

MEMORANDUM

TO: General Services Committee
FROM: Shawn Raborn, City Manager
DATE: July 2, 2020
SUBJECT: Discuss and or consider Charter Review of Article IV – VI.

The committee and staff will review Articles IV – VI of the City Charter.

Attachment:

1. Home Rule Charter Articles IV - VI

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

FROM: Janet Bayer, City Secretary

SUBJECT: Committee Meeting – July 7, 2020 - 5:15 P.M.

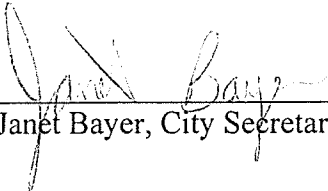
**NOTICE OF MEETING OF THE
GENERAL SERVICES COMMITTEE
OF
THE CITY OF LA GRANGE, TEXAS**

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 7th day of July, 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 Articles IV-VI

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Posted at 3:00 P.M. on the 2nd day of July, 2020.



Janet Bayer, City Secretary

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 IV. ADMINISTRATIVE SERVICES

Section 4.01. City manager.

(a) Appointment and qualification: 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. He shall be chosen by the City Council solely on the basis of his executive and administrative training, experience, ability and character and need not when appointed, be a resident of the City of La Grange, but shall establish his residency with [within] the City thereafter within the time set by Council. No member of the City Council shall, during the time for which he is elected and for one (1) year thereafter, be appointed City Manager.

(b) Term and salary: The City Manager shall not be appointed for a definite term but may be removed at the will and pleasure of the City Council by a vote of the majority of the entire Council. 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 of such suspension or removal in the City Council. In case of the absence or disability of the City Manager, the City Council may designate some qualified person to perform the duties of the office during such absence or disability. The City Manager shall receive such compensation as may be fixed by the City Council.

(c) Powers and duties: The powers herein conferred upon the City Manager shall include but shall not be limited to the following:

- (1) To effectively enforce all State laws and City ordinances.
- (2) To appoint and remove any officer or employee of the City except those officers and employees whose appointment or election is otherwise provided for by law or this Charter. The City Manager shall not appoint any officer or employee he is privileged to appoint except with

the advice and consent of the supervisor, if any, of the City department in which such officer is employed. In the event such supervisor and the City Manager differ on the merits of the employee or officer to be appointed, then and in that event, such appointment shall be resolved by the City Council.

- (3) To prepare and submit the annual budget and a five (5) year capital improvement program to the City Council.
- (4) To submit to the City Council monthly a report on the finances and administrative activities of the City and a complete report as of the end of each fiscal year.
- (5) To perform such other duties as may be prescribed by this Charter or required of him by the City Council, not inconsistent with the provisions of this Charter.

Section 4.02. Department of police.

There shall be established and maintained 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.

(a) Chief of police: The City Council shall appoint the Chief of Police who shall be the chief administrative officer of the Department of Police. The Chief of Police shall be appointed by the City Council for an indefinite term. The Chief of Police shall be responsible to the City Council for the administration of his department and the carrying out of the directives of the City Council. He may be removed from office by the City Council. The Chief of Police need not be a resident of the City of La Grange at the time of his appointment, but must establish his residency within the City within six (6) months of his appointment.

(b) Special police: No person except as otherwise provided by general law or this Charter or the ordinances passed pursuant thereto shall act as Special Police or Special Detective.

(Amnd. of 6/11/01)

Section 4.03. City secretary.

The City Manager, with the approval of the City Council, shall appoint the City Secretary. The City Manager shall appoint any such Assistant City Secretaries as he shall deem advisable. The City Secretary, or an Assistant City Secretary, shall give notice of City Council Meetings, shall keep the minutes of the proceedings of such meetings, shall authenticate by his 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, and those elsewhere provided for in this Charter. The City Secretary may be removed from office by the City Manager with the approval of the City Council. (Amnd. of 6/11/01)

Section 4.04. City attorney.

The City Council shall appoint a competent and duly licensed attorney practicing law in the City of La Grange, Texas, to be the City Attorney. He shall receive for his services such compensation as may be fixed by the City Council and shall hold his office at the pleasure of the City Council. The City Attorney or such other attorneys selected by him with the approval of the City Council, shall represent the City in all litigations. He shall be the legal advisor for, and attorney and counsel for, the City and all officers and departments thereof.

Section 4.05. Utilities department manager.

The City Manager shall appoint the Utilities Department Manager of the City of La Grange with the approval of the City Council. Such manager need not be a resident of the City of La Grange at the time of his appointment, but must establish his residency within the City within six (6) months of his appointment. The manager of the Utilities Department shall oversee the operations of the Utilities Department and may be removed from office by the City Manager with the approval of the City Council. The Utilities Department manager shall oversee the operations of such other departments as assigned by the City Manager in addition to the operations of the Utilities Department. (Amnd. of 6/11/01)

Section 4.06. Department of health and sanitation.

- (a) Appointment and qualifications: The City Council shall appoint a City Health Officer who shall be a licensed physician qualified to practice medicine in the State of Texas. The City Health Officer shall be the Director of the Department of Health and Sanitation and shall serve at the pleasure of the City Council.
- (b) Administration: Upon the advice of the City Health Officer, the City Manager shall be responsible for the general administration of the Department of Health and Sanitation and the supervision of the employees thereof.
- (c) Duties of the health officer: The City Health Officer shall advise with the City Council on a program of Public Health; shall cooperate in the preparation of a Sanitary Code; and shall cooperate with the Commissioner's Court of Fayette County and its agencies and with the State Health Department and other departments of the State government in matters pertaining to health and sanitation.

Section 4.07. Fire department.

- (a) Fire marshal: The Fire Marshal shall be appointed by and be responsible to the City Council.
- (b) Volunteer fire department: Authority is hereby granted to maintain a Volunteer Fire Department. The Fire Chief shall be elected annually by the members of the Volunteer Fire Department.

ARTICLE V. MUNICIPAL COURT

Section 5.01. Municipal court.

There shall be established and maintained a court designated as a "Municipal Court" for the trial of misdemeanor offenses, with all such powers and duties as are now or hereafter may be prescribed by laws of the State of Texas.

Section 5.02. Judge of the municipal court.

- (a) The Judge of the Municipal Court shall be a qualified voter of the City, shall hold his office at the pleasure of the City Council, and shall receive such salary as may be fixed by ordinance of the City Council.
- (b) In the case of the disability or absence of the Judge of the Municipal Court, the City Council shall appoint a qualified successor.

Section 5.03. Clerk of the municipal court.

(a) There shall be a Clerk of the Municipal Court who shall be appointed by the City Manager and there shall be such deputy clerks of the court as may be authorized by the City Council and appointed by the City Manager.

(b) The clerk of the Municipal Court and his deputies shall have the power to administer oaths and affidavits, make certificates, affix the seal of said Court thereto, and generally do and perform any and all acts usual and necessary by the Clerk of said Court in issuing process of said Court and conducting the business thereof.

(Amnd. of 6/11/01)

ARTICLE VI. ELECTIONS

Section 6.01. City elections.

(a) Regular elections. The regular City election shall be held in accordance with State law regulating the holding of municipal elections.

(b) Qualified voters. All citizens qualified by the Constitution and laws of the State of Texas to vote in the City who reside within the City limits and who satisfy the requirements for registration prescribed by law shall be qualified voters of the City within the meaning of this Charter.

(c) Conduct of elections. Except as otherwise provided by this Charter, the provisions of the general election laws of the State of Texas shall apply to elections held under this Charter. All elections provided for by the Charter shall be conducted by the election authorities established by law. For the conduct of City elections the Council shall adopt by ordinance all regulations which it considers desirable, consistent with law, and this Charter.

(Amnd. of 6/11/01)

Section 6.02. Nominations.

Any person having the qualifications set forth for Councilman under Section 3.02 of this Charter shall have the right to file an application to have his name placed on the official ballot as a candidate for any elective office, and such application in writing shall include name, address, telephone number, date of birth, date of residency, and shall be signed by such candidate and accompanied by his loyalty affidavit, as prescribed by Texas Election Code, Article 6.02. The application shall be filed with the City Clerk or appropriate authority not less than thirty (30) days (in computing said thirty (30) days, the date of filing and the date of the election shall not be counted) prior to the date of election and shall entitle such applicant to a place on the official ballot. A filing fee in such amount as may hereafter be set by the City Council, will be paid to the City Clerk by each candidate upon presentation of application.

Section 6.03. Determination of election results.

At any regular or special municipal election the candidate for each office, who shall have received the greater number of votes cast in such election, shall be declared elected. In the event a tie vote makes it impossible to determine the winning candidate or candidates, such tie shall be decided as provided in Texas Election Code.

Section 6.04. Council ballots.

The names of all candidates for office, except such as may have withdrawn, died or become ineligible, shall be printed on the official ballots, without party designation, in the order determined in a drawing of lots conducted by the City Clerk. Absentee voting shall be governed by the general election laws of the State of Texas.

Section 6.05. Ballots for ordinances and charter amendments.

An ordinance or Charter amendment to be voted on by the City shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement, describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described (ordinance) (amendment) be adopted?" Immediately below such question shall appear, in the following order, the words "yes" and "no". Ballots shall include voting instructions.

