected. The decision of the Council as to qualifications of candidates shall be conclusive and final for all purposes.

### **Section 8. - Notification and Qualification of City Officials.**

It shall be the duty of the City Secretary to notify all persons elected or appointed to office of their election or appointment. All officials newly elected at a City general election may enter upon their duties on the first day of July next following the date of their election. All other newly elected or appointed officials may enter upon their duties immediately. Any official elected at a City general election must qualify by taking and subscribing his/her oath of office not later than the thirty-first day of July next following the date of his/her election; otherwise, the office shall be deemed vacant. All other elected or appointed officials must qualify by taking and subscribing their oath of office within thirty days; otherwise, the office shall be deemed vacant.

### **Section 9. - Special Elections.**

The Council may by ordinance or resolution call such special elections as are authorized by the Laws of the State of Texas and by this Charter, fix the time and place of holding same, and provide all means for holding such special elections, provided that every special election shall be called and held as nearly as practicable according to the provisions governing City general elections. It is specifically provided, however, that if the Laws of the State of Texas specify a different period or method of notice of any special election, the time and method provided for therein shall prevail over the general provisions of this Charter.

## **ARTICLE V. - INITIATIVE, REFERENDUM, AND RECALL**

### **Section 1. - 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, except ordinances appropriating money of levying taxes or issuing obligations of the City, or ordinances repealing ordinances appropriating money or levying taxes, not in conflict with this Charter or the Constitution or the Laws of the State of Texas. Any initiated ordinance may be submitted to the Council by a petition signed by the qualified voters of the City equal in number to at least twenty percent (20%) of the qualified voters of the City.

### **Section 2. - 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, except ordinances authorizing the issuance of obligations payable from taxes, revenues, or both taxes and revenues, whether original or refunding obligations, shall not be subject to such referendum. Prior to or within thirty days after the effective date of any ordinance which is subject to referendum, a petition signed by qualified voters of the City equal in number to at least twenty percent (20%) of the qualified voters of the City 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 thereon shall be suspended if it shall have gone into effect, until and unless it is approved by the voters as herein provided.

### **Section 3. - 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. Referendum petition papers shall contain a sufficient description of the ordinance sought to be referred to identify it, or if the ordinance has been passed by the Council, the full text of the ordinance sought to be referred shall be included in such papers. The signatures to the initiative or referendum petitions need not be all appended to one paper, but each signer shall sign his/her name in ink or indelible pencil, together with a notation showing his/her residence address and the ward or precinct number and serial number that appear on his/her voter registration card or such other document as may be prescribed by the Laws of the State of Texas to identify qualified voters under any future legislation. No signature shall be counted where there is reason to believe it is not the actual signature of the purported signer or that it is a duplication either of name or of handwriting used in any other signature on the petition, and no signature shall be counted unless the residence address of the signer is shown, or unless it is signed exactly as the name of the voter appears on the official copy of the current list of voters or such other document as may be prescribed by the Laws of the State of Texas to identify qualified voters under any future legislation, or unless the precinct number and serial number that appear on the signer's voter registration card or such other document as may be prescribed by the Laws of the State of Texas to identify qualified voters under any future legislation are noted as above required. Before the signatures on any petition paper may be counted, one of the signers of such petition paper, a qualified voter, shall make oath before the City Secretary or any other officer competent to administer oaths, that the statements made therein are true, that each signature to the paper appended is a genuine signature of the person whose name purports to be signed thereto, and that such signatures were placed thereon in his/her presence.

### **Section 4. - Filing, Examination, and Certification of Petitions.**

Within thirty days after an initiative or referendum petition is filed, the City Secretary shall determine whether the same is properly 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 3 of this Article. In examining the petition, the City Secretary shall write the letters "D.V." (declared void) in red ink opposite the names of signers found not qualified. After completing examination of the petition, the City Secretary shall certify the results thereof to the Council at its next regular meeting. 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 days from the date of such notice by filing a supplementary petition upon additional papers signed and filed as provided for in the original petition. Within thirty 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 then found to be insufficient, no further proceedings shall be had with regard to it, except as provided in Section 6 below.

### **Section 5. - 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 twenty-one days after the date of the certification to the Council; or (b) submit said initiated ordinance without amendments to a vote of the qualified voters of the City at the next regular election date as established by the laws of the State of Texas that allows time to comply with this Charter and other laws applicable to elections; or (c) at such election; submit to a vote of the qualified voters of the City said initiated ordinance without amendment, and an alternative ordinance on the same subject proposed by the Council. Council may, in its discretion, and if no regular election is to be held on such day shall, provide for a special election. 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 with twenty-one days, it shall be submitted to the qualified voters of the City at the next regular election date as established by the laws of the State of Texas that allows time to comply with this Charter and other laws applicable to elections.

Special elections on initiated or referred ordinances shall not be held more frequently than once each six months, and no ordinance on the same subject as an initiated ordinance which has been defeated or on the same subject as a referred ordinance which has been approved at any election may be initiated by the voters within two years from the date of such election.

### **Section 6. - Petition Signed by Less than Twenty Percent of Qualified Voters.**

If an authorized initiative petition or referendum petition be signed by qualified voters of the City equal in number to at least ten percent (10%) but less than twenty percent (20%) of the qualified voters of the City, then such ordinance, without amendment or alteration, shall be submitted by the Council to the qualified voters of the City at the next City general election that shall be held at any time after sixty days from the date of

the City Secretary's certification of sufficiency attached to the petition accompanying said initiated or referred ordinance.

#### **Section 7. - Results of Election.**

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 legal votes cast is in favor of an initiated 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 vote of two-thirds of the members of Council qualified and serving. A referred ordinance which is rejected by a majority of the legal votes cast in a referendum election shall be deemed thereupon repealed and may not be re-enacted by the Council for a period of two years.

#### **Section 8. - Power of Recall.**

The people of the City reserve the power to recall any elected officer of the City of Pasadena 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 thirty percent (30%) of the qualified voters of the City, demanding the removal of such elected officers. The petition shall be signed and verified in the manner required for an initiative petition.

#### **Section 9. - Recall Elections.**

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, the Council shall within ten days thereafter order an election to be held within thirty-five days thereafter to determine whether such officer shall be recalled.

#### **Section 10. - Results of Recall Election.**

If the majority of the legal votes cast at a recall election be for the recall of the officer named on the ballot, the Council shall immediately declare his/her office vacant, and a special election for the filling of such vacancy shall be called and held forthwith in accordance with provisions of this Charter on elections. An officer thus removed shall not be eligible to hold office again in the City of Pasadena within a period of two years from the date of his/her recall.

#### **Section 11. - Limitation on Recall.**

No recall petition shall be filed against an officer within six months after he/she takes office, and no officer shall be subjected to more than one (1) recall election during a term of office.

### **ARTICLE VI. - ADMINISTRATIVE OFFICES AND DEPARTMENTS**

## **Section 1. - Administrative Offices and Departments.**

There shall be such offices and departments of the City as are established by this Charter and as may be established by ordinance, all of which, unless otherwise provided in this Charter, shall be under the control and direction of the Mayor. The Council may abolish or combine one or more offices or one or more departments created by it, and may define, assign, or transfer duties of any such offices or departments of the City from one office or department to another by ordinance.

## **Section 2. - Directors of Departments.**

At the head of each department there shall be a Director. Such Directors shall have supervision and control over their respective departments and may serve as chiefs of divisions within their respective departments. Two or more departments may be headed by the same individual.

## **Section 3. - Departmental Organization.**

The work of each department shall be distributed among such divisions as may be established by ordinance. Pending passage of ordinance establishing department divisions, the Mayor may establish temporary divisions in any department.

## **Section 4. - Bonds of City Officers.**

The Council may require any officer of the City to give bond with such surety and in such sums as may be prescribed by ordinance, which sum shall always be of sufficient amount to protect the City. The premium of such bond shall be paid for by the City.

## **ARTICLE VII. - DEPARTMENT OF LAW**

### **Section 1. - City Attorney.**

There shall be a Department of Law, the head of which shall be the City Attorney. The City Attorney shall be a competent attorney who shall have practiced law in the State of Texas for at least five years immediately preceding his/her appointment. The City Attorney shall be the legal advisor of and attorney for all of the offices and departments of the City, and he/she shall represent the City in all litigation and legal proceedings. He/she shall draft, approve, or file his/her written legal objections to every ordinance adopted by the Council, and he/she shall pass upon all documents, contracts, and legal instruments in which the City may have an interest.

### **Section 2. - Assistant City Attorneys.**

There shall be such Assistant City Attorneys as may be authorized by the Council. Such Assistant City Attorneys shall be authorized to act for and on behalf of the City Attorney.

## **ARTICLE VIII. - MUNICIPAL COURT**

### **Section 1. - Municipal Court.**

There shall be a court known as the Municipal Court of the City of Pasadena, which court shall be deemed always open for the trial of causes, and with such jurisdiction, powers, and duties as are given and prescribed by the Laws of the State of Texas.

### **Section 2. - Judge of the Municipal Court.**

The Municipal Court shall be presided over by a magistrate who shall be known as the "Judge of the Municipal Court" and the Judge of said court shall be appointed by the Mayor, subject to the approval of Council. He shall be an attorney licensed to practice law in the State of Texas.

In the event the Judge of the Municipal Court is temporarily unable to act for any reason, a qualified person shall be appointed to act in his place.

The Council shall have the power to create and establish additional Municipal Courts. The Mayor shall have the power to appoint additional Municipal Court Judges subject to the approval of the Council.

### **Section 3. - Clerk of the Municipal Court.**

There shall be a Clerk of the Municipal Court who shall be appointed by the Judge of the Municipal Court subject to the approval of the Council. Such Clerk shall have the power to administer oaths and affidavits, make certificates, fix the seal of the Court thereto, and otherwise perform any and all acts necessary in issuing process of such Court and conducting the business thereof.

There shall be such Deputy Clerks of the Municipal Court as may be authorized by the Council and appointed by the Judge of the Municipal Court subject to the approval of the Council, which Deputy Clerks shall have authority to act for and on behalf of the Clerk of the Municipal Court.

The Clerk and Deputy Clerks of the Municipal Court shall be responsible to the Judge thereof and shall be subject to his direction and control.

### **Section 4. - Cost, Process, and Procedure in the Municipal Court.**

The Council shall determine what costs, if any, shall be charged for proceedings in and for processes issued by said Court.

The style of all writs issued out of the Municipal shall be in the name of the City of Pasadena.

All jurors shall be residents of said City and otherwise possess the same qualifications as jurors in the State courts, and they shall be summoned in the same manner as provided for in Justice Courts.

### **Section 5. - Court Separate from All Departments.**

The Municipal Court of the City shall always be separate and apart from all departments of the City.

## **ARTICLE IX. - FINANCE**

### **Section 1. - Department of Finance.**

There shall be a Department of Finance, the head of which shall be the City Controller. The City controller shall have knowledge of and a minimum of five years of experience in municipal accounting, banking, and municipal bonds. The five years of experience shall have been gained through professional employment in municipal budgeting, accounting, taxation, and financial control; provided, however, such experience shall not have been gained as an elected official. Said City Controller shall provide a bond with such surety and in such amounts as the Council may require, provided said bond shall be in an amount of at least One Hundred Thousand (\$100,000.00) Dollars. The premiums on such bond shall be paid by the City.

### **Section 2. - Mayor Denied Voice and Vote.**

The Mayor shall have neither voice nor vote in the employment or removal and discharge of the City Controller nor of any personnel in the Department of Finance, it being the intent of this Charter to divest the Mayor of any authority, control, or direction over the Department of Finance, its officers and employees, except where specifically authorized herein.

### **Section 3. - Appointment, Removal, and Discharge of City Controller.**

The City Controller shall be appointed by the affirmative vote of not less than a majority of the Councilmembers qualified and serving. However, no person shall be appointed to the office of City Controller until the Councilmembers shall have caused his/her qualifications to be published once a week for two consecutive weeks in the official newspaper of the City. The person appointed City Controller may be removed and discharged from his office only at a regular meeting of the Council by the affirmative vote of a majority of the Councilmembers qualified and serving. The action of the Councilmembers in removing and discharging any person holding the office of City Controller shall be final.

#### **Section 4. - Personnel of the Department of Finance.**

There shall be such personnel in the Department of Finance as may be authorized by the Council. Such personnel shall be appointed by the City Controller, subject to the approval of a majority of the Councilmembers qualified and serving, and shall be responsible to the City Controller and subject to his/her direction and control.

There shall be an Assistant Controller appointed by the City Controller subject to approval of Councilmembers. The position of Assistant Controller shall be permanently filled. In the event such position goes unoccupied for sixty or more calendar days then a majority of Councilmembers may appoint a qualified person to fill said position. The duties of the Assistant Controller shall be established by the City Controller except during periods when the City Controller is absent from his position, in which case the Assistant Controller will assume the full powers, duties and responsibilities of the City Controller.

To qualify as an applicant, the Assistant City Controller shall have knowledge of and a minimum of three years of experience gained through professional employment in municipal budgeting, accounting, taxation, and financial control; provided, however, such experience shall not have been gained as an elected official.

#### **Section 5. - Suspension Without Pay of Personnel of Department of Finance.**

The City Controller shall have the authority to suspend without pay any officer or employee of the Department of Finance. Provided, however, notice of such suspension shall be given by the City Controller to the Council at a regular meeting of the Council held within ten working days after the effective date of such suspension. Such suspension shall permanently terminate such officer's or employee's appointment or employment with the City without recourse to the officer or employee unless he/she files a petition with the Councilmembers requesting a hearing on such suspension in the time and manner provided for in this Charter.

#### **Section 6. - Powers and Duties of City Controller.**

The City Controller shall administer and supervise all financial affairs of the City. He shall have the power, the duty, and be required to:

- (a) Have custody of and be responsible for all monies belonging to or under the control of the City or any office, department, or agency thereof, and shall promptly deposit all such monies in the City depository or depositories, which shall be designated by ordinance or resolution of the Council in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be required by the Laws of the State of Texas and by ordinance of the Council.
- (b) Render a complete and correct statement of all monies received and deposited by him/her each month to each member of the Council on or before the tenth

day of the month next following and at such other times as the Council may require, in such form as the Council may prescribe.

- (c) Appoint, subject to the approval of a majority of the Councilmembers qualified and serving, such deputies, assistants, and employees in his/her department as the Council may authorize.
- (d) Prescribe the forms of receipts, vouchers, bills, claims, and bookkeeping procedures to be used by all offices, departments, and agencies of the City.
- (e) Examine all contracts, orders, and other documents by which the City government incurs financial obligations, having previously ascertained that money has been appropriated and allotted and will be available when the obligation becomes due and payable.
- (f) Assist the Mayor and all department heads in the preparation of the budgets for all departments.
- (g) Compile estimates of revenues and expenditures for the budget as required by the Mayor and all department heads.
- (h) Audit and approve before payment all bills, invoices, payrolls, and other evidence of claims, demands, or charges against the City. The City Controller shall, when he deems it necessary, seek the written advice of the City Attorney in order to determine the regularity, legality, and correctness of such claims, demands, or charges prior to presentation of the same to the Council for approval.
- (i) Submit in writing an itemized statement of all bids and claims payable by the City to the office or home of each Councilmember at least twenty-four hours prior to the Council meeting at which the bill or demand will be considered for payment. Copies of this statement shall be made available to each person attending the Council meeting who may be seated, and two copies of the same shall be furnished to the Pasadena Public Library for its public journals at least twenty-four hours prior to such meeting. One or more copies of such statement shall be available in the office of the City Controller for public inspection during normal office hours.
- (j) Submit to each member of the Council a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the City. Two copies of such statement shall be submitted to the Pasadena Public Library for its public journals on the same day of its submission to members of the Council, and one or more copies of such statement shall be made available in the office of the City Controller for public inspection during normal office hours.

- (k) Publish a financial statement of the financial condition of the City, including the status of all general and special accounts, and bonded and other indebtedness of the City, in the official newspaper of the City in the form and as often as a majority of the Councilmembers qualified and serving may require, but at last once each fiscal quarter. Such financial report must be audited by a Certified Public Accountant who is bonded and has no personal interest, directly or indirectly, in the financial affairs of the City or any of its departments, offices, or agencies. Such audit shall be on a non-certified basis. The auditing Certified Public Accountant shall be appointed by the Mayor, subject to the approval of a majority of the Councilmembers qualified and serving, and the same Certified Public Accountant shall perform the quarterly and annual audits provided for in this Charter for any given fiscal year. Prior to publication, the financial report shall be submitted to the Council for its acceptance or rejection by a majority of the Councilmembers qualified and serving. Such acceptance or rejection must be made at a regular meeting of the Council and the results shall be made a matter of record and shall be reflected on the published financial report, which shall be published in the official newspaper of the City. A copy of the financial report as approved or rejected shall be submitted to the Pasadena Public Library for its public journals at the same time it is released for official publication, and one or more copies of such report shall be made available in the office of the City Controller for public inspection during normal office hours.
- (l) Invest all funds deemed in excess of current needs in the manner authorized by the Laws of the State of Texas; current needs are hereby defined as expenditures to be made within a given ninety day period.
- (m) Have custody of all investments and invested funds of the City, or in the possession of the City in a fiduciary capacity, and have the safekeeping of all bonds and notes of the City and the receipt and delivery of City bonds, warrants, and notes for transfer, registration, or exchange. He/she shall be responsible for the destruction of redeemed, paid, and cancelled bonds, warrants, and notes.
- (n) Supervise and be responsible for the preparation of a sequential list of all checks issued by the City. Such listing shall include the name of payee, amount of payment, and nature of the payment. Such list shall be published along with the minutes of the preceding Council meeting and made available to each person attending the Council meeting who may be seated and shall be furnished to the Pasadena Public Library for filing in its public journals. One or more copies of such list shall be available in the office of the Controller for public inspection during normal office hours.
- (o) See that every check, voucher, or warrant for the withdrawal of money from the city depository is signed by the Mayor and countersigned by the City Controller, except checks in the amount of ten (\$10.00) Dollars or less and checks for refunds of consumer deposits for utilities. In the event the City

Controller is absent from his/her duties for a period of time which will not permit him/her to conduct his/her duties as outlined in this Article, then each check, voucher, or warrant shall be countersigned by another official in the Department of Finance to be designated by a majority of Councilmembers qualified and serving, except checks amounting to Ten (\$10.00) Dollars or less and checks for refunds of consumer deposits for utilities.

Checks amounting to the sum of ten (\$10.00) Dollars or less may be signed by the Mayor without any additional signature; however, such payments shall be fully accounted for and thereby recorded for the records within the office of the City Controller. It is specifically provided, however, that the Council, under such regulations and limitations as it may prescribe, may by ordinance authorize the use of machine imprinted facsimile signatures of said Mayor and City Controller on such checks, vouchers, and warrants.

- (p) Maintain a general accounting system for the City government and each of its offices, departments, and agencies; keep books for and exercise financial budgetary control over each office, department, and agency; keep separate accounts for the items of appropriations contained in the city budget, each of which account shall show the amount of the appropriations, the amount paid therefrom, the unpaid obligations against it, and the unencumbered balance; require reports of receipts and disbursements from each receiving and spending office, department, or agency of the City to be made daily or at such intervals as directed by the City Controller.
- (q) Pay no claim against the City unless it is evidenced by a voucher submitted by the head of the department for which the indebtedness was incurred and approved by the Mayor; each officer and his/her surety shall be liable to the City for all loss or damage sustained by the City by reason of his/her negligent or corrupt approval of such claim.
- (r) Establish and maintain a fund at all times of not less than Ten Thousand (\$10,000.00) Dollars to be used for the sole purpose of initiative, referendum, recall, and charter commission elections. Establish and maintain at all times another fund of not less than Five Thousand (\$5,000.00) for the operation of a charter commission, if one is elected by the qualified voters of the City. Both such funds shall be invested in a manner authorized by the Laws of the State of Texas and such funds shall be reviewed annually to determine that the highest possible rate of interest is being obtained from the investment of such funds. In the event either or both such funds or any part thereof shall be used for the purposes for which created, such fund or funds shall be replenished to the original amount within sixty days out of current city revenue. The interest derived from the investment of such funds shall become a part of and be placed in the General Fund of the City at the close of each fiscal year. Such fund shall be properly budgeted by the Council to comply with the intent of this subsection.

- (s) To perform such other duties and to have such other powers as may be authorized by ordinance adopted by a majority of the Councilmembers qualified and serving, provided such duties and powers are not inconsistent or in conflict with the provisions of this Charter. It is specifically provided that the City Controller shall never be required to perform any act which is contrary to the provisions of this Charter.

### **Section 7. - Fiscal Year.**

The fiscal year of the City shall begin on the first day of October and end on the last day of September of the succeeding year. All funds collected by the City during any fiscal year, including both current and delinquent revenues, shall belong to such fiscal year and, except for funds derived to pay interest and create a sinking fund of the bonded indebtedness of the City, may be applied to the payment of expenses incurred during such fiscal year, except as provided in this Charter. All revenues uncollected at the end of any fiscal year, and any unencumbered funds actually on hand, shall become resources of the next succeeding fiscal year.

### **Section 8. - Budget Preparation and Adoption.**

At least thirty days prior to the end of each fiscal year, the Mayor shall submit to the Council a proposed budget presenting a complete financial plan for the ensuing fiscal year. Such budget shall be prepared and public hearing shall be held thereon in the manner prescribed by the Laws of the State of Texas relating to budgets in cities and towns. The budget shall be finally adopted not later than the twenty-seventh day of the last month of the fiscal year. Should the Council take no final action on or prior to such day, the budget, as submitted, shall be deemed to have been finally adopted by the Council. No budget shall be adopted or appropriations made unless the total of estimated revenues, income, and funds available shall be equal to or in excess of such budget or appropriations, except as otherwise provided in this Article.

### **Section 9. - Appropriations.**

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes named therein. Except as provided in this Article, no funds of the City shall be expended nor shall any obligation for the expenditure of money be incurred, except pursuant to the annual appropriation ordinance provided by this Article. At the close of each fiscal year, any unencumbered balance of any appropriation shall revert to the fund from which appropriated and become available for reappropriation for the next fiscal year. The Council may transfer any unencumbered appropriated balance or portion thereof from one office, department, or agency to another at any time. The Council shall have the authority to transfer appropriation balances from one expenditure account to another within a single office, department, or agency of the City.

## **Section 10. - Emergency Appropriations.**

At any time in any fiscal year, the Council may, pursuant to this Section, make emergency appropriations to meet a pressing need for public expenditure, for other than regular or recurring requirements, to protect the public health, safety, or welfare. Such appropriations shall be by ordinance adopted by the favorable votes of two-thirds of the Council and shall be made only upon recommendation of the Mayor. The total amount of all emergency appropriations made in any fiscal year shall not exceed two and one-half (2½%) of the tax levied for that fiscal year. Should the unappropriated and unencumbered revenues, income, and available funds of the City for such fiscal year be not sufficient to meet the expenditures under the appropriation authorized by this Section, thereby creating a deficit, it shall be the duty of the Council to include the amount of such deficit in its budget for the following fiscal year and said deficit shall be paid off and discharged during the current fiscal year.

## **Section 11. - Borrowing to Meet Emergency Appropriations.**

In the absence of unappropriated available revenues or other funds to meet emergency appropriations under the provisions of the next preceding Section, the Council may by resolution authorize the borrowing of money to meet such deficit by the issuance of notes each of which shall be designated "Emergency Note" and may be renewed from time to time, but all such notes of any such fiscal year and any renewals thereof shall mature and be payable not later than the last day of the fiscal year in which the emergency appropriation was made.

## **Section 12. - Borrowing in Anticipation of Property Taxes.**

In any fiscal year, in anticipation of the collection of the ad valorem property tax for such year, whether levied or to be levied in such year, the Council may by resolution authorize the borrowing of money, not to exceed in any fiscal year an amount equal to ten percent (10%) of the budget for that fiscal year. Such borrowing shall be by the issuance of negotiable notes of the City, each of which shall be designated "tax anticipation note for the year 19" (stating the tax year). Such notes shall mature and be payable not later than the end of the fiscal year in which issued, and may be secured by the pledge of the ad valorem property taxes for such year.

## **Section 13. - 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 bonds shall be issued in conformity with the Laws of the State of Texas.

## **Section 14. - Limitations on Bonded Indebtedness Payable from Taxes.**

The maximum bonded indebtedness of the City outstanding at any one time and payable solely from ad valorem taxes shall not exceed ten percent (10%) of the assessed valuation of all taxable property on the City's tax rolls.

### **Section 15. - Revenue Obligations.**

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 facility not prohibited by the Constitution and Laws of the State of Texas, and to issue revenue obligations to evidence the obligation created thereby. Such obligations shall be a charge upon and payable solely from the properties, or interest herein, pledged, or the income therefrom, or both, and shall never be a debt of the City. All such obligations shall be issued in conformity with the Laws of the State of Texas.

### **Section 16. - Sale of Bonds.**

All bonds except refunding bonds issued by the City shall be sold at public sale upon sealed bids after at least ten days' notice thereof has been published at least once in a publication carrying municipal bond notices and devoted primarily to financial news, and at least ten days' notice thereof has been published at least once in the official newspaper of the City. Such sealed bids must be opened at a regular meeting of the Council.

No bond, other than refunding bonds issued to refund and in exchange for previously issued outstanding bonds, issued by the City shall be sold for less than par value and accrued interest.

All bonds of the City having been issued and sold in accordance with the terms of this Section, and having been delivered to the purchaser thereof, shall thereafter be incontestable, and all bonds issued to refund and in exchange for outstanding bonds previously issued shall, after said exchange, be incontestable.

### **Section 17. - Use of Bond Proceeds.**

The proceeds of all bonds authorized, issued, and sold by the City shall be used only for the purpose for which voted or authorized and the diversion of any such bond proceeds to any other purpose may be enjoined by any property tax paying citizen of the City.

### **Section 18. - Purchase Procedure.**

All purchases made and contracts executed by the City shall be pursuant to a requisition from the head of an office, department or agency whose appropriation will be charged, and no contract or order shall be binding on the City unless and until the City Controller certifies that there is to the credit of such office, department or agency a

sufficient unencumbered appropriation and allotment balance to pay for the supplies, materials, equipment, or contractual services for which the contract or order is to be used.

Any debt hereafter contracted by any officer of the City, or by any person on account of the City, the payment of which has not been previously provided for by ordinance duly adopted by the Council, shall be absolutely null and void and uncollectible at law or in equity.

The Council may by ordinance confer upon the Mayor general authority to contract for expenditures without further approval of the Council for all budgeted items not exceeding State statutory limits for competitive bidding as set forth by the latest Legislative proceedings of the State of Texas. All contracts for expenditures involving funds in excess of those provided by the State statutory limits must be expressly approved in advance by the Council. In every instance required by State law, contracts shall be submitted for competitive bidding prior to being entered into by the City. Procedures for such competitive bidding shall be prescribed by the Council, but the procedures must be in accordance with State Law. The Council may determine by ordinance the dollar amount above which contracts or purchases shall be let to the lowest and best responsible bidder, after there has been given opportunity for competitive bidding as provided for by law or ordinance; provided, however, that said dollar amount shall not be greater than the maximum amount allowed by State law. The Mayor, if authorized to contract for the City, shall have the right to reject any and all bids.

No contract shall ever be made which binds the City to pay for personal services to be rendered for any stated period of time; but all contracts for personal service shall be restricted to the doing of some particular act or thing, and upon its completion no further liability shall exist on the part of the City.

### **Section 19. - Independent Audit.**

At the close of each fiscal year, and at such other times as it may be deemed necessary, the Council shall cause a certified independent audit to be made of all accounts of the City by a Certified Public Accountant. Such Certified Public Accountant shall be appointed by the Mayor, subject to the approval of the Council, and shall be the same Certified Public Accountant who performs the quarterly audits during such fiscal year as provided for in this Charter. Such Certified Public Accountant so selected shall have no personal interest, directly or indirectly, in the financial affairs of the City or any of its offices, departments, or agencies. Upon completion of the audit, the results thereof shall be published immediately in the official newspaper of the City and copies placed on file in the City Secretary's office as a public record and in the public journals of the Pasadena Public Library.

## **ARTICLE X. - TAXATION**

### **Section 1. - Department of Taxation.**

There shall be a Department of Taxation, the head of which shall be the City Tax Assessor and Collector. The Assessor and Collector, as determined by the City, shall be responsible for the assessment and collection of all taxes levied by the City of Pasadena (§§ 6.22, 6.23, 6.24, 6.29, and Sections 26-34 Property Tax Code). The City Tax Assessor-Collector shall also have such other powers as granted by the Texas Constitution, the State Property Tax Code and the City of Pasadena Code of Ordinances. The Assessor-Collector shall be a Registered Texas Assessor.

## **Section 2. - Powers of Taxation.**

Taxation procedure for the City of Pasadena shall be governed by the laws of the State of Texas, and as provided by this Charter and city ordinances not in conflict therewith.

## **Section 3. - Assessment of Property for Tax Purposes.**

On January 1 of each year, or on any other date prescribed by the laws of Texas, each person, firm, business, partnership and corporation owning real or personal property in the City shall be subject to assessment for tax purposes, in accordance with the laws of Texas.

## **Section 4. - Levying of Property Taxes.**

Annually, the Council shall levy, by ordinance, on all property subject to property taxation, a property tax, not to exceed the maximum rate allowable by Texas Constitution and laws, however the maximum tax rate shall not apply to the taxes required to retire principal and interest on general obligation bonds authorized in accordance with the Laws of Texas.

## **Section 5. - Tax Payments.**

All property taxes legally due the City shall be paid in legal tender at the office of the City Tax Assessor-Collector, or the designated depository. All taxes shall become delinquent February 1 or as required by State Property Tax Code and are subject to penalty and interest in accordance with the laws of Texas. The ad valorem taxes levied by the Council shall become due and payable upon approval and shall become delinquent as provided by the Texas Property Tax Code and shall be subject to such penalties and interest as are imposed by the Constitution or State Property Tax Code.

## **Section 6. - Levy, Assessment and Collection of Other Municipal Taxes and Other Fees.**

The Council shall have power by ordinance to levy and collect occupation, license, franchise, hotel-motel occupancy taxes and other taxes and fees, in a manner not inconsistent with Texas laws. These taxes and fees shall be collected by the officer as designated by the Council and local ordinances.

## **Section 7. - Tax Liens and Liability.**

All property, real, personal, and mixed, situated in the City on the first day of January of each year shall stand charged with a special lien in favor of the City from said date for the taxes due thereon. The liens provided herein shall be superior to all other liens except liens for State and County taxes, regardless of when such other liens were created. All persons purchasing any of said property after the first day of January in any year shall take the same subject to the liens herein provided. In addition to the liens herein provided, the owner on the first day of January of any year of property subject to taxation by the City shall be personally liable for the taxes due thereon for such year. The City shall have power to sue for and recover personal judgment for taxes without foreclosure, or to foreclose its lien or liens, or to recover both personal judgment and foreclosure. In any such suit where it appears that the description of any property in the City assessment rolls is insufficient to identify such property, the City shall have the right to plead a good description of the property to be assessed, to prove the same, and to have its judgment foreclosing the tax lien or for personal judgment against the owner for such taxes.

## **Section 8. - Arrears of Taxes Offset to Debt Against City.**

The City shall be entitled to counterclaim and offset any debt, claim, demand, or account owed by the City to any person, firm or corporation who is in arrears to the City for taxes, in the amount of taxes so in arrears, and no assignment or transfers 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.

## **Section 9. - Other Rules and Regulations.**

Except as otherwise provided by law or by this Charter, the Council shall have the power to provide by ordinance for the assessment and collection of all taxes, and to make such rules, regulations, and mode of procedure to enforce the collection by and payment to the City Tax Assessor and Collector as it may deem expedient, and may provide such penalties for the failure to pay such taxes as it may deem expedient.

## **ARTICLE XI. - FRANCHISES AND PUBLIC UTILITIES**

### **Section 1. - Inalienability of Control 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, expressly or by estoppel or implication, any right, franchise, or easement affecting such public streets, highways, sidewalks, alleys, parks, public squares, public places, and other real property, except as provided in this Charter.

## **Section 2. - 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. Provided, however, that no franchise shall be granted for a term of more than fifty years.

## **Section 3. - Ordinance Granting Franchise.**

Every ordinance granting, renewing, extending, or amending a public utility franchise shall be read at two regular meetings of the Council, and shall not be finally acted upon until thirty days after the first reading thereof. Within five days following each of the two readings of the ordinance, the full text thereof shall be published one time in the official newspaper of the City, and the expense of such publication shall be borne by the prospective franchise holder

## **Section 4. - Transfer of Franchise.**

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

## **Section 5. - Franchise Value Not Allowed.**

In fixing reasonable rates and charges for public utility service within the City and in determining the just compensation to be paid by the City for public utility property which the City may acquire by condemnation or otherwise, nothing shall be included as the value of any franchise granted by the City under this Charter.

## **Section 6. - 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:

- (1) 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 shall be exercised only after written notice to the franchise holder stating wherein the franchise holder has failed to comply with the terms of the franchise and setting a reasonable time for the correction of such failure, and shall be exercised only after hearing and after such reasonable time has expired.
- (2) To impose reasonable regulations to insure safe, efficient, and continuous service to the public.
- (3) To require such expansion, extension, enlargement, and improvement of plants and facilities as are necessary to provide adequate service to the public.

- (4) To require every franchise holder to furnish to the City, without cost to the City, full information regarding the location, character, size, length, and terminals of all facilities of such franchise holder in, over, and under the streets, alleys, and other public properties of the City, and to regulate and control the location, relocation, and removal of such facilities.
- (5) To collect from every public utility operating in the City such proportion of the expense of excavating, grading, paving, repaving, constructing, reconstructing, draining, repairing, maintaining, lighting, sweeping, and sprinkling the streets, alleys, bridges, culverts, viaducts, and other public places of the City as represent the increased cost of such operation resulting from the occupancy of such public places by such public utility, and such proportion of the cost of such operations as results from the damage to or the disturbance of such public places caused by such public utility; or to compel such public utility to perform, at its own expense, such operations as above listed which are made necessary by the occupancy of such public places by such utility or by damage to or disturbance of such public places caused by such public utility.
- (6) To require every franchise holder to allow other public utilities to use its poles and other facilities, including bridges and viaducts, whenever in the judgment of the Council such use shall be in the public interest, provided that in such an event a reasonable rental shall be paid such owner of the facilities for such use. Provided further, that inability of such public utilities to agree upon rental facilities shall not be an excuse for failure to comply with such requirement by the Council.
- (7) (a) To require the keeping of accounts in such form as will accurately reflect the value of the property of each franchise holder which is used and useful in rendering its service to the public and the expenses, receipts, and profits of all kind of such franchise holder.  
  
(b) To examine and audit at any time during business hours the accounts and other records of any franchise holder.  
  
(c) To require reports on the operation of the utility, which shall be in such form and contain such information as the Council shall prescribe.
- (8) To require that the public utility give notice to any subscriber to its service prior to the permanent or temporary discontinuance or disruption of such service by the public utility, except in cases of emergency, and to require that no officer, agent, servant, or employee of the public utility nor any vehicles or equipment under their control shall make use of, go upon or across any private property in the City without first obtaining the permission of the owner or occupant of such property, except in cases of emergency, and to provide a penalty for the violation of such requirements.

- (9) To impose such other reasonable regulations, restrictions, requirements and conditions as may be deemed necessary or desirable to promote the health, safety, welfare, or accommodations of the public.

### **Section 7. - Franchise Records.**

Within six months after the effective date of this Charter, every public utility operating in the City and every owner of public utility franchise within the City shall file with the City Secretary certified copies of all franchises owned or claimed or under which such utility is operating in the City of Pasadena. The City shall compile and maintain a public record of public utility franchises.

### **Section 8. - 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, provided that no such ordinance shall be passed as an emergency measure. Every franchise holder who shall request an increase in rates, charges, or fares shall have, at the hearing of the Council called to consider such request, the burden of establishing by clear, competent, and convincing evidence the value of its investments properly allowable to service in the City, and the amount and character of its expenses and revenues connected with the rendering of such service. If, upon such hearing, the Council is not satisfied with the sufficiency of the evidence so furnished, it shall be entitled to call upon such public utility for the furnishing of additional evidence at a subsequent date to which said hearing may be adjourned. No public utility 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 for a specific date 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. Such motion shall be deemed overruled unless acted on by the Council within a reasonable time, not to exceed ninety days from the filing of such motion for rehearing; provided that the Council may by resolution extend such time limit for acting on said motion for rehearing from ninety days to one hundred eighty days.

## **ARTICLE XII. - GENERAL PROVISIONS**

### **Section 1. - Interim Government.**

The present Charter of the City shall continue in force and effect until the first day of May, 1965, provided, however, upon the adoption of this Charter the provisions hereof relating to the division of the City into Districts, City general elections, the election of a Mayor and six Councilmen, qualifications and requirements as candidates and as officers, and the calling and notice of such general election, first and, if necessary, run-off shall apply and be effective and shall prevail over comparable provisions in the present Charter. It is the specific intent of this Section to make the provisions of the Charter

applicable and effective in all material respects to the election of a Mayor and six Councilmen as provided for herein at the first City general election, first, and if necessary, run-off, held after the adoption of this Charter; and the incumbent Mayor and Commissioners shall have all of the powers provided in this Charter necessary to accomplish such results. The new Council elected at such City general election shall have all of the powers provided in this Charter. All other officers and employees of the City shall continue in their present offices and employments until appropriate provisions of this Charter shall be put into effect by ordinance or resolution of the new Council. Such Council shall, as soon as possible, put this Charter into effect by ordinance or resolution. The new Council, in carrying out the duties imposed by this Section, may put into effect the whole, or may put all or a part of this Charter into effect as to particular offices, departments, or actions of the City government without so providing as to other departments, offices, or actions of the City. Provided, that this Charter shall go into effect finally and completely without further action by the Council on August 1, 1965, and thereupon all offices, employments, powers, actions, and procedures of the City shall be under and in accordance with this Charter.

The budget adopted for the City for the current fiscal year shall be and become the budget for the same fiscal year under this Charter, and shall be enforced and followed as such, subject to the provisions in the preceding paragraph.

## **Section 2. - Continuation of Government.**

Any ordinance in effect at the time this Charter is adopted, and not otherwise in conflict with this Charter, which refers to some office or employment of the City which ceases to exist under this Charter, shall continue in force and the powers and duties therein prescribed shall be the powers and duties of such office or employment which, under this Charter, succeeds to the same general powers and duties of such office or employment under the previous Charter. When the term "City Commission" appears in any ordinance, it shall be construed as "The Council" after the effective date of this Charter.

## **Section 3. - Effect of Charter on Existing Law.**

All ordinances, resolutions, rules, and regulations in force in the City on the effective date of this Charter, and not in conflict with this Charter, shall remain in force until altered, amended, or repealed by the Council. All taxes, assessments, liens, encumbrances, and demands, of or against the City, fixed or established before such date, or for the fixing or establishing of which proceedings have begun at such date, shall be valid when properly fixed or established either under the law in force at the time of the beginning of such proceedings or under the law after the adoption of this Charter.

## **Section 4. - Official Oath.**

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

#### **Section 5. - Public Records.**

All public records of every office, department, or agency of the City shall be open to inspection by any citizen at all reasonable times, provided that police records, vital statistic records, records and files of the Department of Law, and any other records closed to the public by law, shall not be considered public records for the purpose of this Section. During normal office hours, any citizen of the City or any duly authorized representative of the press or other news media shall have the right to examine any such public records belonging to the City and shall have the right to make copies thereof under such reasonable rules and regulations as may be prescribed by the Council.

#### **Section 6. - Official Newspaper.**

The Council shall have the power to contract annually with and, by ordinance or resolution, designate a public newspaper of general circulation in the City as the official organ thereof and to continue as such until another is designated, and shall cause to be published therein all ordinances, notices, and other matters required by this Charter, by the ordinances of the City, and by the Constitution or Laws of the State of Texas to be published.

#### **Section 7. - Notice of Claim.**

The City of Pasadena shall not be held responsible on account of any claim for damages or injuries to any person, (whether such damages or injuries resulted in death or not), or property unless the person making such complaint or claiming such damages or injuries shall, within six months after the time in which it is claimed such damages or injuries were inflicted upon such person or property, file with the City Secretary a true statement as to the nature and character of such damages or injuries, the extent of the same, and the place where same happened, the circumstances under which it happened, the conditions causing same, and a detailed statement of each item of damages and the amount thereof and, if it be for personal injuries, whether resulting in death or not, giving a list of witnesses, if any, known to affiants who witnessed such accident.

The City of Pasadena shall not be liable to any person for damages caused from streets, ways, crossings, bridges, culverts or sidewalks being out of repair because of negligence of said City unless the same shall have remained so for a reasonable time after special notice in writing is given to the Mayor and City Council.

The City of Pasadena shall not be liable to any person for damages sustained in any park, playground or public building belonging to said City or because of any apparatus, furnishings, fixtures or improvements thereon or thereupon situated being

defective or out of repair unless the same shall have remained so for a reasonable time after special notice in writing is given to the Mayor and City Council.

The City of Pasadena shall never be liable to any contractor or other person, firm or corporation doing work in connection with any street paving, or the opening and widening of streets, or the building of any drains or storm sewers, or the laying of sanitary sewers or any other character of public improvement, whereby a part or the whole of the cost thereof is to be paid for by special assessment, on account of the failure of any officer of the government or the members of the Council to pass suitable ordinances or resolutions to take necessary steps to fix liens, or to make said assessments, or to issue certificates therefor, or to provide for reassessments on account of the invalidity of any lien attempted to be fixed, or any failure or omission with respect thereto.

#### **Section 8. - Assignment, Execution, and Garnishment.**

The property, real and personal, belonging the City shall not be liable for sale or appropriation under any writ or 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.

#### **Section 9. - Security or Bond Not Required.**

It shall not be necessary in action, suit, or proceeding in which the City shall be a party for any bond, undertaking, or security to be executed in behalf of the City; but all actions, suits, and proceedings shall be conducted in the same manner as if such bond, undertaking, or security had been given. The City shall have all remedies of appeal provided by law to all courts in this State without bond or security of any kind. For all the purposes of such actions, suits, proceedings, and appeals, the City shall be liable in the same manner and to the same extent as if the bond, undertaking, or security in ordinary cases had been given and executed.

#### **Section 10. - Remission of Fines and Penalties.**

The Council shall have power to remit in whole or in part, on such conditions as it may deem proper, by a vote of two-thirds of the Council qualified and serving, any fine or penalty belonging to the City which may be imposed or incurred under any penal ordinance of the City.

#### **Section 11. - Personal Interest in City Contracts.**

Procedures related to conflicts of interest and personal interests in City contracts shall be governed by the laws and definitions of the State of Texas and as provided by City ordinances not in conflict therewith.

**Section 12. - Nepotism.**

Nepotism procedures for the City of Pasadena shall be governed by the laws of the State of Texas and as provided by City ordinances not in conflict therewith.

**Section 13. - Limitation on Reimbursement of Expenses.**

The Council may authorize the reimbursement of actual and receipted expenses incurred by any officer or employee of the City while acting in the City's behalf in his official capacity; provided, the Mayor shall not be entitled to such reimbursements exceeding One Thousand (\$1,000.00) Dollars for each fiscal year and Councilmembers shall not be entitled to such reimbursements in an amount exceeding Five Hundred (\$500.00) Dollars each for each fiscal year. It is specifically provided, however, that such limitations shall apply only to reimbursed expenses and shall not restrict or limit the authority of the Council to authorize expenditures by the Mayor or Councilmembers for such purposes in excess of such amounts prior to the time such expenditures are made.

**Section 14. - Mineral Leases on City Owned Property.**

No City owned property or any part thereof shall be leased for the purpose of prospecting for, mining, drilling, or producing oil, gas, or other mineral therefrom unless such lease agreement specifically provides that the City shall retain a royalty interest equivalent to at least twenty-five percent (25%) of the total production of such oil, gas, or other minerals therefrom.

**Section 15. - Limitations on Contracts.**

The Council may award contracts only at regular meetings of the Council except in the event of grave public emergency or calamity. It is further provided that from the date of any City general election until the members of the council elected at such election have duly qualified and taken office, the Council shall not create, make or enter into any contract for the purchase of materials, supplies, land, or buildings, or for the construction or repair of any public building or the carrying on of any public work, or professional services requiring or authorizing any expenditure in excess of State statutory limits for competitive bidding as set forth by the latest Legislative proceedings of the State of Texas which creates or imposes on the City any obligation or liability of any nature or character whatsoever, except in the event of grave public emergency or calamity. It is specifically provided, however, that this provision shall not apply to contracts lawfully authorized prior to any City general election or to contracts or other obligations which may hereafter be lawfully authorized by a vote of the qualified voters of the City, or to contracts made for the purposes of continuing the normal functions of any regularly established department of the City. Any and all contracts hereafter made by the City in violation of the terms of

this provision shall be void and shall not be enforceable in any court of this State, and the performance of same and the payment of any money thereunder may be enjoined by any property tax-paying citizen of the City. All contracts, plans and specifications for public works and payment and performance bonds made under any contracts, in which the City is a party of interest shall be made a part of the public records of the City, and a copy of each such contract, plans and specifications, and payment and performance bonds shall be delivered to the Pasadena Public Library for filing in its public journals and shall be kept for that purpose for at least six (6) years from the date of such contract, plans and specifications, or payment and performance bonds.

**Section 16. - Qualifications of Contractors.**

All contractors who bid and/or contract with the City for the construction or repair of public works must meet the bid requirements and possess the qualifications required of contracts of similar public works by the Highway Department of the State of Texas.

**Section 17. - Participation of City Employees or Use of City Equipment in Municipal Politics.**

No officer or employee of the City shall be required to participate in any City election in behalf of any candidate for Mayor or Councilmember, nor shall any City equipment be used by or in behalf of any candidate for Mayor or Councilmember.

**Section 18. - Health, Life, and Accident Insurance for City Employees.**

The City Council shall have the power, exercisable in its discretion, and subject to such limitations and regulations as it may deem proper to create, operate, amend, and contract for an insurance plan covering health, life, and accident insurance, or any of them, for any and all City officers and employees, except members of the Council, and to pay the premiums therefor.

**Section 19. - Publicity of Reports Relating to Municipal Matters.**

All reports made by the State of Texas or any of its agencies or departments concerning the City or any function performed by it shall be read publicly at the first regular meeting of the Council following receipt of such report.

**Section 20. - Violation of Charter Provision or Laws of the State of Texas.**

Any willful violation of the provisions of this Charter or of the Laws of the State of Texas relating to Home Rule Cities shall constitute malfeasance in office, and any officer or employee of the City guilty thereof shall immediately forfeit his office or position, and said office or position shall be deemed vacant.

**Section 21. - 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 such ordinance, a copy thereof, certified by the City Secretary, shall be forwarded to the Secretary of State for filing.

**Section 22. - Judicial Notice.**

This Charter shall be deemed a public act, and shall have the force and effect of the general law, may be read in evidence without pleading or proof, and judicial notice shall be taken thereof in all courts and places without further proof.

**Section 23. - 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 in the same manner as the Constitution of Texas is construed 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 Pasadena to grant expressly to the City, shall be construed to be granted to the City by this Charter.

**Section 24. - Severability Clause.**

If any section or part of a Section of this Charter is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not invalidate or impair the validity, force, or effect of any other Section or part of a Section of this Charter.

**Section 25. - Intergovernmental Relations.**

Nothing in this Charter shall be construed as a bar upon the consolidation of City departments, either with one another or with agencies of government of Harris County or other political subdivisions within Harris County. Further, nothing in this charter shall be construed as a bar upon consolidation between the City and the County.

*The results of the election at which the Charter was adopted were certified by the governing body by Resolution No. 1155, passed and approved December 22, 1964.*

*The results of the election at which the Charter was amended were certified by the governing body by Ordinance No. 75-44, passed and approved March 11, 1975.*

*The results of the election at which the Charter was amended were certified by the governing body by Resolution No. 92-102, passed and approved August 11, 1992.*