

**TO: General Services Committee
John Cernosek, Chair
Jan Dockery
Kathy Weishuhn**

FROM: Janet Bayer, City Secretary

SUBJECT: Committee Meeting – June 16, 2020 - 5:15 P.M.

**NOTICE OF MEETING OF THE
GENERAL SERVICES COMMITTEE
OF
THE CITY OF LA GRANGE, TEXAS**

Notice is hereby given that the General Services Committee of the governing body of the City of La Grange Texas will be held on the 16th day of June, 2020 at 5:15 P.M. in the City Hall Council Chambers at 155 E. Colorado Street, La Grange, Texas, at which time the following subjects will be discussed, to-wit:

1. General Services Committee Charter Review Schedule
2. Review Home Rule Charter Articles I-III

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Posted at 4:00 P.M. on the 12th day of June, 2020.



Janet Bayer, City Secretary

MEMORANDUM

TO: General Services Committee

FROM: Shawn Raborn, City Manager

DATE: June 12, 2020

SUBJECT: Discuss and or consider Charter Review Meeting Schedule

Staff is proposing the following meeting schedule to complete the Charter review process. As we discussed at the last meeting, the review has been broken down into sections to make the review process easier.

Attachment:

1. Meeting Schedule

Charter Review Schedule

Schedule: Committee will utilize the following schedule to review City Charter.

Tuesday - June 16th - Article I-III

Tuesday - July 7th - Article IV- VI

Tuesday - August 4th - Article VII - VIII

Tuesday - September 15th - Article IX- X

Tuesday - October 20th - Article XI

Tuesday - October 27th - Review of possible items to present to council

Tuesday - November 10th - Finalize review and prepare to forward to council

Monday - November 23rd - Review with council

MEMORANDUM

TO: General Services Committee
FROM: Shawn Raborn, City Manager
DATE: June 12, 2020
SUBJECT: Discuss and or consider Charter Review of Article I – III.

The committee and staff will review Articles I – III of the City Charter. One issue that the committee might want to review is Section 3.07 regarding council vacancies. Staff would recommend that the time to fill a council vacancy be extended.

Attachment:

1. Home Rule Charter Articles I - III

HOME RULE CHARTER

HOME RULE CHARTER^{*}

FOR THE CITY OF LA GRANGE, TEXAS

Good government can only be defined as that which is wholly and justly participated in by the people who are under its jurisdiction. Accordingly, we, the citizens of the City of La Grange, Texas, in order to establish a home rule municipal government, provide for the future progress of our city and obtain more fully the benefits of local self-government, do hereby adopt this Home Rule Charter, in accordance with the statutes of the State of Texas; and do hereby declare the residents of the City of La Grange, in Fayette County, Texas, living within the legally established boundaries of said City, to be a political subdivision of the State of Texas, incorporated forever under the name and style of "City of La Grange" with such powers, rights and duties as are herein provided.

ARTICLE I. FORM OF GOVERNMENT AND BOUNDARIES

Section 1.01. Form of government.

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

Section 1.02. Boundaries.

The boundaries of the City of La Grange shall be the same as have heretofore been established, as they existed on the date of ratification of this Charter and as they may hereafter be extended, which boundaries are and shall be fully set out and described by the official city map on exhibit in the office of the City Secretary.

ARTICLE II. POWERS OF THE CITY

Section 2.01. General powers.

The City shall have all the powers granted to cities by the Constitution and Laws of the State of Texas together with all of the implied powers necessary to execute 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 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, of the Acts of the 33rd Legislature, Regular Session enacted in 1913 pursuant to the Home Rule Amendment of the Constitution of Texas, known as the Enabling Act and including Articles 1175, 1176, 1177, 1178 and 1180, of Vernon's Annotated Civil Statutes of Texas, as now or hereafter amended, all of which are hereby adopted and as may be conferred upon cities by what is known as the Home Rule Amendment to the Constitution of the State of Texas, and enabling acts and all other laws passed or which may hereafter be passed by the legislature in relation to such matter.

Section 2.02. Eminent domain.

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

Section 2.03. Extension of boundaries.

The boundaries of the City of La Grange may be enlarged and extended by the annexation of additional territory, irrespective of the size and configuration, by any of the methods hereinafter designated:

- (a) Annexation of lands on petition of owners: The owner or owners of any land contiguous and adjacent to the City may, by petition in writing to the City Council, request the annexation of such contiguous and adjacent land, describing it by metes and bounds. The City Council shall thereafter hear such petition and the arguments for and against the same, and grant or refuse such petition as the City Council may see fit. If the City Council grants such petition, it may by proper ordinance, under such procedural rules as may be prescribed by law, receive and annex such territory as a part of the City.
- (b) Annexation by any other method provided by law: Additional territory may also be annexed to the City in any manner and by any procedure that may now be provided by law or that may be hereafter provided by law. Same shall be in addition to the method hereinabove provided.
- (c) Annexation of lands by ordinance: The City Council may by ordinance annex territory adjacent to the City with or without the consent of the inhabitants or owners thereof, subject to such procedural rules as may be prescribed by law.

(d) Annexed territory to become part of city: Upon completion of any one of the procedures hereinabove provided, the territory so annexed shall become a part of the City and said land and its residents and future residents shall be entitled to all the rights and privileges of other citizens of the City and shall be bound by the acts, ordinances, resolutions and regulations of the City.

In addition to the power to annex all additional property for all purposes, the City shall have the power by ordinance to fix, alter and extend the corporate boundary limits of the City for the limited purposes of planning and zoning and sanitation and health protection.

Section 2.04. Contraction of boundaries.

Whenever there exists within the corporate limits of the City of La Grange adjoining the outer boundaries thereof any territory not suitable or necessary for orderly planning and development of the City, the City Council may, if uninhabited, or if the same be inhabited, upon a petition signed by a majority of the qualified voters residing in such territory by ordinance duly passed, deannex such property as a part of said City; and from and after the entry of such ordinance said territory shall cease to be a part of said City.

Section 2.05. Streets and public property; street development and improvement.

The City shall have exclusive dominion, control, and jurisdiction in, upon, over and under the 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 or other public way within the corporate limits of the City, the City shall have the power to establish, maintain, 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.

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, 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, altering, repairing, and realigning curbs, gutters, drains, sidewalks, culverts, and other appurtenances and incidentals in connection with such developments. The City may make or cause to be made any one or more of the kinds of classes of development authorized hereinabove, or any combination or parts thereof. The cost of such development and improvement shall be paid by the City, or partly by the City and partly by assessments levied against the property abutting thereon and the owners thereof, and such assessments may be levied in any amounts and under any procedure now or hereafter permitted by State law. The City Council shall have the power to assess a special tax on railways for improvement of area occupied by said railways in accordance with governing State law. As an alternate and cumulative method of developing, improving, and paving any and all public streets, sidewalks, alleys, highways, and other public ways within the corporate limits, the City shall have the power and authority to proceed in accordance with governing State laws. The City shall likewise have the power to make any such development, improvement or paving with its own forces if, in the opinion of the City Council, the work can be done more expeditiously or economically, and in such event the City shall have the power to reimburse itself for the cost of such improvement in the same amount and in the same manner as if the work had been performed by a successful bidding contractor.

ARTICLE III. THE CITY COUNCIL

Section 3.01. Number, selection, powers and term.

The legislative and governing bodies of the City shall consist of a Mayor and eight (8) council members and shall be known as the City Council of the City of La Grange, Texas. The Mayor shall be elected at large by the qualified voters of the City. Two (2) council members shall be elected from each of the four (4) wards of the City. The term for the Mayor and council members shall be for two (2) years. Each member of the City Council shall serve until his successor is elected and qualified.

The terms of the council members shall be staggered so that the council member from each ward in the second year of his term in office shall stand for election. The Mayor shall be elected in odd numbered years.

Section 3.02. Qualifications.

The Mayor and each member of the City Council shall be a resident citizen of the City of La Grange and shall be a qualified voter of the State of Texas, shall have been such resident citizen of the City of La Grange for a period of not less than [than] twelve (12) months immediately preceding his election, and shall not be indebted to the City of La Grange; provided, however, that any person with the above qualifications, except as to residence, who shall have been a resident for a period of not less than [than] twelve (12) months immediately preceding his election of any of the territory not formerly within the corporate limits of said City, but which is annexed under the provisions of this Charter, shall be eligible for said office. If any council member fails to maintain the foregoing qualifications, the City Council must at its next regular meeting declare a vacancy to exist and shall fill said vacancy as set forth in Section 3.07 of this Charter. If any council member shall be absent from three (3) consecutive meetings without valid excuse, the City Council may declare a vacancy to exist and fill said vacancy as set forth in Section 3.07 of this Charter.

Section 3.03. Council to be judge of election, qualifications.

The City Council shall be the judge of the election and qualifications of its own members.

Section 3.04. Compensation; expenses.

The Council may determine the annual salary of the Mayor and council members by ordinance, but no ordinance increasing such salary shall become effective until the date of commencements of the terms of council members elected at the next regular election, provided that such elections follow the adoption of such ordinance by at least six (6) months. The Mayor and each council member shall receive their actual and necessary expenses incurred in the performance of their duties of office.

Section 3.05. Presiding officer: Mayor.

The Mayor shall preside at meetings of the Council and shall be entitled to vote upon all matters considered by the Council in case of a tie vote; the Mayor shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him by the charter and the ordinances of the City. He shall be recognized as the head of the City government for all ceremonial purposes, by the courts for civil process and by the government for purposes of military law. In times of public danger or emergency, the Mayor shall take command of the police, maintain law and order and enforce the law. If a vacancy occurs in the office of the

Mayor or in case of his absence or disability, the Mayor Pro Tem shall act as Mayor until a successor is elected and has qualified.

Section 3.06. Mayor pro tem.

At its first regular meeting after election each year, the City Council shall elect from among its members a Mayor Pro Tem who shall serve at the pleasure of the City Council. In the absence or inability of the Mayor to perform the duties of office, the Mayor Pro Tem shall perform the duties of office and in this capacity shall be vested with all of the powers conferred on the Mayor.

Section 3.07. Vacancies.

When a vacancy occurs in the City Council, the remaining members of the Council shall, within thirty (30) days, appoint a qualified person residing in the Ward in which there is a vacancy, to fill the vacancy until the next regular City election, at which time the unexpired term of such vacancy shall be filled by election. (Amnd. of 6/11/01)

Section 3.08. Powers of the city 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 City Council.

Section 3.09. City council not to interfere in appointments.

Neither the City Council nor any of its members shall in any manner dictate the appointment or removal of any City Administrative Officers or Employees whom the City Manager or any of his subordinates are empowered to appoint, unless otherwise provided in this Charter, but the City Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees. Except for the purposes of inquiry into the affairs of the City, the City Council and its members shall deal with the administrative part of the government solely through the City Manager, and neither the Council nor any member shall give orders to any subordinate of the City Manager, either publicly or privately.

Section 3.10. Meetings of the city council.

City Council meetings shall be held at City Hall and the City Council shall meet regularly at least once in every month at such time as the City Council may prescribe by rule. Special meetings may be held on the call of the Mayor or five (5) council members and whenever practicable upon not less than twelve (12) hours notice to each council member; provided, however, that all meetings shall be open to the public, except for closed and/or executive meetings and sessions as provided and authorized by the Statutes of the State of Texas, as now or hereafter amended, and written public notice thereof given as required by the Statutes of the State of Texas, as now or hereafter amended.

Section 3.11. Rules of procedure.

The City Council shall determine its own rules and order of business and shall provide for keeping of minutes of its proceedings. These minutes shall be a public record. Voting, except on procedural motions, shall be by roll [roll] call and the ayes and nays shall be recorded in the minutes. Five (5) members of the City Council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the City Council. No action of the City

Council, except as otherwise provided in the preceding sentence, and Section 3.02 of this Charter shall be valid or binding unless adopted by the affirmative vote of a majority of the entire City Council.

Section 3.12. Procedure for passage of ordinances.

The City 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 La Grange". The City Attorney shall approve all ordinances adopted by the City Council, as to the legality thereof, or shall file with the City Secretary his written legal objections thereto. Evidence of the approval of an ordinance by the City Attorney may be by notation on the ordinance itself or by separate paper or instrument. Every ordinance enacted by the City Council shall be signed by the Mayor, Mayor Pro Tem or two (2) council members and shall be filed with and recorded by the City Secretary. All ordinances shall be read in open meeting of the City Council on two (2) separate days provided that all readings of any ordinance may be by descriptive caption only, except that one member of the council may require a complete reading of any ordinance upon the first reading thereof, and all ordinances shall be posted at City Hall. In case of any "emergency" which may be declared by a five-eighths (5/8) vote of the City Council, it shall be necessary that the ordinance be read only one (1) time.

Except as otherwise provided by law or 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 of every other ordinance required by law or this Charter to be published, by causing the said ordinance, or its caption and penalty, to be published at least one time within ten (10) days after final passage thereof in a newspaper of general circulation of the City of La Grange. 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 (10) days after the date of such publication, provided that any ordinance passed as an emergency measure as prescribed in this section shall take effect immediately on its publication.

Section 3.13. Official bonds for city employees.

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

Section 3.14. Investigation by the city council.

The City Council shall have the power to inquire into the conduct of any office, department, agency, officer or employee of the City and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths and compel the production of books, papers, and other evidence. Failure to obey such subpoena or to produce such books, papers or other evidence as ordered under the provisions of this section shall be punishable by fine not to exceed two hundred dollars (\$200.00) and/or cancellation of a faithful performance bond.

Section 3.15. Audit and examination of city books and accounts.

The City Council shall cause an annual audit to be made of the books and accounts of each and every department of the City. A complete audit shall be made at the end of each fiscal year, and at such other times as may be necessary, by an independent certified public accountant who shall be selected by the City Council. The audit report shall be filed with the City Council and shall be available for public inspection and a summary thereof shall be published in a newspaper of general circulation of the City of La Grange. The auditor selected shall not maintain or keep any of the City accounts or records.