

HOME RULE CHARTER



CITY OF CONVERSE

STATE OF TEXAS

APPROVED AUGUST 8, 1981

AMENDED

APRIL 7, 1984

MAY 4, 2002

MAY 15, 2007

MAY 10, 2008

NOVEMBER 6, 2012

**HOME RULE CHARTER COMMISSION
CITY OF CONVERSE, TEXAS
JUNE 3, 1981**

The Honorable Harold G. Bauman
Mayor of the City of Converse
Converse, Texas

Dear Mr. Mayor:

The Charter Commission for the City of Converse, Texas duly elected by the qualified voters of this City, submit herewith a proposed Home Rule Charter for the City of Converse.

In accordance with applicable Texas State Law, the Commission has designated August 8, 1981, as the date of the election on which this proposed Home Rule Charter will be submitted to the qualified voters of this City for their approval, such date being no less than 40 nor more than 90 days after completion of this document by the Charter Commission.

Texas State Statutes direct that a copy of the proposed Charter be mailed to each qualified voter of the City of Converse not less than 30 days prior to the date of the election. The tax collector's rolls as of January 31, 1981 identify the qualified voters of this City and should be used to fulfill this requirement.

The proposed Home Rule Charter provides for a Council-Manager form of government. It increases the number of Council persons who may participate in City government. It retains all the powers now authorized under the Constitution and Statutes of the State of Texas, adds certain powers authorized from home rule cities as limited by the State Constitution and Statutes, does increase and enlarge the City's taxing power with the approval of the voters, clarifies, in general, the means by which such powers are exercised by the City, and establishes for the citizens of Converse a system of local self-government by which they can assume responsibility for the operation and control of the functions of their City.

We commend this Charter to the Citizens of Converse and recommend its adoption. It is our sincere belief that it will permit our City Government to operate more effectively and in the best interest of all our citizens.

Our appreciation is extended to you and Amy Voges, and also to the members of the Texas Municipal League in Austin, Texas, who have assisted us in the work of drafting this Charter.

We ask that a copy of this letter of transmittal be sent with the proposed Charter when it is mailed to all voters.

Respectfully Submitted,
James V. Mollicone, Chairman

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PREAMBLE

We, the citizens of Converse, 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 Converse, Bexar County, Texas, living within the legally established boundaries of the said City, to be a political sub-division of the State of Texas incorporated forever under the name and style of the “City of Converse” with such powers , rights, duties, and immunities as are herein provided.

NOTE: The masculine gender is used in the neuter form denoting either male or female.

ARTICLE I FORM OF GOVERNMENT AND POWERS

Section 1.01 Establishment.

The municipal government provided by this Charter shall be known as the “Council-Manager Government”. Pursuant to its provisions and subject only to the limitations imposed by the State Constitution, the Statutes of this State, and 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 appoint the City Manager, who in turn shall be held responsible to the City Council for the execution of the laws and the administration of the government of the City. All powers of the City shall be exercised in the manner prescribed by this Charter, subject to the State Constitution and statutes of the State, or if the manner is not prescribed, then in such manner as may be prescribed by ordinance.

Section 1.02 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 carry into execution such granted powers, as fully and completely as though they were specifically enumerated in this Charter. All such powers whether express 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 1.03 Construction of Charter.

This Charter shall be construed as a general grant of power and as a limitation of power on the Municipal Government of the City of Converse in the same manner as the Constitution of Texas is construed as a limitation on the powers of the Legislature.

Section 1.04 Streets and Public Property.

The City within its jurisdiction, shall have exclusive dominion and control and authority in, upon, over, and under the public streets, sidewalks, alleys, highways, public squares, public ways, and public property within the corporate limits of the City, with respect to which the city shall have the power to establish, maintain, improve, alter, abandon, or vacate the same; to regulate the use thereof including but not limited to the right to erect traffic signals, lights, and signs thereon; and to abate and remove in a summary manner any encroachment thereon.

Section 1.05 Street and Development and Improvements.

The City shall have the power to develop and improve any and all public streets or ways within the corporate limits of the City.

Section 1.06 Urban Development, Redevelopment, and Renewal.

The City shall have the power to carry out slum clearance, public housing, and urban redevelopment and renewal projects. For these purposes it may acquire land by eminent domain, may contract or cooperate with the State or Federal Governments or any agency thereof, may invest its funds and borrow or accept money.

ARTICLE II THE COUNCIL

Section 2.01 Number, Selection, and Term: Composition and Form.

- A. The Council shall be composed of the Mayor and six Council persons. The Mayor and all Council persons shall be elected from the City at large. Each Council person shall occupy a position on the Council. Each position shall be numbered one through six consecutively. The Mayor and each Council person shall be elected in the manner provided in Article III of this Charter. The Mayor and each Council person shall be elected for two (2) year terms.
- B. Three Council persons to fill two, four, and six shall be elected to office on the uniform election date in November of each even numbered year. The Mayor and three Council persons to fill positions one, three, and five shall be elected to office

on the uniform election date in November of each odd numbered year.

Section 2.02 Qualifications.

In addition to any other qualifications prescribed by law, the Mayor and each Council person shall meet the conditions of Article III prior to filing for election to office. The Mayor and all Council persons shall reside within the City's boundaries while holding the elective office.

Section 2.03 Mayor and Mayor Pro Tem.

- A. The Mayor shall be the presiding officer for the City Council and shall be recognized as the head of the city government for all ceremonial purposes and by the governor for purposes of military law. The Mayor will not have the power of veto. The Mayor will be responsible for the obedience and enforcement of all Ordinances, by laws, and resolutions passed by the Council. The Mayor shall, when authorized by the Council, sign all official documents such as Ordinances, Resolutions, conveyances, grant agreements, official plats, contracts, and bonds. The Mayor shall appoint special committees as instructed by the Council. These committees are temporary in nature and are to perform some special task, secure information, investigate a situation and ultimately bring back a report or a recommendation to the Council. The Mayor shall perform such other duties consistent with this Charter or as may be imposed upon him by the Council.
- B. The Mayor Pro Tem (Mayor Pro Tempore) shall be elected from the Council, by the Council, during the first meeting after each general election. The Mayor Pro Tem shall act as Mayor during the disability or absence of the Mayor. The Mayor Pro Tem, while acting as Mayor, shall have the rights, privileges, and responsibilities conferred upon the Mayor.

Section 2.04 Vacancies and Filling of Vacancies.

- A. If the vacancy occurs within 90 days prior to the general election for the Place as specified by the Charter, the Place shall remain vacant until filled by the general election.
- B. If the vacancy occurs more than 90 days prior to the general election for the Place as specified by the Charter, within 30 days after a vacancy occurs, the remaining Council persons shall appoint a person meeting the qualifications of Section 3.02 to fill that vacancy for the remainder of that term.

Section 2.05 Quorum, Voting, and Recording.

- A. Quorum. A simple majority of the Council shall constitute a quorum at a regular City Council meeting. A two-thirds majority of the Council shall constitute a quorum at a special Council meeting.
- B. Voting. All persons of the Council present, including the Mayor, shall vote upon every Resolution or Ordinance except when a member finds him or herself with a conflict of interest. When this occurs, the conflict shall be recorded in the minutes as stated. Unless otherwise stated in this Charter of State Law, all motions before the Council shall become effective by an affirmation vote of a simple majority of the Council present. The Mayor shall ask those in favor of the motion or action to signify in a clear and obvious manner and then state for the record the names of the Council members voting against the motion or action. Subsequently, the Mayor shall ask those opposed to the motions or action to signify in a clear and obvious manner and then state against the motion or action. The Mayor shall then announce that the motion or action passed or failed based on the voting.
- C. Recordings. The Council shall provide for minutes being taken and recorded of all meetings. Such minutes shall be a public record.

Section 2.06 **Powers.**

All powers of the City shall be vested in the Council except as otherwise provided by law or by this Charter. Council persons shall exercise these powers for the performance of all duties and obligations imposed on the City by law.

Section 2.07 **Prohibitions.**

- A. Holding other Office. Except where authorized by law, no Mayor or Council person will hold any other City office or employment during his term as Mayor or Council persons. No former Mayor or Council person shall hold any compensated appointive City office or City employment until one year after the expiration of his term of office.
- B. Appointments and Removals. Neither the Mayor nor Council members will dictate the appointment or removal of any City administrative officers or employees whom the Manager or any of his subordinates are empowered to appoint. The Council may express its views and fully and freely discuss with the Manager anything pertaining to the appointment or removal of such officers and employees.
- C. Interference with Administration. Except for the purpose of inquires and investigations under Section 2.11 the Mayor and all Council persons shall deal with City officers and employees who are subject to the direction of the City Manager solely through the City Manager. Neither the Mayor nor any Council

person will give orders to any such officer or employee, either publicly or privately, except as otherwise provided in this Charter.

Section 2.08 **Meetings.**

The Council shall hold at least one regular meeting each month. It may hold as many additional meetings as it deems necessary to transact the business of the City. The Council shall fix by Ordinance the days and time of the regular meeting. Special meetings of the Council shall be held on the call of the Mayor or a majority of the Council persons.

Section 2.09 **Ordinances.**

- A. The City Council shall exercise its powers by oral resolution recorded in the minutes, written resolution and written Ordinances. Written Ordinances shall be required for every act establishing a penalty or when required by law or this Charter.
- B. Ordinances making appropriations shall be confined to the subject of appropriations.
- C. An emergency Ordinance can be passed only to meet a public emergency affecting life, property or the public peace. Emergency Ordinances shall not be used to levy taxes, grants, renew or extend a franchise, or regulate the rate charged by any public utility for its services. Neither shall they authorize the borrowing of money, except as elsewhere stated in this Charter.

An emergency Ordinance shall be introduced in the form and manner generally prescribed for Ordinances except that it shall be plainly designated in the title as an emergency Ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. To be adopted, such emergency Ordinances shall require the affirmative vote of two-thirds of the members of the Council.

An emergency Ordinance may be adopted with or without amendments or rejected at the meeting at which it is introduced.

- D. All other Ordinances must be read and voted on at two regularly scheduled City Council meetings. This should be followed by publication in full or by caption in two successive issues of the official newspaper of the City of Converse before the Ordinance shall become effective. The final reading of each Ordinance shall be in full unless written or a printed copy of the ordinance shall have been furnished to each member of the City Council 24 hours prior to each City Council meeting. The enacting clause of all Ordinances shall be, "BE IT ORDAINED

BY THE City Council of Converse, Texas”.

Section 2.10 Bonds of City Employees.

The Council shall require bonds of all City municipal offices and employees who receive or pay- out any monies of the City. The amount of such bonds shall be determined by the Council. The cost of such bonds shall be borne by the City.

Section 2.11 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. For this purpose, the Council 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. The Council shall have the power to punish any such contempt in the manner provided by such Ordinance.

Section 2.12 Forfeiture of Office.

A Council person or the Mayor shall forfeit his office if he:

- A. Lacks at any time during his term of office any qualification for the office prescribed by this Charter or by law;
- B. Violates any express prohibition of this Charter;
- C. Fails to attend three (3) consecutive regular Council meetings without being excused by the majority vote of the City Council;
- D. Is convicted of a felony and/or a misdemeanor involving moral turpitude, such forfeiture shall be declared and enforced by a majority vote of the Council;
- E. Is adjudged mentally incompetent in accordance with the laws of Texas and is unable or unfit to discharge promptly and properly official duties because of mental defect that did not exist at the time of the officer’s election.

Section 2.13 Rules of Procedure.

The Council shall, by Ordinance, determine its own rules and order of business. The rules shall provide that citizens of the City shall have a reasonable opportunity to be heard at any meeting in regard to any matter under consideration. This shall not apply during executive sessions.

Section 2.14 **Education**

Each Mayor/Councilperson shall obtain a minimum of ten (10) hours of annual municipal government training to include two (2) hours of budget/audit training.

ARTICLE III ELECTIONS

Section 3.01 **Schedule.**

- A. All City elections shall be governed by the Constitution of the State of Texas, general laws of the State, this Charter, and Ordinances of the City, in the order named. Municipal elections shall be conducted by the election officials appointed or approved by the Council. Sample ballots identical to the voting machine format for the specific election shall be posted in the voting place (s) for purpose of voter orientation.
- B. Terms of Office. The Mayor and City Council shall be elected for a term of two years.
- C. At-Large Vote. All candidates for Mayor and City Council shall be elected at-large.

Section 3.02 **Filing for Office.**

- A. Each candidate for an elective office shall be a qualified voter of the City.
- B. Each candidate for Mayor must have resided for at least twelve months preceding the election within the corporate limits of the City.
- C. Each candidate for City Council must have resided for at least six months preceding the election within the corporate limits of the City.
- D. Each candidate shall not be in arrears in the payment of any taxes or other liabilities due the City.
- E. No candidate may file for more than one office or position per election.
- F. No employee of the City shall continue in such position after obtaining elective office.
- G. Each candidate must file a campaign expense sheet with the City Secretary.
- H. Each candidate must pay a filing fee to be set by the Council.

Section 3.03 **Ballots.**

- A. Names on Ballot. The full name of all candidates nominated for office, except those who have withdrawn, died or become ineligible, shall be printed on the official ballots without party designation or symbol.
- B. Order of Listing. The order on the ballot of the names of the candidates shall be determined by lot in a drawing to be held under the supervision of the City Secretary.
- C. Absentee Ballots. Procedures for voting by absentee ballot shall be consistent with current edition of Texas Election Laws.
- D. Ballots for Ordinances, Bond Issues, and Charter Amendments. An Ordinance, bond issue, 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, approved by a majority of the whole Council.
- E. Write-In Votes. Procedures for write-in votes will be consistent with current edition of Texas Election Laws.

Section 3.04 **Canvassing Election Results.**

- A. Canvassing. The returns of every municipal election shall be delivered from the election officials to the City Secretary at City Hall not later than twelve hours after the closing of the polls. One extra copy shall be delivered to the Mayor at this time. The City Secretary and the election officials shall canvass the returns in sufficient time to declare the official results of the election for certification at the next Council meeting after the closing of the polls. The returns of every municipal election shall be recorded in the minutes of the Council, by totals for each candidate, or for or against for each issue submitted.
- B. Plurality. A plurality vote for an elected office is that number which is greater than the number cast for any other candidate for the respective position. The candidate(s) who receive a plurality vote shall be declared elected.
- C. Notification and Taking Office. It shall be the duty of the City Secretary to notify the Mayor and then all candidates of the unofficial results of the election with priority given to those elected. Following notification of the Mayor and all candidates, the City Secretary shall notify the other members of City Council of the results of the election. A candidate who is elected in the City election shall take office and enter upon his duties after qualifying by taking and subscribing to the Oath of Office at the same Council meeting that officially canvasses the election results.

ARTICLE IV INITIATIVE, REFERENDUM AND RECALL

Section 4.01 General Authority.

- A. Initiative. The qualified voters of the City shall have the power to propose Ordinances to the Council. If the council fails to adopt an Ordinance as 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 and that the Ordinance is not in violation of State, County, and Federal law.
- B. Referendum. The qualified voters of the City shall have power to require reconsideration by the Council of any adopted Ordinance. If the 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 of Ordinance relating to appropriation of money or levy of taxes.
- C. Recall. The qualified voters of the City shall have the power to petition for recall of the Mayor or any member of the City Council. No recall petition shall be filed against an officer within six (6) months after such elected officer takes office.

Section 4.02 Commencement of Proceedings: Petitioner's Committee; Affidavit.

Any five qualified voters may commence initiative referendum, or recall proceedings by filing with the City Secretary an affidavit stating they will constitute the Petitioner's Committee and be responsible for circulating the petition and filing 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 Petitioner's Committee is filed, the Secretary shall issue the appropriate petition blanks to the Petitioner's Committee.

Section 4.03 Petitions.

- A. Number of Signatures. Initiative petitions must be signed by qualified voters of the City equal in number to at least ten (10) percent, and referendum or recall petitions must be signed by qualified voters of the city equal in number to at least twenty five (25) per cent of the total number of qualified voters registered to vote at the last regular City Election.

- B. Form and Content. All papers of a petition shall be in uniform size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto, throughout their circulation, the full text to the Ordinance proposed or sought to be reconsidered.
- C. Affidavit of Circulator. Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the Ordinance proposed or sought to be reconsidered.
- D. Filing Referendum Petitions. Referendum petitions must be filed within 60 days after adoption by the Council of the Ordinance sought to be reconsidered.
- E. Filing of Recall Petitions. Recall petitions must be addressed to the City Council of the City of Converse and must state the ground(s) for removal upon which the petition for removal is based. Each ground stated must give the officer to be recalled and removed notice of the ground(s) his recall is sought.

Section 4.04 **Procedure After Filing.**

- A. Certificate of City Secretary; Amendment. Within ten 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 Petitioner's Committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the Petitioner's Committee files a Notice of Intention to amend it with the City Secretary within two days after receiving the copy of this 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 4.03, and, within five days after it is filed, the Secretary shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the Petitioner's Committee by registered mail as in the case of an Original Petition. If a petition or amended petition is certified insufficient and the Petitioner's Committee does not elect to amend or request Council review under subsection (b) of this section within the time required, the City Secretary shall promptly present his certificate to the Council, and the certificate shall then be a final determination as to the sufficiency of the petition.

- B. Council Review. If a Petition has been certified insufficient and the Petitioner's 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 Council. The Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the 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 4.05 **Referendum Petitions: Suspension of Effect of Ordinance.**

When a referendum petition complying with all the provisions of Section 4.03 and Section 4.04 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 Council repeals the ordinance, or;
- D. Voters sustain the ordinance in an election.

Section 4.06 **Action on Petitions.**

- A. When an initiative or referendum petition has been fully determined sufficient, the Council shall promptly consider the proposed initiative Ordinance in the manner provided in Article II or reconsider the referred Ordinance by voting its repeal. If the Council fails to adopt a proposed initiative Ordinance without any change in substance within 60 days or fails to repeal the referred Ordinance within 30 days after the date the petition was finally determined sufficient, it shall call for an election on the next uniform election date and place on the ballot the proposed or referred Ordinance.
- B. When a recall petition has been certified as sufficient by the City Secretary, the Mayor or Mayor Pro-Tem shall inform the Council member whose recall is sought. The officer whose removal is sought, may within five days after such recall petition has been presented to the City Council, request that a public hearing be held to permit him to present facts pertinent to the charges specified in the recall petition. In this event, the City Council shall order such public

hearing to be held not less than five days nor more than fifteen days after receiving the public hearing request. If the Council member whose removal is sought does not resign, then it shall become the duty of City Council to order a recall election on the next uniform election date.

- C. Submission to Voters. The vote of the City on a proposed or referred Ordinance or petition for recall shall be held on the next uniform election date. Copies of the proposed or referred Ordinance shall be made available at the polls.

Section 4.07 Results of Election.

- A. Initiative. If a majority of the qualified electors voting on a proposed initiative Ordinance votes 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 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 electors voting on a referred Ordinance vote against it, it shall be considered repealed upon certification of the election results.
- C. Recall. If the majority of votes at a recall election shall be “NO” that is, against the recall of the person named on the ballot, he shall continue in office for the remainder of his unexpired term, subject to recall as before. If a majority of the votes cast at such election be “YES” that is, for the recall of the person named on the ballot, he shall regardless of any technical defects in the recall petition, be deemed removed from the office and the vacancy shall be filled as vacancies in the City Council are filled, as provided in Article II, Section 2.04 of the Charter.

ARTICLE V ADMINISTRATIVE ORGANIZATION

Section 5.01 City Manager.

- A. Appointment, Qualifications, Compensation. The City Council shall appoint a City Manager and fix compensation. The Manager shall be appointed solely on the basis of executive and administrative qualifications. He need not be a resident of the city or state at the time of his appointment, but he must agree prior to such appointment, to become a resident of Converse within six (6) months from the date of appointment. If he thereafter fails to become a resident of Converse within that six (6) month period, he shall be deemed to have forfeited his appointment and the office shall be declared vacant by announcement of the

Mayor at the first meeting of the Council following the expiration of the four (4) month period. The Manager shall serve at the will and pleasure of the City Council. He shall be employed for or relieved from his duties by a vote of a majority of the members of the City Council.

B. Powers and Duties of City Manager. The City Manager shall be the Chief Administrative Officer of the City. He shall be responsible to the Council for the administration of all city affairs pleased in his charge by or under this Charter. He shall have the following powers and duties:

1. He shall appoint and, when he deems it necessary for the good of the City, suspend or remove all City employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law, this Charter, or personnel rules adopted pursuant to this Charter. He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.
2. He shall direct and supervise the administration of all departments, officers, and agencies of the City, except as otherwise provided by this Charter or by law.
3. He shall attend all Council meetings and shall have the right to take part in discussion but may not vote.
4. He shall see that all laws, provisions of this Charter and acts of the Council, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.
5. He shall prepare and submit the annual budget and capital program to the Council.
6. He shall ensure that the City Master Plan is maintained and all changes approved by the City Council.
7. He shall submit to the Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year.
8. He shall make such other reports as the Council may require concerning the operations of the City departments, offices, and agencies subject to his direction and supervision.
9. He shall keep the Council fully advised as to the financial condition and future needs of the City and make such recommendations to the Council concerning the affairs of the City as he deems desirable.

10. He shall perform such other duties as are specified in this Charter or may be required by the Council.
 11. He shall keep a written inventory of all real property and all permanent equipment belonging to the City, said inventory to be subject to annual audit.
A system shall be established and maintained to control the use and replacement of expendable items.
 12. He shall facilitate a minimum of ten (10) hours of annual municipal government training to include two (2) hours of budget/audit training for each Mayor/Councilperson.
- C. Assistant City Manager. The Assistant City Manager shall be appointed by the City Manager to assist the City Manager in fulfilling the above listed responsibilities. The Assistant City Manager shall act as City Manager during the disability or absence of the City Manager. The Assistant City Manager while acting as City Manager shall have the rights, authority, and duties conferred to the City Manager by this Charter and other City Council approved delegations. During the absence or disability of the City Manager, the City Council may revoke the authority to serve as Interim City Manager and appoint another officer to serve as Interim City Manager until the City Manager shall return or his disability shall cease.
- D. Freedom from Interference. It shall be unlawful for the City Council or any of its members to dictate to the City Manager the appointment of any person to office or employment. The City Council or its persons will not interfere in any manner with the City Manager in the performance of the duties of that office or prevent him from exercising his own judgment in the appointment of officers and employees whose employment, appointment, and supervision are reserved by this Charter for the City Manager. Except for the purpose of inquire, the City Council and its persons shall deal with the City Staff solely through the City Manager, and neither the Council nor any member not having administrative or executive functions under this Charter shall give orders to any of the subordinates of the City Manager, either publicly or privately.

Section 5.02 **City Departments.**

Creating, Abolishing and Combining Departments. The City Council may by Ordinance create such departments as it deems advisable for the efficient and economical operation of the City of Converse. All administrative offices and departments, however created, shall be under the control and direction of the City Manager. No department shall be created, abolished, or combined with another until the City Council has requested and considered the recommendations of the City Manager with respect to such proposal action.

Section 5.03 City Attorney.

The City Attorney shall be a competent practicing Attorney and a member of the State Bar of Texas, of recognized ability appointed by the City Council. The City Attorney shall receive compensation as fixed by the City Council.

Section 5.04 City Engineer.

The City Engineer shall be a competent Registered Professional Engineer of recognized ability, appointed by the City Manager. The City Engineer shall receive compensation as fixed by the City Manager.

Section 5.05 Municipal Court.

- A. 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 prescribed by laws of the State of Texas relative to Municipal Courts.
- B. The Council shall appoint a Judge of the Municipal Court of Converse, and the Judge shall receive compensation as fixed by the City Council. The persons so appointed shall be a member of the State Bar of Texas.
- C. The City Council may, at its discretion, appoint one or more Associate Judges of said Court. Each Associate Judge so appointed shall meet the same requirements set forth of the Judge.

ARTICLE VI FINANCE AND TAXATION

Section 6.01 Fiscal Year.

- A. The fiscal year of the City shall begin on the first day of October and end on the last day of September. Said fiscal year shall also constitute the budget and accounting year.
- B. The Budget and Budget Message shall be provided at least 60 days prior to the beginning of each fiscal year.
- C. To comply with State law, or to conform to a more natural closing, or to better comply with budgetary and accounting year requirements, then in such events the Council is empowered to revise the fiscal year. However, such revision shall require a two-thirds favorable vote by the Council.

Section 6.02 **Budget Message.**

The City Manager's message shall explain the budget both in fiscal terms and terms of the work program. It shall outline the proposed financial policies, expenditures and revenues together with the reasons for such changes, summarize the City's debt position and include such other material as the City Manager deems desirable.

Section 6.03 **Budget.**

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the City Manager deems desirable or the Council may require.

Section 6.04 **Capital Program.**

The City Manager shall prepare and submit to the Council a 5-year Capital Program to be provided at the same time as the Annual Budget and Budget Message.

Section 6.05 **Council Action on Budget.**

- A. Notice and Hearing. The Council shall have published in one or more newspapers of general circulation in the City a general summary of the budget and a notice stating:
1. The time and place when copies of the message and budget are available for inspection by the public and,
 2. The time and place, not less than two weeks after such publication, for a public hearing on the budget.
- B. Amendment Before Adoption. After the public hearing, the Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts except expenditures required by law or for debt service or for estimated cash deficit.
- C. Adoption. The Council shall adopt the budget on or before the twentieth day of the last month of the fiscal year currently ending. If it fails to adopt the budget as submitted by the City Manager by this date, the amounts appropriated for current operation for the fiscal year shall be deemed adopted. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.

Section 6.06 **Amendments After Adoption.**

- A. Supplemental Appropriations. If during the fiscal year, the City Manager certifies that there are revenues available for appropriation in excess of those estimated in the budget, the Council may make supplemental appropriation for the year up to the amount of such excess.
- B. Emergency Appropriations. To meet a public emergency affecting life, health, property or public peace, the Council may make emergency appropriations. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may by such Ordinance authorize the issuance of emergency notes that may be renewed as necessary.
- C. Reduction of Appropriations. If at any time during the fiscal year it appears probable to the City Manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The Council shall then take such further actions as it deems necessary to prevent to minimize any deficit, and, for that purpose, it may reduce one or more appropriations.
- D. Transfer of Appropriations. At any time during the fiscal year the City Manager may transfer any unencumbered appropriation balance or portion thereof from one fund to another in the manner provided by law.
- E. Limitations. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof.
- F. Formal Budget Amendment Requirement. Supplemental Appropriations, Emergency Appropriations and Reduction of Appropriations require formal action by City Council through an amended budget ordinance. Ratification of Emergency Appropriations is required at the next regularly scheduled Council Meeting.

Section 6.07 Purchase Procedure.

The City Manager shall be responsible for the preparation of purchase procedures, subject to approval by the Council. The purchase procedures shall be reviewed by the Council at the submission of the budget each year.

Section 6.08 Borrowing in Anticipation of Taxes.

For the purpose of interim borrowing, the City Council shall have the power by Ordinance to raise money on the credit of the City by the issuance of warrants, certificates of obligation or notes in anticipation of the collection of taxes or of special assessments.

Section 6.09 Taxation.

- A. Power to Levy and Collect General Taxes. The City shall have the power to assess, levy and collect an annual tax upon taxable property within the City not to exceed the maximum provided by law.
- B. Power to Levy and Collect Occupation Taxes. The City Council shall have the power by Ordinance to levy and collect taxes, commonly known as licenses, upon trades, professions, callings and other business carried on within the City not to exceed the maximum provided by law.
- C. Tax Remissions, Discounts and Compromises. Neither the City Manager nor the City Council shall have the right to forgive any current or delinquent taxes or penalty and interest except in case of error or as provided in Section 8.05.
- D. Power to Defer and Levy Taxes. The City Council shall have the power to defer either occupation or general taxes as an inducement for industrial, corporations, or individual corporators growth. No tax shall be levied or deferred unless by consent of two-thirds of the Council persons elected.

**ARTICLE VII
PUBLIC UTILITIES AND FRANCHISES**

The City retains and reserves all rights and privileges reserved by it as a General Law City to regulate utilities as authorized by the Laws of the State of Texas now existing or hereafter amended.

Section 7.01 Powers of the City Council to Fix and Regulate the Rates, Tolls, and Charges of All Public Utilities in the City.

The City Council shall have power by Ordinance to fix and regulate rates of all public utilities of every kind operating within the City limits of Converse.

Section 7.02 Sale of Municipal Services.

The City Council shall have the power and authority by Ordinance to:

- A. Sell and distribute water, sewer services, garbage and trash collection, and other municipally owned services, outside and inside the City.
- B. Establish specifications for materials and construction used beyond the limits of the City for such municipal services, inspect same and require such materials to be kept in good order and condition at all times, make sure rates and regulations as

shall be necessary and proper, and prescribe penalties for noncompliance with same.

Section 7.03 Accounts of Municipally Owned Utilities.

Accounts shall be kept for all municipally owned utilities showing actual capital cost, extension, additions and improvements. Also shown will be the cost of services rendered and furnished by any utility or City department. This report shall be published annually and show the financial results of City owned utilities, giving any information that the City Council shall seek.

Section 7.04 Power of City Council to Grant Franchises.

The City 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 franchise holder to amend the same; provided, however, that no franchise shall be granted for an undetermined term, and that no franchise shall be granted for a term of more than thirty (30) years. The City shall have the right at any time to purchase the property of the franchise holder at a price to be determined according to the method agreed upon in the Ordinance granting, renewing, extending or amending the franchise.

Section 7.05 Ordinance Granting Franchise.

Franchises shall be granted by Ordinance in accordance with the procedures prescribed by Section 2.09 of this Charter.

Section 7.06 Power to Regulate Franchises.

Whether provided for by an Ordinance or not, every grant, renewal, extension, or amendment of a public utility franchise grant shall be subject to the right:

- A. To forfeit any franchise by Ordinance at any time if franchise grantee fails to comply with terms of franchise, forfeiture to take place after notice and hearing.
- B. To require proper and adequate extension of plant and services, and maintenance of the plant and facilities as are necessary to provide the highest practical standard of efficiency.
- C. To require each franchise grantee to provide all information regarding the location, character, extent and condition of facilities of such franchise grantee in, over, and under the streets, alleys, and other public property of the City, and to regulate and control the location, relocation, and removal of such facilities.

- D. To collect from each public utility in the City its fair and just proportion of the expense for any construction, reconstruction or maintenance on any public property of the City that may be used whole or in part by such utilities; or compel such utilities to provide at its own expense any just share for any construction, reconstruction, or maintenance.
- E. To require every franchise grantee to allow all other public utilities the right to use any facilities or equipment, when the Council deems that such use shall be in the best interest of the public, provided that a reasonable rental rate has been fixed by the Council and paid to the owner of the facilities and equipment after notice and hearing.
- F. To prescribe the form of accounts and, at reasonable times, to examine and audit the accounts and other records of any franchise holder.
- G. To require every franchise holder operating within the City to file sworn annual report of the receipt from the operation of such franchise for the current year. Reports will be in such form and contain such information as the Council may prescribe.
- H. To require and collect any compensation and rental not prohibited by the Laws of the State of Texas.
- I. To require and collect from any franchise holder requesting any rate increase, any reasonable expenses incurred due to employment of rate consultant for purpose of conducting investigation, presenting evidence, or advising Council on rate increase request.
- J. To enforce all terms and conditions of this Charter, whether the terms are specifically mentioned in the franchise or not. There shall be no exclusivity in granting, extending, or renewing of any franchise. Every public utility franchise granted hereafter will be subject to the terms of this Charter.

Section 7.07 Power to Regulate Franchise Rates.

- A. Council shall have the power to regulate by Ordinance, and after notice and hearing, all rates, fares, and charges of any public utility franchise operating in the City, providing that no such Ordinance shall be passed as an emergency measure any franchise holder requesting a rate increase shall bear the burden of proving the need for any such increase. No legal action shall be taken against the Council by the franchise holder contesting any rate fixed by the Council until the franchise holder has filed a motion for rehearing with the Council specifically setting out each point of its complaint, and until the Council has acted upon such motion.

B. There shall be no value placed on any franchise granted under this Charter in regulating rates for services and determining compensation paid by City for public utility property which may be acquired through any means by the City.

Section 7.08 Control of Public Property.

The City shall maintain control and use of all public property of any kind within the City except by Ordinance not in conflict with this Charter. No act of omission by Council or officer or agent of the City shall be construed to negate this control.

Section 7.09 Transfer of Franchise.

No franchise or ten (10%) or more interest in any franchise shall be transferred without the consent of the Council.

Section 7.10 Limitations of Council.

The discretion of Council or voters of the City in imposing terms and conditions that are reasonable in connection with any franchise shall not be impaired in any way by this Charter.

ARTICLE VIII GENERAL PROVISIONS

Section 8.01 Boards, Committees, and Commissions.

The City Council shall have the power to create by Ordinance such boards, committees, and Commissions it deems necessary to effectively carry on the business and welfare of the City. The City Council shall appoint an Ethics Review Board whose duties shall be to ensure compliance with an established Code of Ethics City Ordinance.

Section 8.02 Church and School Property Not Exempt From Special Assessments.

No property of any kind, church, school, or otherwise, in the City of Converse shall be exempt from any of the special taxes and assessments authorized by this Charter for local improvements unless exemption is required by State Law.

Section 8.03 Liens Against City Property.

No lien of any kind shall ever exist against any property, real or personal, owned by the City except that same be created as provided in this Charter.

Section 8.04 Relatives of Officers Shall Not be Appointed or Employed.

No person related within the second degree of affinity, or within the third degree of consanguinity, to the Mayor, persons of the City Council, or City Manager, shall be appointed to any compensated office, position or services in the City. This provision shall not affect officers or employees who were already employed by the City at the time when an officer who may be related within the named degree takes office.

Section 8.05 Power to Settle Claims.

The City Council shall have the power to compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the City, including suits by the City to recover delinquent taxes.

Section 8.06 Personal Financial Interest.

Questions of personal financial interest and conflicts of interest on the part of local officials shall be governed by Chapter 171 of the Texas Local Government Code.

Section 8.07 Prohibitions.

A. Activities Prohibited:

1. No person shall be appointed to or removed from, or in any way favored or discriminated against, with respect to any City position or appointive City Administrative office because of race, sex, political or religious opinions or affiliations.
2. No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the personnel provisions of this Charter, or the rules and regulations made there under, or in any manner commit or attempt to commit fraud preventing the impartial execution of such provisions, rules and regulations.
3. 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.
4. No person 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 person holding any compensated appointive

position.

5. With respect to any campaign for any election to an office in Converse, no person who holds any compensated appointative City position shall make, solicit or receive any contribution to the campaign funds of any political party or any candidate for such office or take any part in the management, affairs or political campaign of any political party, but may exercise his rights as a citizen to express his opinions and to cast his vote.

- B. Penalties. Any persons who, by himself or with others willfully violates any of the provisions of paragraphs one (1) through five (5) shall be guilty of misconduct and shall immediately forfeit his office or position upon order of the City Manager or City Council.

Section 8.08 Liability for Personal Injuries or Death.

The City of Converse shall be liable for money damages for personal injuries or death only to the extent required by the statutes of the State of Texas or amendments thereto hereafter enacted.

Section 8.09 Charter Amendment.

Amendments to this Charter may be framed, proposed, and adopted in the manner provided by the Laws of the State of Texas.

Section 8.10 Charter Review.

- A. The Council shall appoint a Charter Review Commission no fewer than nine citizens, one of whom shall be from the Council appointment as liaison, and one City staff member, both of which shall have no voting rights. The Charter Review Commission shall be appointed every five years beginning in fiscal year 2011-2012. The members shall be appointed during the first Council meeting of the appropriate fiscal year.
- B. Duties of the Commission:
 1. The Charter Review Commission may inquire into the operations of City Government and review the City Charter to determine what revisions are required. Public Hearings may be held. Information and records may be requested in accordance with Section 551 of the Texas Government Code.
 2. The Charter Review Commission may propose any amendments it deems necessary to improve the effective application of the Charter in the context of existing circumstances and current conditions.

C. Process and Methodology:

1. The Charter Review Commission shall meet as often as necessary to complete their review and formulate their proposed amendments not later than 75 days preceding the General Election of that fiscal year.
2. The Charter Review Commission shall comply with the Texas Open Records/Open Meeting Laws and conduct meetings according to Robert's Rules of Order, latest edition.
3. A quorum shall consist of five members of the Commission, and an affirmative vote of a majority of all members present shall be necessary to act.
4. Proposed Charter amendments shall be adopted by the Charter Review Committee by majority vote to approve a written Resolution. These Resolutions must be read and vote on at two regularly scheduled public meetings and must have a legal review and obtain legal concurrence between the first and second readings. Once adopted, each Resolution supporting a proposed amendment shall be referred to the City Council for approval to be placed on the ballot for the General Election.
5. Report its findings and present its proposed amendments, if any, to the Council.

D. Action by the Council:

1. The Council shall consider any recommendations and, if any amendments are approved by the City Council, shall order the approved amendment (s) to be submitted to the voters of the City during the next general election.
2. The Council shall have published in the City's official newspaper the approved Charter Commission's recommended amendments.

Section 8.11 Council Authority.

Under the provisions of Section 9.004, Texas Local Government Code, the governing body of a municipality on its own initiative may submit a proposed Charter amendment to the municipality's qualified voter for their approval at an election. The provisions of Section 8.10, above, do not limit the authority granted the City Council by Section 9.004 cited above.

Section 8.12 Separability.

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstances is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

PASSED AND APPROVED by referendum voters on November 6, 2012,

ORDERED into the City Records and **EFFECTIVE** on November 14, 2012,

Amendments passed and approved by referendum vote on November 6, 2012 are hereby ordered into the Municipal Records in accordance with Section 9.005, Texas Local Government Code. This publication constitutes a true copy of the Home Rule Charter for the City of Converse, Texas as adopted and amended by the voters thereof.

Al Suarez, Mayor

ATTEST:

City Secretary

The State of Texas

Government Filings, Texas Register Unit
P.O. Box 12887
Austin, Texas 78711-2887



John Steen
Secretary of State

Phone: 512-463-6334
Fax: 512-463-5569
Dial 7-1-1 For Relay Services
www.sos.state.tx.us

June 7, 2013

Jackie Gaines
City Secretary, City of Converse
403 S. Seguin
Converse, Texas 78109

Re: Home Rule Charter Amendments filed for the City of Converse in December 2012

Dear Ms. Arnold:

This is to inform you that the above documents were filed in this office on December 18, 2012. These documents were recorded in Book 80; pages 598 – 613 in the Book of City Charters and Amendments.

Sincerely,

A handwritten signature in cursive script that reads "Elaine Crease".

Elaine Crease
Government Filings, Texas Register Unit
Office of the Texas Secretary of State
512.463.6334
512.463.5569 FAX
ecrease@sos.state.tx.us