

# PRAIRIE VIEW HOME RULE CHARTER

## ARTICLE I

### INCORPORATION

#### Section 1. CORPORATE POWERS

- a. **Corporate Name** - The inhabitants of the City of Prairie View, Waller 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 PRAIRIE VIEW," hereinafter referred to as the "City," with such powers, privileges, rights, duties and immunities as are herein provided.
- b. **Boundaries** - The boundaries of the City shall be the same as have been heretofore established and now exist and those boundaries established and changed hereafter in all annexation ordinances and proceedings of the City of Prairie View filed in the Office of the City Secretary.
- c. **Extension and Alteration** - 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 with or without the consent of the owners and inhabitants of the territory annexed, detached, or disannexed, in any manner not inconsistent with the Laws of the State of Texas. 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. 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.

**Section 2. FORM OF GOVERNMENT**

The Municipal Government provided by this Charter shall be known as the City Council – City Manager form of Government and shall be described elsewhere in this Charter.

## ARTICLE II

### POWERS OF THE CITY

#### **Section 1. GENERAL**

The City may use a corporate seal; may sue; may contract and be contracted with; may implead in all courts in all matters whatsoever; may cooperate with the Government of the State of Texas or any agency thereof, the Federal Government or any agency thereof, or any political subdivision of the State of Texas; and shall have all the powers granted to cities by the Constitution and Laws of the State of Texas, together with all the implied powers necessary to carry into execution all the powers granted. The City may own or acquire property within or without its boundaries for any Municipal purpose in fee simple or in any lesser interest or estate, by purchase, gift, devise, lease, or condemnation and may sell, lease, hold, manage, control and police any property now owned by it or which it may hereafter acquire, and shall have the right to lease or let its property whether inside or outside the City Limits, may construct, own, lease, operate, and regulate public utilities; may assess, levy and collect taxes for general and special purposes on all lawful subjects of taxation; may borrow money on the faith and credit of the City by issuance and sale of bonds, warrants or notes of the City; may appropriate the money of the City for all lawful purposes; may regulate and control the use, for whatever purpose of the streets and other public places; may make and enforce all police, health, sanitary and other regulations; may pass such ordinances as may be expedient for the protection and maintenance of good government, peace and welfare of the City, for the performance of the functions thereof, for the order and security of its residents; and may provide suitable penalties for violation of any ordinance enacted by the City and, except as prohibited by the Constitution and Laws of this State, the City may exercise all municipal powers, functions, rights, privileges, and immunities of every name and nature whatsoever.

#### **Section 2. GENERAL POWERS ADOPTED**

The enumeration of the particular powers in this Charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated herein or implied hereby or appropriate to the exercise of such powers, the City shall have and may exercise all power of local self-government and all other powers which, under the Constitution and Laws of the State of Texas, it would be competent for this Charter specifically to enumerate.

### **Section 3. EMINENT DOMAIN**

The City shall have the full right, power and authority of eminent domain where necessary or desirable to execute any power conferred upon it by this Charter, or by the Constitution or Laws of the State of Texas, and may condemn either private or public property whether in or out of the corporate limits of the City for such purposes.

## ARTICLE III

### THE CITY MANAGER

#### Section 1. APPOINTMENT AND QUALIFICATIONS

- a. The City Council shall appoint a City Manager who shall be the chief administrative and executive officer of the City and shall be responsible to the City Council for the administration of all the affairs of the City. The City Manager shall be chosen by the City Council based solely on the City Manager's executive and administrative training, experience and ability.
- b. The City Manager shall be appointed for a definite term upon the affirmative vote of two-thirds (2/3) of the Councilmembers, and may be removed at the discretion of the City Council by an affirmative vote of two-thirds (2/3) of the Councilmembers. The action of the City Council in suspending or removing the City Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the City Council. The City Manager shall receive compensation as may be fixed by an affirmative vote of two-thirds (2/3) of the Councilmembers.
- c. The City Manager shall have the following powers and duties:
  1. The City Manager shall appoint and, when the City Manager deems it necessary for the good of the City, may suspend or remove any City employee except as otherwise provided by law or this Charter. The City Manager may authorize any employee who is subject to the City Manager's direction and supervision to exercise these powers with respect to subordinates in that employee's department, office or agency;
  2. The City Manager shall direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by this Charter;
  3. The City Manager shall attend all City Council meetings, except when excused by the Mayor or Mayor Pro-Tem, and shall have the right to take part in discussion but may not vote;
  4. The City Manager shall see that all laws, provisions of this Charter and acts of the City Council, subject to enforcement by the City Manager or by those subject to the

City Manager's direction and supervision, are faithfully executed;

5. The City Manager shall make such reports as the City Council may require concerning the operations of the City departments, offices and agencies subject to the City Manager's direction and supervision;
  6. The City Manager shall keep the City Council fully advised as to the financial condition and future needs of the City and make such recommendations to the City Council concerning the affairs of the City as the City Manager deems desirable;
  7. The City Manager shall have the authority to execute on behalf of the City, standard form documents, including but not limited to deeds, releases of liens, rental agreements, easements, right- of-way agreements, joint use agreements, and other similar documents, under the following conditions:
    - i. The execution of the document is necessary to carry out a public works project; utilize, maintain or improve a City facility, street, right-of-way, easement, park or other City property, or to implement other City policies; provided that such project, program or policy has been approved by the City Council;
    - ii. That all blanks are filled in on any document correctly and that such document is consistent with the objectives approved by the City Council; and
    - iii. That the form of such document shall be approved by the City Attorney.
  8. The City Manager shall perform such other duties as are specified in this Charter or may be required by the City Council.
- d. The City Council shall perform a review of the City Manager's performance at least annually, but no more than twice in any fiscal year.
  - e. By letter filed with the City Secretary, the City Manager shall designate, subject to approval of the City Council, a qualified employee to exercise the powers and perform the duties of City Manager during the City Manager's temporary absence or disability. The City Council may revoke such designation at any time and appoint another individual to serve until the City Manager shall return or his/her disability shall cease.

## ARTICLE IV

### THE COUNCIL AND MAYOR

#### **Section 1. OFFICES CREATED: QUALIFICATIONS**

There is hereby established a City Council of the City. The City Council shall consist of five (5) Councilmembers and a Mayor ("Council" or "City Council" or "Members of City Council") elected from the City At large. Three (3) Councilmembers shall be elected in odd numbered years and two (2) Councilmembers, and the Mayor shall be elected in even numbered years. Members of City Council shall reside within the City during their terms of office. A candidate for City Council must be a citizen of the United States; be eighteen (18) years of age or older on the first day of the term to be filled at the election or on the date of appointment, as applicable; and be a registered voter having resided continuously within the City for at least twelve (12) months immediately preceding the date of the regular filing deadline for a candidate's application for a place on the ballot.

#### **Section 2. Mayor**

- a. The Mayor shall be the presiding officer of the City Council and shall be recognized as the head of the City government for all ceremonial purposes, for emergency management purposes, and by the governor for purposes of military law.
- b. The Mayor may debate and discuss any matters before the City Council and shall vote only in the case of a tie.
- c. The Mayor shall, when authorized by the City Council, sign all official documents.
- d. If for any reason the Mayor fails, is unable or refuses to perform the duties of the office, the Mayor Pro Tem shall act as Mayor during such absence or disability, shall possess all of the powers and perform all of the duties of the Mayor but shall not lose their right to vote.

#### **Section 3. MAYOR PRO TEM**

Each year, at the first regular meeting of the City Council after the newly elected Officials have been inducted into office, or as soon as practicable thereafter, the City Council shall select one of the Councilmembers who shall be known and designated as "Mayor Pro Tem," and shall continue to hold the title and the office until a successor is appointed but shall receive no extra pay by reason of being or acting Mayor Pro Tem. In case of the death, resignation, or for any

other reason the Mayor Pro Tem is unable to serve, causing a vacancy to occur, then the City Council shall select one of the Councilmembers who shall be known and designated as "Mayor Pro Tem," and shall continue to hold the title and the office until a successor is appointed, but shall receive no extra pay by reason of being or acting Mayor Pro Tem.

#### **Section 4. ACTING MAYOR**

In the event of the absence, refusal to act, disability, or disqualification of both the Mayor and Mayor Pro Tem at any 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.

#### **Section 5. TERMS**

The term of the Councilmembers and the Mayor shall be two (2) years.

#### **Section 6. FORFEITURE**

If a Member of the City Council is absent for three (3) consecutive regular meetings of the Council, without being sick or first having obtained a leave of absence at a regular meeting, the office shall be automatically vacated with no further action by City Council required and the vacancy shall be filled pursuant to this Charter and state law.

#### **Section 7. VACANCY**

When a single vacancy occurs in the City Council a majority of the Councilmembers may fill the vacancy by appointment. The Mayor may vote on the appointment only if there is a tie. In the case of a vacancy in the office of Mayor a Councilmember may be appointed to fill the vacancy but may not vote on their own appointment. The person appointed to fill the vacancy serves until the next regular municipal election. In lieu of appointing a person to fill a vacancy on the governing body, a special election may be ordered to elect a person to fill the vacancy. If two (2) or more vacancies on the governing body exist at the same time, a special election shall be ordered to fill the vacancies.

#### **Section 8. MEETINGS OF THE COUNCIL**

- a. The City Council shall meet at the time and place determined by a resolution adopted by the City Council.
- b. The Mayor may call a special meeting on the Mayor's own motion or on the application of three (3) members of Council. Each member of the Council, the City Secretary, and the City Attorney must be notified in writing, which may be



by electronic mail, of the special meeting.

- c. The City Council shall determine the rules of its proceedings and may compel the attendance of absent members and punish them for disorderly conduct.
- d. Quorum – A majority of the Councilmembers shall constitute a quorum to conduct business.
- e. A majority of those present and voting shall be necessary to adopt any measure. However, at a called meeting or a meeting to consider the imposition of taxes, a two-thirds (2/3) vote of the Members of City Council shall be necessary for adoption.

## **Section 9. ORDINANCES**

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 Prairie View." All ordinances, unless otherwise provided by law or this Charter or by the terms of such ordinances, shall take effect immediately upon the final passage thereof.

## **Section 10. DUTIES OF THE COUNCIL**

All powers of the City and the determination of all matters of policy shall be vested in the City Council except as outlined as duties of the City Manager in Article III hereof. By way of illustration, but not limitation, the following enumerated powers are among these powers that may be exercised by the City Council:

- a. Adopt the budget of the City;
- b. Authorize the issuance of bonds by a bond ordinance;
- c. Adopt and modify the zoning plan and the building codes of the City;
- d. Adopt and modify the Official Map of the City;
- e. Regulate, license and fix the charges or fares made by any person, firm or corporation owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire or the transportation of freight for hire on the public streets and alleys of the City;
- f. Provide for establishment and designation of fire limits, prescribe the kind and

character of buildings or structures or improvements to be erected therein, provide for the erection of fireproof buildings within such buildings within said limits, provide for the condemnation of dangerous structures or buildings or

dilapidated buildings or buildings calculated to increase fire hazard, and prescribe the manner of their removal or destruction within said limits;

- g. Fix the salaries and compensation of City Officials and employees;
- h. Provide for a sanitary sewer and water system and require property owners to connect their premises with said sewer and water systems and provide for penalties for failure to make sanitary sewer connections;
- i. Provide for water, sanitary sewer, and garbage disposal, set fees and charges therefor, and provide penalties for failure to pay such fees and charges;
- j. Exercise exclusive dominion, control, and jurisdiction over, including the right to close and abandon, streets and alleys, highways, boulevards, and public grounds of the City, and provide for the improvement of same;
- k. Compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the City;
- l. Shall have such other and further powers as have been or may be from time to time hereafter delegated to Home Rule cities by the Legislature of the State of Texas, including the powers incident to the exercise thereof; and
- m. All powers of this Charter are vested in the City Council. No member of the Council shall have any power to act or make appointments without the specific authorization of the Council in a meeting.

### **Section 11. CREATE BOARDS**

The City Council may create boards, commissions or committees. The members of any such boards, commissions or committees shall be appointed by the Council upon the recommendation of the Mayor.

### **Section 12. JUDGE OF QUALIFICATIONS**

The City Council is the final judge of all elections and the qualifications of its members.

### **Section 13. SAVINGS CLAUSE**

If any section, subsection, clause, sentence, or phrase of this Article is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of this Article, or any remaining portions of this Article.

## ARTICLE V

### DEPARTMENTS

#### **Section I. CREATION OF DEPARTMENTS**

After consultation with the City Manager the City Council may continue or establish City Departments, offices, or agencies in addition to those created by this charter and may prescribe the functions of the departments, offices and agencies.

#### **Section 2. DEPARTMENT OF LAW**

**City Attorney** - There shall be a City Attorney, who shall be appointed by the Mayor, with City Council approval and may be removed by the Mayor with City Council approval. The City Attorney shall be the legal advisor of, and attorney for, all of the officers and departments of the City and shall represent the City in all litigation and legal proceedings. The City Attorney shall draft, approve, or file written legal objections to every ordinance before it is acted upon by the Council and shall pass upon all documents, contracts, and legal instruments in which the City may be required to perform any act, or pay any sum of money.

#### **Section 3. MUNICIPAL COURT**

There shall be a Court known as the Municipal Court of the City, with such jurisdiction, powers, and duties as are given and prescribed by the Laws of the State of Texas.

- a. **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. The Judge shall be appointed by the Mayor with the approval of Council, for a two-year term and may be removed by the Mayor with City Council approval. In the event the Judge of the Municipal Court is unable to act for any reason, the Mayor, with the approval of Council, shall appoint a competent person possessing the qualifications listed above to act in his/her place. The Municipal Judge, or anyone acting in his/her place, shall receive compensation as may be set by Council.
  
- b. **Clerk of the Municipal Court** - There shall be a Clerk of the Municipal Court who shall be appointed by the City Manager. The Clerk shall have the power to administer oaths and affidavits, make certificates, affix 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.

#### **Section 4. CITY SECRETARY**

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

#### **Section 5. POLICE DEPARTMENT**

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

**Chief of Police.** The Chief of Police shall be appointed by the City Manager, with the Approval of City Council. The Chief of Police shall be the Chief Administrative Officer of the Department of Police. The Chief of Police shall be responsible to the City Manager for the administration of the Department and the carrying out of directives of the City Council.

#### **Section 6. PUBLIC WORKS and UTILITIES**

There shall be established such offices, agencies or departments as deemed appropriate for the administration of water, wastewater and sanitary sewer services; and for the maintenance of streets, parks, buildings and grounds, and such other activities as may be assigned by the City Manager.

#### **Section 7. PERSONNEL RULES**

The City Manager shall be responsible for personnel rules, which rules shall be submitted to the City Council. The City Council may accept and adopt such rules as proposed or may adopt them with such amendments as the City Council deems necessary or may reject them in their entirety and direct the City Manager to present new proposals at a subsequent meeting.

## ARTICLE VI

### ELECTIONS

#### **Section 1. ELECTIONS**

Elections for Mayor and City Councilmembers shall be held in accordance with the laws of the State of Texas.

#### **Section 2. PLURALITY VOTE REQUIRED FOR ELECTION OF MAYOR OR COUNCILMEMBER**

To be elected to an office of the City, a person must receive more votes than any other person for office.

## ARTICLE VII

### INITIATIVE AND REFERENDUM

#### **Section 1. General Authority.**

- a. *Initiative.* The qualified voters of the City shall have power to propose ordinances to the City Council. If the City Council fails to adopt an ordinance so proposed without any change in substance, the qualified voters shall have the power to adopt or reject it at a City election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of City officers or employees.
- b. *Referendum.* The qualified voters of the City shall have power to require reconsideration by the City Council of any adopted ordinance. If the City Council fails to repeal an ordinance so reconsidered, the qualified voters shall have the power to approve or reject it at a City election, provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money or levy of taxes.

#### **Section 2. Commencement of Proceedings; Petitioners' Committee; Affidavit.**

Any five qualified voters may commence initiative or referendum proceedings by filing with the City Secretary an affidavit stating they will constitute the petitioners' committee and will circulate the petition and file it in proper form stating their names and addresses and specifying the address to which all notices to the committee are to be sent and setting out in full the proposed

initiative ordinance or citing the ordinance sought to be reconsidered. Promptly after the affidavit of the petitioners' committee is filed, the City Secretary shall issue the appropriate petition blanks to the petitioners' committee.

#### **Section 3. Petitions.**

- a. *Number of Signatures.* Initiative and referendum petitions must be signed by qualified voters of the City equal in number to at least five percent (5%) of the number of voters registered to vote at the last general City election.
- b. *Form and Content.* All pages of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. For a petition signature to be valid, the petition must:

1. contain in addition to the signature:
  - (A) the signor's printed name; and
  - (B) the signor's
    - (i) date of birth; or
    - (ii) voter registration number and the County of voter registration; and
  - (C) the signor's residence address (including street address and County of voter registration); and
2. comply with any other applicable requirements prescribed by State law. Petitions shall contain or have attached thereto throughout their circulation the full text of the proposed ordinance or other subject matter of the petition.
- c. *Affidavit of Circulator*. Each page of a petition shall have attached to it when filed the following notarized affidavit, with all blanks properly completed:

"STATE OF TEXAS §  
CITY OF PRAIRIE VIEW §

I, \_\_\_\_\_, being first duly sworn, on oath confirm that (i) I am one of the signers of the above petition, (ii) I personally circulated the foregoing page of said petition, (iii) there are \_\_\_ signatures on such page, (iv) each of the signatures appearing on such page was signed in my presence on the day and date it purports to have been signed, (v) the same are the genuine signatures of the persons whose names they purport to be, and (vi) each signer had an opportunity to read the full text of the ordinance or other subject matter of the petition.

Sworn and subscribed to before me, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.  
Signed and Sealed by a Notary Public in and for State of Texas"

- d. *Filing Referendum Petitions*. Referendum petitions must be filed within sixty days after adoption by the City Council of the ordinance sought to be reconsidered.

#### **Section 4. Procedure After Filing.**

- a. *Certificate of City Secretary; Amendment*. Within twenty business days after the petition is filed, the City Secretary shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly



send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the City Secretary within two days after receiving the copy of his or her certificate and files a supplementary petition upon additional papers within ten days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of Section 10.03, and within five days after it is filed, the City Secretary shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request City Council to review under subsection (b) of this Section within the time required, the City Secretary shall promptly present his or her certificate to the City Council and the certificate shall then be a final determination as to the sufficiency of the petition.

- b. *City Council Review.* If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two days after receiving the copy of such certificate, file a request that it be reviewed by the City Council. The City Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the City Council's determination shall then be a final determination as to the sufficiency of the petition.
- c. *Court Review; New Petition.* A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

#### **Section 5. Referendum Petitions; Suspension of Effect of Ordinance.**

When a referendum petition complying with all the provisions of Sections 7.03 and 7.04 is filed with the City Secretary the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- a. there is a final determination of insufficiency of the petition, or
- b. the petitioner's committee withdraws the petition, or
- c. the City Council repeals the ordinance, or
- d. voters sustain the ordinance in an election.

**Section 6. Action on Petitions.**

- a. *Action by City Council.* When an initiative or referendum petition has been fully determined sufficient, the City Council shall promptly consider' the proposed initiative ordinance in the manner provided in Article IV or reconsider the referred ordinance by voting its repeal. If the City Council fails to adopt a proposed initiative ordinance without any change in substance within sixty days or fails to repeal the referred ordinance within thirty days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the City at a special election.
  
- b. *Submission to voters.* The special election on a proposed or referred ordinance shall be held on the earliest date permitted by State and federal law after the date of the final City Council vote thereon. Copies of the proposed or referred ordinance shall be made available at the polls.

**Section 7. Results of Election.**

- a. *Initiative.* If a majority of the qualified voters voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the City Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
  
- b. *Referendum.* If a majority of the qualified voters voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

**Section 8. Ordinances Passed by Petition, Repeal or Amendment.**

No ordinance which may have been passed by the City Council upon a petition or adopted by popular vote under the provisions of this Article may be repealed or amended by the City Council for a period of three (3) years from the date said ordinance became effective and then only upon an affirmative vote of two-thirds (2/3s) of the City Council.