

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

FROM: Janet Bayer, City Secretary

SUBJECT: Committee Meeting – October 20, 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 20th day of October, 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. Review Home Rule Charter Article XI

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Posted at 3:00 P.M. on the 16th day of October, 2020.



Janet Bayer, City Secretary

ARTICLE XI. GENERAL PROVISIONS

Section 11.01. Publicity of records.

All records and accounts of every office, department or agency of the City shall be open to inspection at the City Hall by any citizen or by any representative of the press at all reasonable times and under such reasonable regulations as may be established by the City Council, provided that police records, vital statistics and other records closed to the public by law shall not be considered records for the purpose of this section.

Section 11.02. Personal financial interest.

(a) Any City officer, appointee, or employee who has a substantial financial interest, direct or indirect, or by reason of ownership of stock in any corporation, in any contract with the City or in the sale of any land, material, supplies or services to the City or to a contractor supplying the City shall make known that interest to the City Council and refrain from voting upon or otherwise participating in his capacity as a City officer, appointee or employee in the making of such sale or in the making or performance of such contract. Any City officer, appointee or employee who conceals such a substantial financial interest or violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this section with the knowledge, express or implied, of the person or corporation contracting with or making sale to the City shall render the contract or sale voidable by the City Manager or the City Council.

(b) Where ownership of stock in a corporation is involved, such stock ownership in an amount in excess of ten (10) percent of the stock of such corporation shall constitute substantial financial interest.

Section 11.03. Prohibitions.

(a) Activities prohibited:

(1) In appointments to and removal from any City office or employment, persons shall not be favored or discriminated against because of race, sex, political or religious opinions, or religious affiliations.

(2) No person who seeks appointment or promotion with respect to any City position or appointive City Administrative Office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his test, appointment, proposed appointment, promotion or proposed promotion.

(3) No City official or employee, elected or appointed shall orally, by letter or otherwise solicit or assist in soliciting any assessment, subscription, or contribution for any political party or political purpose whatever from any subordinate City official or employee holding any compensated City position.

(4) No person who holds any compensated City position shall solicit or receive any contribution to the campaign funds of any candidate for municipal office or take any part in the management, affairs, or political campaign of any municipal candidate.

(b) Penalties: Any person who by himself or with others violates any of the provisions or [of] paragraphs (1) through (3) of the preceding subsection (a) shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than one hundred dollars (\$100.00). Any person who by himself or with others violates any of the

provisions of paragraph (4) of the preceding subsection (a) shall be guilty of an offense and upon conviction thereof shall be punishable by a fine of not more than one hundred dollars (\$100.00). Any person convicted under this section shall be ineligible for a period of five (5) years thereafter to hold any City office or position and, if an officer or employee of the City, shall immediately forfeit his office or position.

Section 11.04. Nepotism.

No person related within the second degree by affinity, or within the third degree by consanguinity to any elected officer of the City, or to the City Manager, shall be appointed to any office, position or clerkship or other service of the City, [.] This prohibition shall not apply, however, to any person who shall have been continuously employed by the City for period of two (2) years prior to the election of the Councilman or appointment of the City Manager so related to him.

Section 11.05. Provisions relating to assignment, execution and garnishment.

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

Section 11.06. City not required to give security or execute bond.

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

Section 11.07. Special provisions covering damage suits.

Before the City shall be liable to damage claim or suit for personal injury, or damage to property, the person who is injured or whose property is damaged, or someone in his behalf, shall give the City Manager or the person performing the duties of City Secretary, notice in writing, duly verified, within thirty (30) days after the occurrence of the alleged injury or damage, stating specifically in such notice, when, where and how the injury or damage was sustained and setting forth the extent of the injury or damage as accurately as possible. No action at law for damages shall be brought against the City for personal injury or damage to property prior to the expiration of thirty (30) days after the notice herein before described has been filed with the City Manager or the person performing the duties of City Secretary, and no later than two (2) years after the occurrence of the injury or damage to property. In case of injuries resulting in death, before the City shall be liable in damages therefor, the person or persons claiming such damages shall, after the death of the injured person, give notice as above required in case of personal injury, provided, however, that nothing contained shall be construed to mean that the City of La Grange waives any rights, privileges, defense or immunities in tort actions which are provided under the common law, the Constitution and general laws of the State of Texas.

Section 11.08. Insurance and/or pension plan for city employees.

The City Council shall have the power to make available a group insurance and/or a pension plan for any or all City employees as prescribed by the Texas Municipal Retirement System authorized by Article 6243h, V.T.C.S.

Section 11.09. Separability clause.

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

Section 11.10. Effect of charter on existing law.

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

Section 11.11. Interim municipal government.

(a) Wards from which council members are elected shall continue as they exist prior to election on adoption of this Charter. Upon adoption of this Charter, the City Council, sitting as a redistricting board, using the latest federal census and utility department records, shall, where shown necessary, adjust such existing ward boundaries so that each ward shall contain one-fourth (1/4) of the residents of the City. Thereafter, the City Council shall from time to time, but not less frequently than following the time the results of the latest ten (10) year federal census for the City of La Grange is made public, review the boundaries of each ward and its population to determine whether each ward contains one-fourth (1/4) of the population of the City of La Grange or is otherwise within legally allowed variance under federal and state statutes or case law.

(b) Upon the adoption of this Charter, the present members of the City Council and the Mayor shall serve until the term to which they were elected has expired or until their successor shall have qualified.

(c) During such interim, persons, who on the date this Charter is adopted are employed or filling appointive positions with the City of La Grange which are retained under this Charter, may continue to fill those positions for the term for which they were employed or appointed.

(d) All rights, claims, orders, contracts and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on, or dealt with by the City department, office or agency appropriate under this Charter.

(e) The budget in effect immediately preceding the adoption of this Charter shall remain in effect for the balance of the fiscal year and until such time as a new budget is adopted for the next succeeding year.

Section 11.12. Applicability of general laws.

The Constitution of the State of Texas, the statutes of said State applicable to home-ruled

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

Section 11.13. Amending the charter.

Amendments of this Charter may be framed and submitted to the voters of the City in the manner provided in Chapter 13 of Title 28 of the Revised Statutes of Texas, 1925, as now or hereafter amended.

Section 11.14. Construction of charter.

This Charter shall not be construed as a mere grant of enumerated powers, but shall be construed as a general grant of power and as a limitation of power on the government of the City of La Grange 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 La Grange to expressly grant to the City, shall be construed to be granted to the City by this Charter.

Section 11.15. Judicial notice.

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

Section 11.16. Review of charter.

This Charter shall be reviewed at five (5) year intervals after the date of passage by the City Council. If, in their opinion, any changes are necessary, such changes shall be submitted to the voters in accordance with Section 11.13 of this Charter.

Section 11.17. Grammatical construction.

Whenever in this Charter the singular is used, the plural shall be included; whenever the masculine gender is used, the feminine and neuter shall be included. References to "City" shall be the City of La Grange, Texas, and references to position in city government shall be to that position in the government of the City of La Grange, Texas, as set forth herein.

Section 11.18. Submission of charter to voters.

The Home Rule Charter Commission in preparing this Charter finds and decides that it is impracticable to segregate each subject so as to permit a vote of "yes" or "no" on the same, for the reason that the Charter is so constructed that in order to enable it to work and function it is necessary that it should be adopted in its entirety. For these reasons, the Charter Commission directs that said Charter be voted upon as a whole and that it shall be submitted to the qualified voters of the City of La Grange at an election to be held for that purpose on the 15th day of January, 1983. Not less than thirty (30) days prior to such election, the City Council shall cause the City Secretary to mail a copy of this Charter to each qualified voter of the City of La Grange as appears on the latest voter registration roll. If a majority of the qualified voters voting in such election shall vote in favor of the adoption of this Charter, it

shall become the Home Rule Charter of the City of La Grange and after the returns have been canvassed, the same shall be declared adopted, and the City Secretary shall file an official copy of the Charter with the records of the City. The City Secretary shall furnish the Mayor with a copy of said Charter, which copy of the Charter so adopted, authenticated and certified by his signature and the seal of the City, shall be forwarded by the Mayor to the Secretary of State of the State of Texas and shall show the approval of such Charter by majority vote of the qualified voters voting at such election.

HOME RULE CHARTER COMMISSION OF THE CITY OF LA GRANGE, TEXAS:

/s/

Gilbert A. Koenig, Chairman

ATTEST:

H. Clifford Giese, Secretary

Atlan Citzler

George Hajovsky

Robert Kohler

Frank McElroy, Jr.

(Moved out of City Limits)

Gary Satterwhite

August H. Spacek

Troy Williams

Chester Creuzbaur

Vastine Janssen

Mike Mabry

Jo Oxehufwud

(Moved out of City Limits)

Linda Schubert

L. W. Stolz, Jr.