



AGENDA

HOME RULE CHARTER COMMISSION MEETING

OCTOBER 22, 2019 @ 7:00 P.M.

Notice is hereby given the Home Rule Charter Commission (HRCC) for the City of Parker will meet in a Regular Meeting on Tuesday, October 22, 2019 at 7:00 P.M. at the Parker Fire Department, 5700 E. Parker Road, Parker, Texas, 75002.

CALL TO ORDER – Roll Call and Determination of a Quorum

PLEDGE OF ALLEGIANCE

AMERICAN PLEDGE: I pledge allegiance to the flag of the United States of America; and to the republic for which it stands, one nation under God, indivisible with liberty and justice for all.

TEXAS PLEDGE: Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

PUBLIC COMMENTS The City Council invites any person with business before the Council to speak to the Council. No formal action may be taken on these items at this meeting. Please keep comments to 3 minutes.

INDIVIDUAL CONSIDERATION ITEMS

1. CONSIDERATION AND APPROVAL OF MEETING MINUTES FOR SEPTEMBER 23, 2019. [BARRON]
2. DISCUSS FUTURE MEETING DATES/TIMES. [MACDUFF/SHELBY]
3. WORK SESSION [MACDUFF/SHELBY]
 - DISCUSSION REGARDING FORM OF GOVERNMENT
 - DISCUSSION AND/OR APPROPRIATE ACTION ON QUESTIONS SUBMITTED FOR SELECTED HOME RULE CITIES

ROUTINE ITEMS

4. FUTURE AGENDA ITEMS
5. ADJOURN

In addition to any specifically identified Executive Sessions, Council may convene into Executive Session at any point during the open meeting to discuss any item posted on this Agenda. The Open Meetings Act

provides specific exceptions that require that a meeting be open. Should Council elect to convene into Executive Session, those exceptions will be specifically identified and announced. Any subsequent action, as a result of this Executive Session, will be taken and recorded in open session.

I certify that this Notice of Meeting was posted on or before October 18, 2019 by 5:00 p.m. at the Parker City Hall, and as a courtesy, this Agenda is also posted to the City of Parker Website at www.parkertexas.us.

Date Notice Removed

Patti Scott Grey
City Secretary

The Parker City Hall is Wheelchair accessible. Sign interpretations or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Secretary's Office at 972 442 6811.



Council Agenda Item

Item 1
C'Sec Use Only

Budget Account Code:	Meeting Date: October 22, 2019
Budgeted Amount:	Requestor: HRCC
Fund Balance-before expenditure:	Prepared by: HRCC Secretary Barron
Estimated Cost:	Date Prepared: October 16, 2019
Exhibits:	<u>Proposed Minutes</u>

AGENDA SUBJECT

APPROVAL OF MEETING MINUTES FOR SEPTEMBER 23, 2019. [SCOTT GREY]

SUMMARY

Please review the attached minutes. If you have any questions, comments, and/or corrections, please contact the City Secretary at PGrey@parkertexas.us prior to the Home Rule Charter Commission meeting.

POSSIBLE ACTION

HRCC may direct staff to take appropriate action.

Inter – Office Use			
Approved by:			
HRCC Secretary:	<i>Billy Barron</i>	Date:	10/17/2019
City Attorney:		Date:	
HRCC		Date:	

MINUTES

HOME RULE CHARTER COMMISSION (HRCC) MEETING

September 23, 2019

CALL TO ORDER – Roll Call and Determination of a Quorum

The Home Rule Charter Commission (HRCC) met on the above date. Secretary Barron called the meeting to order at 7 p.m. and noted there was a quorum. Chair Scott Levine has resigned from the commission. Vice Chair Macduff is now the Chair. Alternate Fecht is now a regular member. Alternate Terry Lynch stepped in to replace Commissioner Tom Macduff due to his absence.

HOME RULE CHARTER COMMISSION MEMBERS AND ALTERNATES

HRCC Members

- ✓ 1. Z Marshall
- ✓ 2. James A. "Andy" Redmond
- ✓ 3. Billy Barron (Secretary)
- ✓ 4. David Gilmore
- X 5. Tom Macduff (Chair)
- ✓ 6. Randy Kercho
- ✓ 7. Homer Adams II
- ✓ 8. Scott Livesay
- ✓ 9. Todd Fecht

HRCC Alternates

- ✓ 1. Terry M. Lynch (Replacing Commissioner Macduff for this meeting)

Staff/Others Present:

- ✓ City Attorney Brandon S. Shelby
- ✓ City Administrator Luke B. Olson
- X ACA/CS Patti Scott Grey
- ✓ Police Captain Kenneth Price

- ✓ Mayor Lee Pettle
- X Mayor Pro Tem Ed Standridge
- ✓ Councilmember Cindy Meyer

PLEDGE OF ALLEGIANCE

AMERICAN PLEDGE: Terry Lynch led the pledge.

TEXAS PLEDGE: Lee Pettle led the pledge.

PUBLIC COMMENTS

No Comments

CONSENT AGENDA

1. CONSIDERATION AND APPROVAL OF MEETING MINUTES FOR JUNE 25, 2019. [BARRON]
2. CONSIDERATION AND APPROVAL OF MEETING MINUTES FOR JULY 22, 2019. [BARRON]

MOTION: Commissioner Livesay moved to approve the consent agenda. Commissioner Kercho seconded. Motion carried unanimously.

INDIVIDUAL CONSIDERATION ITEMS

3. CONSIDERATION AND/OR APPROPRIATE ACTION ON APPOINTING A VICE CHAIR FOR THE HOME RULE CHARTER COMMISSION (HRCC). [BARRON]
MOTION: Commissioner Marshall nominated Commissioner Kercho for Vice Chair. Commissioner Fecht seconded. Motion carried unanimously. Secretary Barron handed over the running of the meeting to Vice Chair Kercho.
4. DISCUSS FUTURE MEETING DATES
Attorney Shelby has a court conflict with the current schedule. Meetings are being moved to the 4th Tuesday of every month. This was not formerly voted on as an outgoing schedule, but the October 22nd meeting was agreed upon. The Commission would discuss future meeting dates at that time when the Chair (Commissioner MacDuff) was expected to be back.
5. WORK SESSION. [SHELBY]
Vice Chair Kercho expressed his concern at the lack of progress.

Commissioner Marshall stated that once the Form of Government was decided on that the rest of the Charter would go much quicker and felt the Commission was still on course. Vice chair Kercho also stated that the commission still needed to address if Home Rule was the preferred path since several citizens he had spoken with were questioning why changes were

being contemplated. Discussion followed regarding what benefits Home Rule may offer over General Law. Attorney Shelby stated that some options available under a Home Rule Charter that may be positively viewed is the ability to Recall, Referendum, Initiatives, Set Term Limits, Increase levels of Internal Controls and pass laws regulating various items (e.g. vicinity of registered sex offenders to other locations and short term rentals). Commissioner Marshall added that if the HRCC decides to stay with the Strong Mayor form of government, that maybe Parker should not do Home Rule and stay with General Law.

The Commission asked the current mayor and the two former mayors in the room their current preference on the form of government for Parker. Commissioner and Former Mayor Marshall stated various reasons as to why he currently leaned towards the Council-Manager form of government. Current Mayor Pettle stated various reasons why she leaned towards the current Strong Mayor – Council structure. Former Mayor Cordina was also in favor of the current Strong Mayor – Council structure and further stated that he currently leaned towards keeping the city under General Law. Several Commissioners stated that the city had benefited by strong, knowledgeable leaders in the mayoral position that had substantial experience within the city government and affairs prior to assuming their posts and also were team-based players, seeking assistance across their staff to run the city.

Discussion ensued regarding whether the members of the Commission should voice where they currently leaned regarding the Form of Government structure and forego any discussions with other surrounding cities regarding the process, issues and reasons behind decisions they had made in going Home Rule as well as their thoughts on their current structure. The commission discussed whether to continue down this path and it was decided 6-2 (Barron and Redmond opposed) that the commission should. Shelby then provided a list of questions assembled by former Chair Levine which were derived from questions Commissioners had sent to him which they felt would be pertinent to ask representatives of other Home Rule cities. Attorney Shelby indicated he would finish making a list of Home Rule cities similar in size to Parker and provide to the Commissioners by October 4th. He also stated that he would initiate an outreach to certain surrounding cities for the commission to talk to.

ROUTINE ITEMS

6. FUTURE AGENDA ITEMS

- Discussion and/or appropriate action on questions submitted by Commission Members for use in interviews with selected cities regarding Form of Government
- Discussion and/or appropriate action on outreach to Home Rule Charter cities possibly inclusive of, but not limited to Lucas, Prosper & Sunnyvale (Shelby)
- Discussion and/or appropriate action on list of Home Rule Charter cities under 12k in population (Shelby)
- Discussion and/or appropriate action on selection of member(s) of the Commission to attend meeting(s) with Home Rule Charter cities.
- Discussion and/or appropriate action on estimated timeline to follow for targeted submittal to the Mayor and City Council of a draft Home Rule Charter by approximately June/July 2020.
- Discussion and/or appropriate action on future meeting date(s)
- Work Session

7. ADJOURN

Vice Chair Kercho adjourned the meeting at 8:43 p.m.

Minutes Approved on 22nd day of October, 2019.

Vice Chair Randy Kercho

Commission Secretary Billy Barron

Attest:

City Secretary Patti Scott Grey

Exhibit(s):

None

Proposed



Council Agenda Item

Item 3
C'Sec Use Only

Budget Account Code:	Meeting Date: October 22, 2019
Budgeted Amount:	Requestor: HRCC
Fund Balance-before expenditure:	Prepared by: HRCC Secretary Barron
Estimated Cost:	Date Prepared: October 16, 2019
Exhibits:	<u>Questions</u>

AGENDA SUBJECT

3. WORK SESSION [MACDUFF/SHELBY]

- DISCUSSION REGARDING FORM OF GOVERNMENT
- DISCUSSION AND/OR APPROPRIATE ACTION ON QUESTIONS SUBMITTED FOR SELECTED HOME RULE CITIES

SUMMARY

Please review the attached questions for discussion.

POSSIBLE ACTION

HRCC may direct staff to take appropriate action.

Inter – Office Use			
Approved by:			
HRCC Secretary:	<i>Brandon S. Shelby</i>	Date:	10/17/2019
City Attorney:		Date:	
HRCC :		Date:	

Mr. Scott Levine

Items for consideration in a questionnaire to pertinent parties involved in the HOME RULE decision process for their respective cities/town.

Also, the (HOW arrived at) decision process.

Type of governance: council/manager; mayor/council; commission?

Volunteer, or paid council members/mayor?

Terms of office in years, staggered, successive terms or not?

Number of council members to anticipated city/town maximum or current population? Voting authority for mayor?

Manager position the primary city face/go to person, or an employee? Is the manager expected to reside within city limits while employed as such?

Boundaries and compliance with ordinances enforced how? (taxes, liens, foreclosure, etc.?)

Development of a Comprehensive Plan mandatory? by whom?, for how long?, how often updated and posted?

A balanced budget mandate?

A specific annual fixed limitation on ad valorem tax increases, i.e. (1.5%) or State of Texas levels?

A permanent separation between Revenue bond balances and Ad Valorem balances?

In today's digital world, what constitutes the appropriate city newspaper for posting purposes? Is there an alternative?

Does the PREAMBLE fully and correctly reflect the community's essence and purpose, or is it primarily an obligatory legal statement?

Have there been revisions of the Charter since inception? Why, and what method was used?

How enthused were citizens in the move to home rule? The ratio of votes for and against? The ratio of votes cast to full voter rolls?

Do you maintain detailed records on residential tax receipts?

Does your city/town taxation structure employ an age (65) ceiling?

What were the most difficult areas of Home Rule to reconcile with commission members expectations? What process was used to establish each chapter's detail, majority vote or super-majority vote?

Do real estate firms/agents use the Charter for your city/town in their current and/or long views of an attractive life style, etc in your community?

Do you have a condensed version of the Charter for citizen and interested party purposes?

Did your original attorney of record properly assist in the commission's deliberations? If not, where were the weak points?

Does the Charter maintain a stated limitation on residential/commercial ratios of property occupancy, tax receipts, traffic usage (trucks vs autos), etc.?



HOME RULE CHARTER

HOME RULE CHARTER*

As Amended:

April 2, 1983

April 6, 1985

May 6, 1989

May 1, 1993

January 27, 1994

May 3, 1997

May 6, 2000

May 9, 2009

May 6, 2017



ARTICLE I

INCORPORATION



Section 1. CORPORATE POWERS

- a. Corporate Name - The inhabitants of the City of Katy, Fort Bend, Harris, and Waller Counties residing within its corporate limits as heretofore or hereafter established, are hereby constituted and shall continue to be a Municipal body politic and corporate in perpetuity under the name of the "CITY OF KATY," hereinafter referred to as the "City," with such powers, privileges, rights, duties and immunities as are herein provided.

- b. Boundaries - The boundaries of the City of Katy shall be the same as have been heretofore established and now exist and those boundaries established and changed hereafter in all annexation ordinances and proceedings of the City of Katy, Texas, filed in the Office of the City Secretary of Katy, Texas.

- c. Extension and Alteration - The Council shall have the power by ordinance to fix the boundary limits of the City and to provide for the alteration and extension of said boundary limits, [and] the annexation of additional territory with or without the consent of the owners and inhabitants of the territory annexed, detached, or disannexed; in any manner not inconsistent with the Laws of the State of Texas. Upon the final passage of any ordinance annexing territory, the corporate limits

of the City shall thereafter include the territory so annexed; and when any additional territory has been so annexed, the same shall be a part of the City of Katy and the property situated therein shall bear its pro rata part of the taxes levied by the City, and the inhabitants thereof shall be entitled to all of the rights and privileges of all citizens and shall be bound by the acts and ordinances, resolutions and regulations of the City. Upon the final passage of any ordinance detaching or disannexing territory from the City, the Corporate limits of the City shall be reduced by the territory so detached or disannexed.

State law references—Municipal boundaries and annexation, V.T.C.A., Local Government Code, ch. 41 et seq.; municipal annexation, V.T.C.A., Local Government Code, ch. 43; disannexation, V.T.C.A., Local Government Code, sec. 43.141 et seq.

Section 2. FORM OF GOVERNMENT

The Municipal Government provided by this Charter shall be known as the Mayor-Aldermanic-Administrator Form of Government and shall be described elsewhere in this Charter.

State law reference—Form of government, V.T.C.A., Local Government Code, sec. 26.021.

ARTICLE II

POWERS OF THE CITY*

Section 1. GENERAL

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

Section 2. GENERAL POWERS ADOPTED

The enumeration of the particular powers in this Charter shall not be held or deemed to be exclusive but in addition to the powers enumerated herein or implied hereby or appropriate to the exercise of such powers, the City shall have and may exercise all power of local self-government and all other powers which, under the Constitution and Laws of the State of Texas, it would be competent for this Charter specifically to enumerate. The City of Katy shall have and may exercise all the powers enumerated in Article 1175, Chapter 13, Title 28, of the Revised Civil Statutes of the State of Texas of 1925 as now or hereafter amended.

Section 3. EMINENT DOMAIN

The City shall have the full right, power and authority of eminent domain where necessary or desirable to execute any power conferred upon it by this Charter, or by the Constitution or Laws of the State of Texas and may condemn either private or public property whether in or out of the corporate limits of the City for such purposes, upon payment of fair compensation for the property taken. Such power may be exercised in any manner authorized by the Constitution or Laws of the State of Texas, or as may be prescribed by ordinance. The power of eminent domain hereby conferred shall include the right of the City to take the fee in the lands so condemned and such power and authority shall include the right to condemn public property for such purposes. The City shall have and possess this power of condemnation for any municipal or public purpose, even though not specifically enumerated herein or in this Charter.

State law references—Eminent domain, V.T.C.A., Property Code, ch. 21; municipal right of eminent domain, V.T.C.A., Local Government Code, ch. 251.

Section 4. REGULATION OF RAILROADS

The City Council shall have the power by ordinance or otherwise to direct and control, within the City limits, the speed of engines, locomotives and motor cars operating on railroad tracks, the construction of railroad tracks, turnouts and switches, and the regulation of the grade thereof and the use of streets, and regulating unusual and excessive noises, and to regulate by ordinance all signal lights and safety devices at street crossings.

ARTICLE III

THE MAYOR

Section 1. OFFICE CREATED: QUALIFICATIONS: TERM

There is hereby established the Office of Mayor of the City of Katy, Texas, the incumbent of which shall be a citizen of the United States, at least twenty-one (21) years of age, a qualified voter, residing for at least twelve (12) months prior to his election within the City; he shall not hold any other public office. He shall not receive remuneration from two governmental or taxing entities. The Mayor shall be elected from the City at large; he shall hold his office for three years and/or until his successor is elected and qualified unless sooner removed as provided by this Article. This provision becomes effective January 1, 2018. The City as here referred to shall be deemed to include the City and any and all territory at any time annexed to the City of Katy. (Amended 5/1/93; Amended 5/6/17, amnd. 1)

- a. Head of City Government - The Mayor shall be the Chief Administrative and Executive Officer of the City. He shall devote his best efforts to and shall be responsible for the proper administration of its affairs. The Mayor shall preside at all meetings of the Council and shall be recognized as the head of the City Government for all ceremonial purposes, for the purpose of receiving civil process, for emergency purposes, and for military purposes.
- b. Absence or Disability of the Mayor - If for any reason the Mayor is absent from the City, sick or unable to perform the duties of his office, the Mayor Pro Tem shall act as Mayor, and during such absence or disability shall possess all of the powers and perform all of the duties of the Mayor.

Section 2. MAYOR PRO TEM

Each year at the first regular meeting of the City Council after the newly-elected Officials have been inducted into office, the Mayor shall nominate, subject to confirmation by the City Council, one of the Councilmembers who shall be known and designated as "Mayor Pro Tem," and shall continue to hold the title and the office until his successor is appointed, but shall receive no extra pay by reason of being or acting Mayor Pro Tem. In case of the death, resignation, or for any other reason the Mayor Pro Tem is unable to serve, causing a vacancy to occur, then the Mayor shall nominate subject to confirmation by the City Council, one of the Councilmembers who shall be known and designated as "Mayor Pro Tem," and shall continue to hold the title and the office until his successor is appointed, but shall receive no extra pay by reason of being or acting Mayor Pro Tem. (Amended 5/1/93)

Section 3. ACTING MAYOR

In the event of the absence, refusal to act, disability, or disqualification of both the Mayor and Mayor Pro Tem at any particular meeting of the Council, the remaining members of the Council shall by election designate one of their members as Acting Mayor and he shall act as Mayor for such particular meeting and shall have power to perform every act except the power to remove or suspend officers and employees and the power of veto the Mayor could perform if present.

Section 4. FORFEITURE

The Mayor, remaining absent for three (3) consecutive regular meetings of the Council, without first having obtained a leave of absence at a regular meeting, may have his office declared vacated by a majority vote of all the members of the Council. If the Mayor remains absent for six (6) consecutive regular meetings of the Council, he shall be deemed to have vacated his office.

Section 5. VACANCY

- a. In case of the death, resignation, or permanent disability of the Mayor, or if he ceases to possess any of the qualifications listed in Section 1., or if he ceases to reside in the City, his office shall immediately become vacant; or whenever a vacancy in the Office of Mayor shall occur for any reason, the Mayor Pro Tem shall act as Mayor, and shall possess all of the rights and powers of the Mayor and perform all of his duties, under the official title, however, of "Mayor Pro Tem"

until the next available uniform election date, at which time a Mayor shall be elected to fill the unexpired portion of the current Mayor's term. (Amended 5/6/89)

b. If the Mayor shall file to become a candidate for nomination or election to any other public office, his office shall be vacant, and the vacancy thereby created shall be filled in the same manner as any other vacancies.

Section 6. POWERS OF THE MAYOR

a. General Powers of the Mayor - The Mayor shall have and exercise such powers, prerogatives and authority, acting independently of or in concert with the City Council, as are conferred by the provisions of this Article or as may be conferred upon him by the City Council, not inconsistent with the general purposes and provisions of the Charter, and shall have the power to administer oaths. Subject to the confirmation of the Council, he shall have the power to appoint all boards created by the Charter or ordinance. (Amended 5/1/93)

b. Additional Powers and Duties: Bond, Etc. - All the Administrative work of the City Government shall be under the control of the Mayor. Among others, the powers and duties of the Mayor shall be as follows:

1. To see that all laws and ordinances are enforced.

2. The Mayor shall have power to appoint, subject to confirmation by the City Council, such heads of Departments in the Administrative service of the City as created by Ordinance, and the Mayor shall have the power to remove such heads of Department at any time he shall see fit without confirmation by the City Council. The Mayor shall also have the power to appoint and remove all other employees of the City, such appointments and removals to be subject to the provisions of the Charter.

3. To exercise administrative control over all departments of the City.

4. It shall be the duty of the Mayor from time to time to make such recommendations to the Council as the Mayor may deem to be for the welfare of the City, and each year to submit to the Council the annual budget of the current expenses of the City in accordance with the requirements of the State Budget Law applicable to cities and towns. The budget shall be finally adopted no earlier than the 30th day after presentation by the Mayor and no later than the last day of the then current fiscal year and should City Council fail to so adopt said budget, the budget as proposed by the Mayor shall go into effect for the ensuing fiscal year. (Amended 5/6/00)

5. To keep the Council at all times fully advised as to the financial conditions and needs of the City.

6. The Mayor shall have the power to settle all claims and lawsuits where such claim or lawsuit is for \$5,000.00 or less without approval of the City Council. (Amended 5/6/00)

The Council shall have authority to prescribe, by Ordinance, rules, and regulations governing the operation of each department, but the Mayor may prescribe such general rules and regulations

as he may deem necessary or expedient for the general conduct of the Administrative Department, the heads of which are responsible to him. In order to expedite the work of any department, or to adequately administer an increase in the duties which may devolve on any department, or to cope with periodic or seasonal changes, the Mayor is empowered to transfer employees temporarily from one department to perform similar duties in another such department except the Mayor shall have no such power to transfer employees or Officers of the Police, Fire or Ambulance Departments. Each department head shall have the power to transfer employees from one bureau or division to another within his department.

In case of general conflagration, rioting, earthquakes, or other emergency menacing life and property, the Mayor, or in his absence, the Mayor Pro Tem, shall be authorized to marshal all the forces of the different departments of the City for the maintenance of the general security, and shall have the power to deputize, or otherwise employ, such other persons as he may consider necessary for the purpose of protecting the City and its residents.

Neither the Council nor any of its committees or members shall in any manner interfere in the appointment of Officers and employees in the Departments of Administrative service vested in the Mayor by this Charter, except that all department heads appointed by the Mayor shall be subject to confirmation by the City Council as herein provided. Except for the purpose of inquiry, the Council and its members shall deal with that part of the Administrative service for which the Mayor is responsible solely through the Mayor, or City Administrator and neither the Council nor any member thereof shall give orders to any of the subordinates of the Mayor in said departments, either privately or publicly.

The Council, the Mayor or any person or committee authorized by either or both of them shall have power to inquire into the conduct of any department or office of the City and to make investigations as to City affairs. For that purpose the Council may subpoena witnesses, administer oaths and compel the production of books, papers and other evidence, and shall have the power to punish any such contempt in the manner provided by ordinance.

The Council shall require the Mayor, before entering upon the duties of his Office, to execute a good and sufficient bond, with a surety company business in the state of Texas, and approved by the Council, as surety thereon, said bond to be in such amount as the Council may demand payable to the City of Katy and conditioned for the faithful performance of the duties of his Office, the premium for such bond to be paid by the City.

Section 7. PRIVILEGE OF VOTE AND VETO

The Mayor shall not be entitled to vote upon matters considered by the Council, except in the event of a tie Council vote, and the Mayor may, in his sole discretion fail or refuse to vote and such vote shall not be recorded as a negative or affirmative vote. He shall have the power to veto any ordinance or resolution enacted or adopted by the Council, except those ordinances or resolutions originated by the initiative, or referendum process under the provisions of this Charter. To be effective, such veto must be accomplished within seven (7) days after the final passage or adoption of the ordinance or resolution and must be accompanied by a veto message setting forth in writing the Mayor's reason for such veto, which such veto and veto message must be filed with the Office of the City Secretary within such seven (7) day period. The City Secretary shall deliver the Mayor's veto and veto message to the Council at its next regular meeting.



Section 8. REMOVAL OF APPOINTED, NON-PAID PERSONS

Except as may be otherwise provided by the Laws of the State of Texas, or by this Charter, the Mayor shall have the exclusive authority to remove from office or position all persons appointed by him to serve on boards, commissions, committees, or agencies of the City or to serve in any similar non-paid offices or positions of the City. The action of the Mayor shall be final.



Section 9. SUSPENSION WITHOUT PAY OF APPOINTED, SALARIED OFFICERS AND EMPLOYEES

The Mayor shall have the authority to suspend without pay any appointed, salaried officer or employee of the City. Provided, however, notice of such suspension shall be given by the Mayor to the Council the next regular meeting of the Council after the effective date of such suspension. Such suspension shall permanently terminate such officer's or employee's appointment or employment with the City without recourse to the officer or employee unless he files a petition with the Council requesting a hearing on such suspension in the time and manner provided for in this Charter.



Section 10. OTHER POWERS AND DUTIES

The Mayor shall have the authority to delegate such duties as he shall deem necessary to the City Administrator and the power to perform such other duties as may be prescribed by this Charter; and the power to perform such other duties as may be required of him by the Council, not inconsistent with this Charter.



Section 11. COMPENSATION OF MAYOR

From and after the effective date of this Charter, the annual salary of the Mayor shall be determined by the Council.

State law reference—Compensation of officers in home-rule municipality, V.T.C.A., Local Government Code, sec. 141.004.



Section 12. LIMITATION ON NUMBER OF TERMS OF MAYOR

No person shall be elected to more than two (2) consecutive regular three-year terms as Mayor. This provision becomes effective January 1, 2018. (Amended 5/6/17, amnd. 2)



Section 13. SAVING CLAUSE

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



ARTICLE IV

THE COUNCIL



Section 1. OFFICE CREATED: QUALIFICATIONS

There is hereby established a Council of the City of Katy, Texas. The City as here referred to shall be deemed to include the City of Katy, and any and all territory at any time annexed to the City of Katy. This Council shall consist of one Councilmember elected from the City At large and four Councilmembers elected from the Wards established by the City designated within the City as Ward A., and Ward B.; the Councilmembers shall be elected, two from Ward A., and two from Ward B., and one at-large. The candidate for Councilmember from a Ward shall reside in the Ward for which he seeks election. The candidate for Councilmember must be a citizen of the United States, at least twenty-one (21) years of age, a qualified voter residing within the City for at least twelve (12) months prior to his election. He shall not hold any other public office; and he shall not receive remuneration from two governmental or taxing entities. (Amended 5/1/93)



Section 2. TERM

- a. The term of the Councilmembers shall be three years. The tenure in office for Councilmembers shall not exceed two consecutive three-year terms.
- b. This provision becomes effective January 1, 2020.

(Amended 5/6/17, amnd. 3)



Section 3. FORFEITURE

Any member of the City Council remaining absent for three (3) consecutive regular meetings of the Council, without first having obtained a leave of absence at a regular meeting, may have his office declared vacated by a majority vote of all the remaining members of the Council. Any member of the City Council remaining absent for six (6) consecutive regular meetings of the Council shall be deemed to have vacated his office.



Section 4. VACANCY

- a. When a vacancy occurs in the City Council, the remaining members thereof must, within twenty (20) days, appoint a qualified person to serve in that position until the next Regular City Officers' Election, at which time a Councilmember shall be elected to serve out the balance remaining of the vacated Councilmember's term. Any persons elected or appointed to fill a vacancy in the Office of Councilmember shall possess all of the qualifications herein required for the Office. Provided, however, the City Council shall not appoint more than one Councilmember in any twelve month period, and in the event of the occurrence of a vacancy in the City Council within a twelve month period in which a vacancy in the City Council has been filled by said City Council, or in the event that more than one vacancy shall occur at the same time, then in such event a Special Election shall be held at the next available Uniform Election date, for the purpose of electing the successor or successors. If such vacancies shall exist within ninety (90) days of the next Regular City Officers' Election the vacancy shall be filled by appointment as in other cases. Any persons elected or appointed to fill a vacancy in the Office of Councilmember shall possess all of the qualifications herein required for the Office. In the event that the Mayor and the Mayor Pro Tem should resign at the same time, the remaining members of the City Council, or any of them, shall have the right and power to issue legal notice of such election to be held and

to elect and appoint Election Officials. Should all positions on the City Council become vacant at one time, then in such event, the County Judge of Harris County, Texas, is hereby empowered and directed to issue notice of such special election, for and on behalf of said City, and to appoint qualified persons as Election Officials. (Amended 5/6/89)

b. If a member of the Council shall file to become a candidate for nomination or election to any other public office, his office shall be vacant and the vacancy thereby created shall be filled in the same manner as any other vacancies.

c. The office of Councilmember shall be vacant at such time as that Councilmember ceases to possess any of the qualifications listed in Section 1. (Amended 4/2/83)

State law reference—Special election to fill vacancy generally, V.T.C.A., Election Code, sec. 201.051 et seq.



Section 5. MEETINGS OF THE COUNCIL

a. Meetings of the Council - The Council shall meet in regular session at the City Hall at least twice each month at such time as may be prescribed by ordinance, unless otherwise ordered by the Council, the reason to be put into the Minutes of the Council. The Mayor, acting alone, may cancel a regular or special council meeting anytime prior to the meeting when inclement weather or dangerous conditions of any kind may threaten the health and safety of employees of the City required to attend such meeting or the safety and welfare of members of the public wishing to attend such meeting. Special meetings of the Council shall be called by the Office of the City Secretary upon written request of the Mayor or of two Councilmembers. Except for meetings for discussion of personnel, land acquisition, or litigation, all meetings shall be open to the public. Notice of meetings will be posted by the Office of the City Secretary in a conspicuous place at City Hall, at least 72 hours before the meeting. Notice of such special meetings shall be given to each Councilmember, which said notice shall state the date for such meeting and the subjects to be considered at such meeting, and no other subjects shall there be considered. Said notice to the Mayor and the Councilmembers shall be sufficient if delivered to the Councilmember in person, or in the event of the inability to locate said Councilmember within the City of Katy, Texas, delivery of such notice to his or her home shall be sufficient. (Amended 5/3/97)

b. Quorum - Four-fifths (4/5) of the members of the Council shall constitute a quorum to do business, but a lesser number may adjourn from time to time and compel the attendance of absent members in the manner prescribed by ordinance. A vote regarding adjournment or the attendance of absent members may be adopted by a majority of the members present but in all other matters upon which the Council may vote, three-fifths (3/5) vote of all members of the Council in Office shall be necessary for adoption, provided, however, in the event of a tie vote with only four Councilmembers present, then the Mayor shall be entitled to vote and break the said tie. In all matters upon which the Council votes, the individual votes shall be recorded by the City Secretary in the Minutes of the Council, and shall be a public record.

c. Rules of Procedure - The Council shall by ordinance determine its own rules and order of business. Minutes of all meetings of the Council shall be taken and recorded, and such Minutes shall constitute a public record.

d. Each Member Present Shall Vote - Except as otherwise herein provided, each member of the Council in attendance at the Council meeting shall vote upon every issue upon which a vote

is called. Any member present who fails or refuses to vote under such circumstances shall be recorded as having cast a negative vote.

e. Emergency Meetings - Emergency meetings of the Council shall be allowed and called in accordance with Texas State Law only when City Council must act in an emergency to authorize emergency appropriations as set out in [Article IV, Section 11](#). (Amended 4/6/85)

State law reference—Open meetings, V.T.C.A., Government Code, ch. 551.

Section 6. OVERRIDE OF MAYOR'S VETO

At the next regular Council meeting, after the Mayor has vetoed any ordinance or resolution of the Council, the Council may, by the affirmative vote of at least three members qualified and serving, override such veto, in which event such ordinance or resolution shall be considered finally passed and approved and shall not be subject to further veto. The Mayor shall not participate in such vote in event of a tie.

Section 7. REINSTATEMENT OF APPOINTED, SALARIED OFFICERS OR EMPLOYEES SUSPENDED WITHOUT PAY

In the event the Mayor or the department head suspends without pay, any appointed, salaried officer or employee of the City in the manner authorized by this Charter, such suspended officer or employee may within fifteen (15) days after the date of his suspension file a written petition with the Council requesting a hearing on such suspension. Said petition shall be signed by the officer or employee, shall contain his home address, and shall state whether he desires a public or a private hearing. If the petition is timely and properly filed, the Council shall within ten days thereafter set a time for hearing such petition, such hearing to be held not less than six nor more than twenty days thereafter and to be either a public or private hearing, as requested by the suspended officer or employee in his petition. The Office of the City Secretary shall give written notice of the time of such hearing to the suspended officer or employee at the address shown in the petition by depositing the same, postage [prepaid] by registered or certified mail, return receipt requested, in the United States mail at least five days prior to the date of such hearing. All such hearings shall be held at the City Hall of the City. At the hearing, the Mayor or the department head, as the case may be, and the suspended officer or employee shall be given the right to be heard. Within ten days following such hearing, three of the Councilmembers qualified and serving may remove such suspension and reinstate the officer or employee to his office or position of employment, in which event such officer or employee shall be entitled to receive all wages and benefits lost during the period of his suspension. However, if the petition is not timely or properly filed, or if three of the Councilmembers qualified and serving do not remove the suspension and reinstate such officer or employee, his removal and discharge shall be effective as of the date of his suspension, by the Mayor or by the department head. The action of the Councilmembers on the question of the removal of such suspension and reinstatement shall be final. (Amended 5/6/00)

Section 8. ORDINANCES

The Council shall legislate by ordinance only, and the enacting clause of every ordinance shall be "Be It Ordained by the City Council of the City of Katy." All ordinances shall be submitted to the City Attorney for his approval before adoption and unless approved by him in writing, he shall

file with the Office of the City Secretary his written legal objections thereto. Every proposed ordinance shall be read in open meeting of the Council by request of the Mayor or at least one Councilmember before a vote is taken thereon; provided that whenever a second and third reading are required by law or this Charter, it shall be sufficient upon the second and third reading that the ordinance be read by descriptive caption only. All ordinances, unless otherwise provided by law or this Charter or by the terms of such ordinances, shall take effect immediately upon the final passage thereof. (Amended 4/2/83)

Every ordinance imposing any penalty, fine or forfeiture for any violation of any of its provisions shall be published in the official Newspaper of the City on three separate weeks, the last of which shall not be more than 15 days after the first, and every such ordinance shall not take effect until 15 days after the date of the first publication. In lieu of publishing the full text of such an ordinance, the Council may provide, in the enactment thereof, that the publication shall be only of a descriptive caption or title stating in summary the purpose of the ordinance and the penalty for violation thereof. When an ordinance is published by descriptive caption only, the Office of the City Secretary shall upon request, furnish a copy of such ordinance to any interested persons. When any ordinance is required to be published by this Section or other provision of the law or this Charter, the affidavit of such publication by the publisher of the Official 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.

State law references—Ordinance, rule or regulation necessary to carry out other powers, V.T.C.A., Local Government Code, sec. 51.001; publication of ordinances, V.T.C.A., Local Government Code, sec. 52.013.



Section 9. DUTIES OF THE COUNCIL

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

- a. Adopt the budget of the City.
- b. Authorize the issuance of bonds by a bond ordinance.
- c. Adopt and modify the zoning plan and the building codes of the City.
- d. Adopt and modify the Official map of the City.
- e. Regulate, license and fix the charges or fares made by any person, firm or corporation owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire or the transportation of freight for hire on the public streets and alleys of the City.
- f. Provide for the establishment and designation of fire limits and prescribe the kind and character of buildings or structures or improvements to be erected therein and provide for the erection of fireproof buildings within such buildings within said limits, and provide for the condemnation of dangerous structures or buildings or dilapidated

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

- g. Fix the salaries and compensation of the City Officials and employees.
- h. Provide for a sanitary sewer and water system and require property owners to connect their premises with sewer system and provide for penalties for failure to make sanitary sewer connections.
- i. Provide for sanitary garbage disposal, and set fees and charges therefore, and provide penalties for failure to pay such fees and charges.
- j. Exercise exclusive dominion, control, and jurisdiction including the right to close and abandon streets and alleys, highways, boulevards and public grounds of the City and provide for the improvement of same as provided in Article 1105b, Chapter 9, Title 28 of the Revised Civil Statutes of the State of Texas of 1925, as now or hereafter amended.
- k. Compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the City of Katy.
- l. And such other and further powers as have been or may from time to time hereafter be delegated to Home Rule cities by the Legislature of the State of Texas, including the powers incident to the exercise thereof.
- m. All powers of this Charter are vested in the City Council. The Council shall conduct all business in meetings. No member of the Council shall have any power to act or make appointments without the specific authorization of the Council in a meeting.

Section 10. CREATE BOARDS

The City Council by ordinance may create boards, commissions or committees. The members of any such boards, commissions or committees shall be appointed by the Council upon the recommendation of the Mayor and shall receive no compensation from the City. (Amended 5/1/93)

Section 11. PURCHASE PROCEDURE

All contracts for the purchase of supplies, materials, equipment, or for contractual services for a sum in excess of the amount authorized for expenditures by cities of the size and population of the City of Katy, as set out in Local Government Code, Article 252.021, and all amendments thereto or other statute into which same shall be merged or changed, shall be in writing and opportunity for competitive bidding shall be given before they are awarded, after such public notice as may be required by the laws of the State of Texas. The Council shall have the right to reject any and all bids. All contracts for the purchase of supplies, materials, equipment, or for contractual services where such purchase requires an expenditure less than the amounts above stated and the item(s) is one provided for in the budget, may be authorized by Council to be made by designated City Official without the necessity of competitive bidding. When it becomes

necessary to act at once to appropriate money for emergency repairs to preserve or protect the public health; or in case of unforeseen damage to public property, then the provision for competitive bidding shall not apply, and Council may, by Ordinance, authorize the purchase. The Council may, by Ordinance, purchase real estate for the City without following the procedure for competitive bidding. (Amended 5/3/97)

Editor's note—The city council, by Ordinance No. 1054 adopted January 27, 1994, elected to abide by the provisions of V.T.C.A., Local Government Code, chapter 252, with the exception of section 252.021(a).

State law reference—Purchasing and contracting authority of municipality, V.T.C.A., Local Government Code, chs. 252, 271.

Section 12. EMERGENCY POWERS

The Council may enter upon cooperative agreements with the proper authorities of State, Federal or County Governments, or other Municipalities, for mutual assistance within the area of an existing or threatened emergency.

Section 13. SAVINGS CLAUSE

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

ARTICLE V

THE CITY ADMINISTRATOR*

Section 1. [APPOINTMENT; QUALIFICATIONS; ASSISTANTS; TEMPORARY CITY ADMINISTRATOR]

a. Appointment and Qualifications. The Mayor shall appoint, subject to the approval of the City Council, a City Administrator. Such appointment shall be made as soon as practical after the occurrence of a vacancy. Such appointment shall be presented to [the] City Council at a regularly scheduled City Council meeting. City Council shall vote on such appointment not later than the first regular or special called meeting following the presentation. The Mayor and Council shall consider the nominee or the confirmation of the nominee on the basis of executive and administrative training and/or experience and ability. No person appointed and confirmed as City Administrator shall hold any other office or employment with the City of Katy. No Mayor or City Councilmember shall be eligible for appointment to the office of City Administrator for a period of 24 months following the termination of their service with the City of Katy.

b. Assistant or Temporary City Administrator. Such Assistant City Administrators as may be required may be appointed by the Mayor subject to the approval of City Council. In the temporary absence of a City Administrator and Assistant City Administrator because of illness, death, resignation, termination or other cause, the Mayor may appoint a qualified person as Temporary City Administrator whose term may not exceed 90 days without Council approval.

(Amended 5/6/00)

  **Section 2. TERM AND SALARY**

Upon confirmation of the appointment of the City Administrator, the City Council shall fix the term of employment and compensation by written contract. The term of the contract of the City Administrator shall not extend beyond September 30, of the first odd numbered calendar year following the year in which the appointment is made. Such termination date is designed to coincide with the end of the City's fiscal year in the calendar year of the regular mayoral election. The contract of the City Administrator may not be terminated by the Mayor except by agreement or for cause. The pay of the City Administrator terminated for cause shall not be suspended pending an appeal as hereafter provided. If no appeal is taken within 15 days following receipt by the City Administrator of notice, termination shall become final and any pay due under the contract shall cease. If terminated for cause, such action shall be subject to the right of appeal as provided in [Article IV, Section 7](#) of the Katy City Charter. Such appeal shall be considered by City Council allowing the City Administrator an opportunity to be heard and allowing the Mayor to present the basis for the termination. The City Administrator may be reinstated as provided in [Article IV, Section 7](#). Such hearing shall be either in closed or public session at the option of the City Administrator. (Amended 5/6/00)

  **Section 3. DUTIES OF THE CITY ADMINISTRATOR**

- a. The City Administrator shall be responsible to the Mayor and shall assist the Mayor in the efficient and economical administration of the City Government. He shall have the authority with the approval of the Mayor, to appoint, transfer and remove all employees in the Administrative service of the City except those employees within the Police, Fire and Ambulance Departments. He may, with the approval of the Mayor authorize the head of a department to appoint, transfer and remove subordinates in his respective department.
- b. He shall assist the Mayor in preparing the budget annually and submitting it to the City Council and shall assist the Mayor in its administration after adoption.
- c. He shall assist the Mayor in preparing and submitting to the City Council, a complete report on the finances and administrative activities of the City for the preceding year.
- d. He shall assist the Mayor in keeping the City Council advised of the financial condition and make such recommendations as may be deemed desirable.
- e. Perform such other duties as may be prescribed by this Charter or may be required of him by the Mayor not inconsistent with this Charter.

  **ARTICLE VI**

DEPARTMENTS*

  **Section 1. DEPARTMENT OF LAW**

- a. City Attorney - There shall be a Department of Law, the head of which shall be the City Attorney, who shall be appointed by the Mayor with the approval of the City Council. The City Attorney shall be a competent attorney who shall have practiced law in the State of Texas for at least five years immediately preceding the appointment. The City Attorney shall be the legal advisor of, and attorney for, all of the officers and departments of the City and shall represent the City in all litigation and legal proceedings. The City Attorney shall draft, approve, or file written legal objections to every ordinance before it is acted upon by the Council and shall pass upon all documents, contracts, and legal instruments in which the City may be required to perform any act, or pay any sum of money. (Amended 5/9/09)
- b. Assistant City Attorney - There shall be such Assistant City Attorney(s) as may be authorized by the Mayor with the approval of Council, and who shall be authorized to act for and on behalf of the City Attorney. The Assistant City Attorney(s) shall possess the same qualifications as listed for the City Attorney in subsection a. of this Section.

Section 2. MUNICIPAL COURT

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

- a. Judge of the Municipal Court - The Municipal Court shall be presided over by a magistrate who shall be known as the Judge of the Municipal Court. He shall be appointed by the Mayor with the approval of Council, for a two-year term beginning on April 15th of odd-numbered years. He shall be removed only for cause or disability as defined in State Constitution. He shall have resided in the City for a period of not less than five years immediately preceding his appointment. In the event the Judge of the Municipal Court is unable to act for any reason, the Mayor, with the approval of Council, shall appoint a competent person possessing the qualifications listed above to act in his place. The Municipal Judge, or anyone acting in his place, shall receive compensation as may be set by Council.
- b. Additional Municipal Courts - The Mayor, with the approval of Council, shall have the power to create and establish additional Municipal Courts, and the Mayor, with the approval of Council, shall appoint a Judge of each Municipal Court, each of whom shall be required to possess the qualifications and shall serve the same term as outlined in subsection a. of this Section.
- c. Clerk of the Municipal Court - There shall be a Clerk of the Municipal Court who shall be appointed by the Mayor, with the approval of Council. The Clerk shall have the power to administer oaths and affidavits, make certificates, affix the seal of the Court thereto, and otherwise perform any and all acts necessary in issuing process of such Court and conducting the business thereof.
- d. Deputy Clerks - There shall be such deputy Clerks of the Municipal Court as may be authorized by the Mayor, with approval of Council, who shall have authority to act for and on behalf of the Clerk of the Municipal Court, and who shall be appointed by the Mayor, with the approval of Council.

State law references—Municipal courts generally, V.T.C.A., Government Code, sec. 29.001 et seq.; jurisdiction of municipal courts, V.T.C.A., Government Code, sec. 29.003; municipal court judges, V.T.C.A., Government Code, sec. 29.004; municipal court clerk generally, V.T.C.A., Government Code, sec. 29.010.

Section 3. THE POLICE DEPARTMENT

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 Chief of Police shall be the Chief Administrative Officer of the Department of Police. He shall, with the approval of the Mayor, appoint and remove employees of said Department and shall perform such duties as may be required of him by the City Council. The Chief of Police shall be appointed by the Mayor with the approval of Council for an indefinite term. The Chief of Police shall be responsible to the Mayor for the administration of his Department and the carrying out of directions of the City Council. He may be removed from Office by the Mayor.
- b. Authority - The Officers and Policemen of this Department shall have all the powers and authority given to them as Peace Officers under the Laws of Texas, this Charter and all other powers and authority that may be lawfully conferred on them by the Council.
- c. Special Police - No persons except as otherwise provided by the General Laws or the Charter or the ordinances passed pursuant thereto shall act as "Special Police," or "Special Detectives".
- d. No person shall be authorized to act as a Police Officer for the City of Katy unless such person shall be a full-time paid employee of the City of Katy and shall qualify under the laws of the State of Texas. No person shall be allowed to wear a gun, badge, uniform, or act as a Katy Police Officer or be a member of the Katy Police Department unless such person shall be a full-time paid employee of the City of Katy and shall qualify under the laws of the State of Texas; it being the intent of this Charter that only full-time paid employees shall act in the capacity of Peace Officer for the City of Katy.
(Amended 4/2/83)

State law reference—Police force in home-rule municipality, V.T.C.A., Local Government Code, sec. 341.003.

Section 4. CITY SECRETARY

The Mayor, with the approval of the City Council, shall appoint a competent person as City Secretary and such assistants as the City Council shall deem advisable. The Office of the City Secretary shall give notice of Council meetings, shall keep the minutes of the proceedings of such meetings, and shall authenticate by his 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 Mayor shall assign to him, and those elsewhere provided in this Charter and the Laws of the State of Texas.



Section 5. CITY TREASURER

The Mayor, with the approval of the City Council, shall appoint a competent person as City Treasurer and such assistants as the City Council shall deem advisable. The City Treasurer shall perform the duties delegated to him by the Mayor, and those which may be imposed upon him by the Laws of the State of Texas. The duties of City Secretary, City Treasurer and City Tax Assessor and Collector may be performed by the same individual.



Section 6. THE FIRE DEPARTMENT

The City of Katy shall, by Ordinance, establish and maintain a Fire Department to provide firefighting, fire protection and rescue services for the city. The Fire Department hereinafter shall be known as the Katy Fire Department. The Katy Fire Department shall attend not only to all situations concerning the extinguishments of fires but also to all emergencies normally performed by a Fire Department, whether of a medical emergency or rescue or search operation. The Fire Department shall be staffed by paid or volunteer firefighters and emergency medical technicians or a combination thereof. (Amended 5/9/09)

State law reference—Fire department in home-rule municipality, V.T.C.A., Local Government Code, sec. 342.011.



Section 7. PARKS AND RECREATION

The City of Katy shall, by Ordinance, establish and maintain a Department of Parks and Recreation for the purpose of regulating the City Parks and for promoting and organizing recreational programs within the City. (Amended 4/6/85)



Section 8. SOCIAL SERVICES

The City of Katy shall, by Ordinance, establish and maintain a Department of Social Services, and the City shall provide a building for the administration and implementation of the preferred services. The head of the Department shall be known as "The Director" and shall be hired by the Mayor with the approval of Council. The Director will be the coordinator of the multi-purpose activities, and the Council will employ any other personnel deemed necessary for the efficiency of the Department.

a. Purpose - The Department will strive to promote, offer, arrange, and institute various informative services by referral, by utilization of volunteers, and by hosting the various contact stations allowed by other governmental agencies to serve older Americans and others requiring special services which will ameliorate their lives.

b. Authority - The City will join with governmental aging agencies by grant applications, and the Department will be responsible for being cognizant of the criteria required in standards for implementation of the funding of both the City and any other governmental agency, to ensure fulfillment of the many-faceted programs.

(Amended 4/6/85)

  **ARTICLE VII****ELECTION***  **Section 1. SPECIAL ELECTIONS**

The Council may by ordinance call such special elections as are authorized by the State law and this Charter, fix the time of holding same, and provide all means for holding such special elections, provided that every special election shall be held on a Saturday, unless otherwise provided by law or this Charter, and shall be held as nearly as practicable according to the provisions governing general elections.

  **Section 2. REGULAR ELECTIONS**

Regular elections for Mayor and City Councilmembers shall be held annually on the first Saturday in May of each year as hereinafter provided. All regular elections shall be conducted in accordance with the Texas Election Code.

- a. Odd-numbered Years - In odd-numbered years there shall be elected the Mayor, one Councilmember from Ward A., and one Councilmember from Ward B.
- b. Even-numbered Years - In even-numbered years there shall be elected one Councilmember from Ward A., one Councilmember from Ward B., and one Councilmember at large.

State law reference—Date for election of officers, V.T.C.A., Local Government Code, sec. 26.042; election dates, V.T.C.A., Election Code, ch. 41.

  **Section 3. RUN-OFF**

Where in an election for Mayor or to a place on the Council, no candidate receives a majority of all the votes cast for such place at such election, the Council shall, immediately upon declaring the official results of the election, issue a call for a run-off election for every place to which no one was elected. Such run-off election shall be held not earlier than the 20th day or later than the 30th day after the date the final canvass of the main election is completed. Such date shall be set by ordinance by Council in the ordinance calling the run-off election. Such run-off election and candidates therefor shall comply with the Texas Election Code, in particular Title I Chapter 2 and all amendments thereto.

State law reference—Runoff election, V.T.C.A., Election Code, sec. 2.021 et seq..

  **Section 4. CANDIDATES**

Any person seeking election to the Office of Mayor or Councilmember must comply with the provisions of this Charter and to the extent it applies to persons seeking municipal office, must also comply with the Texas Election Code, in particular, Texas Election Code, Title 9, except that age and residency requirements shall be those prescribed by this Charter.

In addition to such requirements which require the filing of an application, each candidate must present an affidavit signed by the candidate, containing proof that such candidate has met the qualifications of the office as outlined in this Charter. Such application and affidavit shall be presented to the City Secretary.

State law references—Age and residence requirements for home-rule city office, V.T.C.A., Election Code, sec. 141.003; candidates for city office, V.T.C.A., Election Code, ch. 143; candidate's application for home-rule city office, V.T.C.A., Election Code, sec. 143.005.

Section 5. CONDUCT OF ELECTIONS

- a. All regular, special and run-off elections in the City of Katy shall be conducted in accordance with this Charter and the Texas Election Code.
- b. All Election Officials required by the Texas Election Code shall be appointed by the Mayor and approved by the City Council and each such official shall be governed by the Texas Election Code.
- c. The voting system for casting and processing votes in any City of Katy election shall be designated by City Council in the ordinance calling the election and shall be a system meeting the standards of and approved by the Texas Election Code.

State law reference—Appointment of election judges, V.T.C.A., Election Code, sec. 32.005.

Section 6. EARLY VOTING

Early voting, formerly absentee voting, shall be conducted in accordance with the Texas Election Code, in particular Texas Election Code, Title 7.

Section 7. OATH

The candidates elected to either the Office of Mayor or Councilmember shall assume the duties of office after giving the oath of office which shall be administered by the City of Katy Municipal Judge or any person authorized by Texas State Law to administer oaths.

State constitution reference—Oath of office, Texas Constitution, art. 16, sec. 1.

(Amended 5/1/93)

ARTICLE VIII

INITIATIVE, REFERENDUM, RECALL

Section 1. POWER OF INITIATIVE

The people of the City reserve the power of direct legislation by initiative, and in the exercise of such power may propose any ordinance, not in conflict with this Charter, the State Constitution, or the State Laws except an ordinance appropriating money or authorizing the levy of taxes, or

ordinances repealing ordinances appropriating money or levying taxes. Any initiated ordinance may be submitted to the Council by a petition signed by qualified voters of the City equal in number to at least thirty per cent (30%) of the qualified voters of the City, but in no event less than 300 petitioners.

Section 2. POWER OF REFERENDUM

The people reserve the power to approve or reject at the polls any legislation enacted by the Council which is subject to the initiative process under this Charter, except an ordinance which authorizes the issuance of either tax or revenue bonds, whether original or refunding bonds. Prior to the effective date of any ordinance which is subject to referendum, or within thirty (30) days after the effective date of any ordinance which is subject to referendum, a petition signed by qualified voters of the City equal in number to at least thirty per cent (30%) of the qualified voters of the City, but in no event less than 300 such petitioners, may be filed with the Office of the City Secretary requesting that any such ordinance be either repealed or submitted to a vote of the people. When such a petition has been certified as sufficient by the Office of the City Secretary, the ordinance specified in the petition shall not go into effect, or further action thereunder shall be suspended if it shall have gone into effect, until and unless it is approved by the voters as herein provided.

Section 3. FORM OF PETITION

Initiative petition papers shall contain the full text of the proposed legislation in the form of an ordinance including a descriptive caption. The signatures to the initiative or referendum petitions need not all be appended to one paper, but each signer shall sign his name in ink or indelible pencil and shall add to his signature his place of residence by street and number. One of the signers of each separate petition shall make an affidavit, that he and he only, personally circulated such petition and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be.

Section 4. FILING, EXAMINATION AND CERTIFICATION OF PETITIONS

Within thirty (30) days after an initiative or referendum petition is filed, the Office of the City Secretary shall determine whether the same is signed by the requisite number of qualified voters. The Office of the City Secretary shall declare void any petition paper which does not have an affidavit attached thereto as required in Section 3 of this Article. In examining the petition, the Office of the City Secretary shall write the letters "D.V." in red ink opposite the names of signers found not qualified to vote.

After completing examination of the petition the Office of the City Secretary shall certify the result thereof to the Council at its next regular meeting, stating the number of persons found on the petition who are qualified to vote and number of persons found on the petition who are not qualified to vote. If the certificate of the Office of the City Secretary shall show an initiative or referendum petition to be insufficient, the Office shall notify the person filing the petition, and it may be amended within fifteen days from the date of such notice by filing a supplementary petition and certify as to its sufficiency. If the amended petition is found to be insufficient the Office of the City Secretary shall return the petition to the person filing the same, without prejudice, to the filing of a new petition for the same purpose.



Section 5. COUNCIL CONSIDERATION AND SUBMISSION TO VOTERS

When the Council receives an authorized initiative petition certified by the Office of the City Secretary to be sufficient, the Council shall either (a) pass the initiated ordinance without amendment within twenty-one days after the date of the certification to the Council; or (b) submit said initiated ordinance without amendment to a vote of the qualified voters of the City at a regular or special election to be held within sixty (60) days after the date of the certification to the Council; or (c) at such election, submit to a vote of the qualified voters of the City said initiated ordinance without amendment, and an alternative ordinance on the same subject proposed by the Council.

When the Council receives an authorized referendum petition certified by the office of the City Secretary to be sufficient, the Council shall reconsider the referred ordinance, and if upon such reconsideration such ordinance is not repealed, it shall be submitted to the voters at a regular or special election to be held not more than ninety (90) days after the date of the certification to the Council. Special elections on initiated or referred ordinances shall not be held more frequently than once each six months, and no ordinance on the same subject as an initiated ordinance which has been defeated at any election may be initiated by the voters within two years from the date of such election.



Section 6. BALLOT FORM AND RESULTS OF ELECTIONS

The ballot used in voting upon an initiated or referred ordinance shall state the caption of the ordinance and below the caption shall set forth on separate lines the words, "For the Ordinance" and "Against the Ordinance."

Where an initiated ordinance and an alternative ordinance proposed by the Council are submitted, the ballot shall state the captions of each ordinance, clearly designating them "Ordinance No. 1" and "Ordinance No. 2" respectively, and shall set forth below the captions on separate lines the words "For Ordinance No. 1," "For Ordinance No. 2," and "Against Both Ordinances." Where an initiated ordinance and an alternative ordinance are submitted, each voter shall vote "For" only one ordinance or "Against Both Ordinances," and a vote for one ordinance shall be counted as a vote against the other ordinance.

Any number of ordinances may be voted on at the same election in accordance with the provisions of this Article. If a majority of the votes cast is in favor of a submitted ordinance, it shall thereupon be effective as an ordinance of the City. An ordinance so adopted may be repealed or amended at any time after the expiration of two years by favorable vote of four members of the Council. A referred ordinance which is not approved by a majority of the votes cast shall be deemed thereupon repealed.



Section 7. PETITION SIGNED BY LESS THAN THIRTY PERCENT (30%) OF QUALIFIED VOTERS

If an authorized initiative petition or referendum petition be signed by qualified voters of the City equal in number to at least ten percent (10%) but less than thirty percent (30%) of the qualified voters of the City, and such ordinance is not adopted by the Council, then such ordinance, without amendment or alteration, shall be submitted by the Council to the qualified voters of the City at the next City General Election that shall be held at any time after sixty (60) days from the date of

the City Secretary's certification of sufficiency attached to the petition accompanying said initiated or referred ordinance.

Section 8. POWER OF RECALL

The people of the City reserve the power to recall any member of the Council or the Mayor and may exercise such power by filing with the Office of the City Secretary a petition, signed by qualified voters of the City equal in number to at least thirty percent (30%) of the qualified voters of the City, but in no event less than 300 such petitioners, demanding the removal of the Mayor or a Councilmember. The petition shall be signed and verified in the manner required for an initiative petition, shall contain a general statement of the grounds for which the removal is sought, and one of the signers of each petition paper shall make an affidavit that the statements therein made are true.

Section 9. RECALL ELECTION

Within twenty (20) days after a recall petition is filed, the Office of the City Secretary shall examine the same. The provisions regulating examination, certification and amendment of initiative petitions shall apply to recall petitions. If the petition is certified by the Office of the City Secretary to be sufficient and the Councilmember or the Mayor whose removal is sought does not resign within five days after the certification to the Council, the Council shall order and hold a recall election within not less than thirty (30) nor more than sixty (60) days from such certification.

Section 10. RECALL BALLOT

Ballots used at recall elections shall conform to the following requirements:

- a. With respect to each person whose removal is sought, the question shall be submitted "Shall (name of the Mayor or the Councilmember) be removed from the Office of The Mayor or from the Council?"
- b. Immediately below each question there shall be printed the two following propositions, one above the other; in the order indicated:

"For the recall of (name of the Mayor or Councilmember.)"

"Against the recall of (name of the Mayor or Councilmember.)"

Section 11. RESULTS OF RECALL ELECTION

If a majority of the votes cast at a recall election shall be against removal of the Mayor or the Councilmember named on the ballot, he shall continue in Office. If the majority of the votes cast at such election be for the removal of the Mayor or the Councilmember named on the ballot, the Council shall immediately declare his Office vacant and such vacancy shall be filled in accordance with the provisions of this Charter for the filling of vacancies. A Councilmember or the Mayor thus removed shall not be a candidate to succeed himself in an election called to fill the vacancy thereby created, and further shall not be eligible to hold Office in the City of Katy within a period of two years from the date of his recall.



Section 12. LIMITATION ON RECALL

No recall petition shall be filed against the Mayor or a Councilmember within six months after he takes Office, and neither the Mayor nor a Councilmember shall be subjected to more than one recall election during a term of Office.



Section 13. FAILURE OF CITY COUNCIL TO CALL AN ELECTION

In case all the requirements of this Charter shall have been met, and the City Council shall fail or refuse to receive the recall petition, or order such recall election, or discharge any other duties imposed upon said City Council by the provisions of this Charter with reference to such recall, then, the County Judge of either Fort Bend, Harris or Waller County, Texas, shall discharge any of such duties herein provided to be discharged by the person performing the duties of City Secretary or by the City Council.



ARTICLE IX

FINANCE*



Section 1. FISCAL YEAR

The fiscal year of the City of Katy, Texas shall commence on the first day of October and end on the last day of September for any and all purposes including taxing and budgeting.

State law references—General fiscal power to establish fiscal year, V.T.C.A., Local Government Code, sec. 101.022; city fiscal year, V.T.C.A., Tax Code, sec. 1.05.



Section 2. DEPOSITORY FOR CITY FUNDS

All money received by any department or agency of the City for, or in connection with, the business of the City shall be paid promptly into the treasury and shall be deposited with a responsible banking institution. This institution shall be designated by the Council, in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by ordinance. All interest on money belonging to the City shall accrue to the benefit of the City.

State law reference—Depositories for municipal funds, V.T.C.A., Local Government Code, ch. 105.



Section 3. INDEPENDENT AUDIT

At the close of each fiscal year the Council shall cause an independent audit to be made of all accounts of the City by a Certified Public Accountant.

State law reference—Audit of municipal finances, V.T.C.A., Local Government Code, ch. 103.



Section 4. ISSUANCE OF BONDS - TYPES

- a. General Obligation Bonds - The City shall have the power to borrow money on the credit of the City and to issue general obligation bonds for permanent public improvements or for any other public purpose not prohibited by the Constitution and the Laws of the State of Texas and to issue refunding bonds to refund outstanding bonds of the City previously issued. All such bonds shall be issued in conformity with the Laws of the State of Texas.
- b. Revenue Bonds - The City shall have the power to borrow money for the purpose of constructing, purchasing, improving, extending or repairing of public utilities, recreational facilities or any other self-liquidating municipal function not prohibited by the Constitution and the Laws of the State of Texas and to issue revenue bonds to evidence the obligation created thereby, and to issue refunding bonds to refund outstanding revenue bonds of the City previously issued. All such bonds shall be issued in conformity with the Laws of the State of Texas.

State law references—Public Security Procedures Act, V.T.C.A., Government Code, ch. 1201; refunding bonds, V.T.C.A., Government Code, ch. 1207; bond elections generally, V.T.C.A., Government Code, ch. 1251; municipal bonds, V.T.C.A., Government Code, ch. 1331.

Section 5. APPROPRIATIONS

- a. No funds of the City shall be expended nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual or interim period appropriation ordinance provided by this Charter. At the close of each fiscal year any unencumbered balance of an appropriation shall revert to the fund from which appropriated and may be reappropriated by the City Council. The Council may transfer any unencumbered appropriation balance or portion thereof from one office, department, or agency to another.
- b. The revenues of the water and sewer systems of the City shall be used only for such systems and approved water and sewer bonded indebtedness, and shall not be transferred to any other office, department, or agency for any other purpose.

Section 6. REQUIREMENTS ON BORROWING

- a. Limitation on Borrowing - The City shall not borrow money and/or issue certificates of obligation created thereby unless first submitted to all of the qualified voters in the City for their approval at an election duly called and held for such purposes with the exception of the borrowing authorized by subsection b. and c. of this Section.
- b. Borrowing to Meet Emergency Appropriations - In the absence of unappropriated available revenues or other funds to meet emergency appropriations under the provisions of the preceding Section, the Council may, by resolution, authorize the borrowing of money to meet such deficit by the issuance of notes, each of which shall be designated "Emergency Note" and may be renewals thereof, shall mature and be payable not later than the Last day of the fiscal year in which the emergency appropriation was made, as provided in the last preceding Section.
- c. Borrowing in Anticipation of Property Taxes - In any fiscal year, in anticipation of the collection of the ad valorem property tax for such year, whether levied or to be levied in such year, the Council may by resolution authorize the borrowing of money, not to exceed in any fiscal year an amount equal to ten percent (10%) of the budget for that fiscal year. Such borrowing shall be by the issuance of negotiable notes of the City, each of which shall be designated "tax anticipation

note for the year," (stating the tax year.) Such notes shall mature and be payable not later than the end of the fiscal year in which issued and may be secured by the pledge of the ad valorem property taxes for such year.

d. Time Warrants. Time Warrants shall not be subject to the terms [of] Section 6.



Section 7. ALTERNATE MEANS OF FINANCING

The City of Katy shall be able to borrow monies and execute all forms of obligations and exercise all rights and powers available to General Law Cities or Home Rule Cities under the Constitution and the Laws of the State of Texas and of the United States of America as they now read and exist, and should these rights and powers be subsequently enlarged or increased by amendment to said Constitution or Laws, subsequent to the date of adoption of this Charter, the City of Katy shall from the date of such amendment possess such additional rights and powers, including by way of illustration, but not of limitation, such mechanism of finance as "time warrants."

It being the intent of this Charter that this provision be liberally construed in favor of alternate means of financing, that the City of Katy may thus act in the best interests of the people of this City.



Section 8. SALE OF BONDS

No bonds (other than refunding bonds issued to refund and in exchange of previously issued outstanding bonds) issued by the City shall be sold for less than par value and accrued interest. All bonds of the City having been issued and sold in accordance with the terms of Section 5. of this Article, and having been delivered to the purchasers thereof shall thereafter be incontestable and all bonds issued to refund and in exchange of outstanding bonds previously issued shall, after said exchange, be incontestable.



Section 9. SINKING FUND

It shall be the duty of the Council to levy an annual tax sufficient to pay the interest on and provide the necessary sinking fund required by law on all outstanding general obligation bonds of the City. The interest and sinking fund shall be deposited in a separate account and shall not be diverted to or used for any other purpose than to pay the interest and principal on such bonds. The sinking fund maintained for the redemption of any debt may be invested in any interest bearing bonds of the United States government, the State of Texas, the Counties of Fort Bend, Harris, Waller or the City of Katy, and the interest generated from said investments shall be retained in a sinking fund.



ARTICLE X

TAXATION*



Section 1. DEPARTMENT CREATED

There shall be established a Department of Taxation to assess and collect taxes, the head of which shall be the City Tax Assessor-Collector, which office shall be filled by appointment by the

Mayor with approval of Council. The Tax Assessor-Collector shall give a surety bond for faithful performance of his duties, including compliance with all controlling provisions of the State Law bearing upon the functions of his office, in a sum which shall be fixed by the Mayor with the approval of Council.

  **Section 2. POWER TO TAX**

The Council shall have the power under the provisions of the State Laws to levy, assess and collect an annual tax on real and personal property within the City to the maximum provided by the Constitution and General Laws of the State of Texas.

  **Section 3. PROPERTY SUBJECT TO TAX: METHOD OF ASSESSMENT**

All property, real, personal or mixed, within the City on January 1 of each year not expressly exempted by law, shall be subject to annual taxation. On or before the 31st day of January each year, the City Tax Assessor-Collector shall mail or deliver to each owner of property within the City, a tax rendition form on which form such property owner shall state the value of his property computed in a manner prescribed by the Mayor and approved by Council, and shall return said form to the City Tax Assessor-Collector before the 30th day of April of that year. In all cases of failure to obtain a statement of real and personal property from any cause, the Tax Assessor-Collector shall ascertain the amount and value of such property and may assess the same as he believes to be the true and full value thereof, and such assessment shall be as valid and binding as if such property had been rendered by the owner thereof.

  **Section 4. RESERVED**

Editor's note—Former article X, section 4 pertaining to the board of equalization; appointment; qualifications was deleted by Ordinance 2787 at an election held on May 6, 2017, amendment 4.

  **Section 5. RESERVED**

Editor's note—Former article X, section 5 pertaining to the powers of the board of equalization was deleted by Ordinance 2787 at an election held on May 6, 2017, amendment 4.

  **Section 6. RESERVED**

Editor's note—Former article X, section 6 pertaining to the records of the board of equalization was deleted by Ordinance 2787 at an election held on May 6, 2017, amendment 4.

  **Section 7. TAXES - WHEN DUE AND PAYABLE**

All taxes due the City of Katy shall be payable at the Office of the City Tax Assessor-Collector and may be paid at any time after the tax rolls for the year have been completed and approved which shall be not later than October 1st. Taxes shall be paid before February 1st, and all such taxes not paid prior to such date shall be deemed delinquent and shall be subject to such penalty and interest as the Mayor and Council may provide by ordinance. Failure to levy and assess taxes through omission in preparation of the approved tax roll shall not relieve the person, firm, or

corporation so omitted, from obligation to pay such current or past due taxes shown to be payable by recheck of the rolls and receipts for the year in question, unless otherwise provided by law.

State law reference—Delinquency date for payment of taxes, V.T.C.A., Tax Code, sec. 31.02.

Section 8. TAX LIENS

a. The tax levied by the City is hereby declared to be a lien, charge or encumbrance upon the property upon which the tax is due, which lien, charge or encumbrance the City is entitled to enforce and foreclose in any court having jurisdiction over the same, and the lien[,] charge or encumbrance on the property in favor of the City, for the amount due in taxes on the property, not only as against any resident of this state or person whose residence is unknown: but also, as against non-residents of this state. All taxes on real estate shall especially be a lien and a charge on the property on which the taxes are due, which lien may be foreclosed in any court having jurisdiction. The City's tax lien shall exist from January 1st in each year until the taxes are paid; and the statute of limitations shall not apply. Such lien shall be prior to all other claims, and no gift, sale, assignment or transfer of any kind, or judicial writ of any kind, can ever defeat such lien.

b. All persons or corporations owning or holding personal property or real estate in the City of Katy on the first day of January of each year shall be liable for all municipal taxes levied thereon for such year. The personal property of all persons owing any taxes to the City of Katy is hereby made liable for all of said taxes, whether the same be due upon personal or real property or upon both.

State law reference—Tax liens and personal liability, V.T.C.A., Tax Code, ch. 32.

Section 9. LIMITATION ON TAX

The City Council shall not adopt a tax rate for the City of Katy which exceeds the maximum effective tax rates provided in the Texas Property Tax Code, or amendments thereto. Aggrieved taxpayers who own taxable property within the City of Katy shall be entitled to relief as provided in the Texas Property Tax Code, or amendments thereto. (Amended 5/6/89)

Section 10. CITY SALES TAX

All monies received from City Sales Taxes shall be delegated to the General Fund of the City without designation as to their usage.

Section 11. TAX REMISSIONS, DISCOUNT AND CORRECTION OF ERROR

The Mayor, City Council, or any other official of the City shall never extend the time for the payment of taxes except as herein provided, or remit, or discount any tax legally due the City, nor waive the penalty and interest that may be due thereon to any persons, firms or corporations owing taxes to the City for such year or years, provided, however, that this provision shall not prevent the discounting of any tax suit or the correction of any errors in assessment, or preparation of tax rolls, or preparation of a tax statement. Such discount or correction of errors shall first have the approval of the Mayor and the City Council.

This provision shall not govern those options for exemptions or reductions granted by the City pursuant to State Law including, by way of illustration but not of limitation, "over-65" exemptions.



Section 12. TAX SUITS - EVIDENCE - LIMITATIONS

On all suits for the collection of taxes which have been heretofore or which may be hereafter levied upon the tax rolls of said City, a certified statement made therefrom by the Tax Assessor and Collector, shall be *prima facie* evidence of the truth of all recitations and facts shown by said rolls, and shall be held to be sufficient proof, subject to rebuttal only by pleading and proof by defendant, of the following facts, viz:

- a. That the person, partnership, association or corporation therein shown to be a taxpayer was such, and owned the property therein listed, and that such property was subject to taxation in said City, and was rendered by such person, partnership, association or corporation, or by his or its agent, at the value placed thereon in such rolls.
- b. That the taxes due upon such property were duly and legally levied for the purposes shown in such rolls, and that the same are valid and unpaid.
- c. That all acts and proceedings required by law or by ordinance of said City in the manner of rendering, appraising, and fixing of values upon said property and the giving of all notices to such taxpayers have each and all been performed and complied with at the time and in the manner and form required and that all things that might be construed as conditions precedent to the lawful demand upon such taxpayers to pay the amount of taxes in such rolls shown to be due by him or them have been performed at the time and in the manner required by law; provided, that in the event the defendant shall show that his property was voluntarily rendered by him, and that the valuation of the same was subsequently changed by the Tax Assessor and Collector or Board of Equalization without notice to him or his agent, or shall show that the said rate of taxation for any purpose was to any extent illegal, judgment shall thereupon be rendered against him for the proper amount due, based upon the value of his property rendered by him, and the amount of tax which is found to be legal.



Section 13. APPRAISAL DISTRICT

At such time as the Waller County Appraisal District goes into operation this Charter will automatically conform to State Law and any provisions to the contrary will be of no force and effect.

State law reference—Appraisal districts, V.T.C.A., Tax Code, sec. 6.01 et seq.



ARTICLE XI

FRANCHISE*

The City retains and reserves all rights granted to it and 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 1. INALIENABILITY OF PUBLIC PROPERTY

The right of control and use of the public streets, highways, sidewalks, alleys, parks, public squares, and public places of the City is hereby declared to be inalienable by the City, except by ordinances not in conflict with the provisions of this Charter. No act or omission by the Council or any officer or agent of the City shall be construed to grant; renew, extend, or amend by estoppel or indirection any right, franchise or easement affecting said public streets, highways, sidewalks, alleys, parks, public squares, public places and other real property.



Section 2. POWER TO GRANT FRANCHISE

The 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 the franchise holder, to amend the same. Provided, however, that no franchise shall be granted for an indeterminate term, that no franchise shall be granted for a term of more than forty (40) years, and that no franchise shall be granted, renewed, extended, or amended, except on condition that the City shall have the right at any time within 5 years of the expiration of the term thereof 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 3. ORDINANCE GRANTING FRANCHISE

The caption of every ordinance granting, renewing, extending, or amending a public utility franchise shall be read at three regular meetings of the Council, and shall not be finally acted upon until thirty (30) days after the first reading thereof. Within five (5) days following each of the three (3) readings of the ordinance, the full text thereof shall be published one time in the Official Newspaper of the City, and the expense of such publication shall be borne by the prospective franchise holder. No such ordinance shall become effective until the expiration of sixty (60) days following the date of its final adoption by the Council, and every such ordinance shall be subject to the referendum procedure provided by the Laws of the State of Texas. (Amended 5/6/17, amnd. 5)



Section 4. TRANSFER OF FRANCHISE

No public utility franchise or ten percent (10%) or more interest in such, shall be transferred by the holder thereof except with the approval of the Council expressed by ordinance.



Section 5. REGULATION OF FRANCHISE

Every grant, renewal, extension, or amendment of a public utility franchise, whether so provided in the ordinance or not, shall be subject to the right of the Council:

- a. To forfeit any such franchise by ordinance at any time for failure of the holder thereof to comply with the terms of the franchise, such power to be exercised only after notice and hearing.
- b. To impose reasonable regulations to insure safe, efficient and continuous service to the public.

- c. To require such expansion and extension of plants and facilities as are necessary to provide adequate service to the public.
- d. To require every franchise holder to furnish to the City, without cost to the City, full information regarding the location, character, extent and condition of all facilities of such franchise holder 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.
- e. To collect from every public utility operating in the City its fair and just proportion of the expense of excavating, grading, paving, repaving, constructing, reconstruction, draining, repairing, maintaining, lighting, sweeping, and sprinkling such portions of the alleys, bridges, culverts, viaducts, and other public places and ways of the City as may be occupied or used in whole or in part by such utilities; or to compel such public utility to perform as its own expense, its just share of such excavating, grading, paving, repaving, constructing, reconstructing, draining, repairing, maintaining, lighting, sweeping and sprinkling.
- f. To require every franchise holder to allow other public utilities to use its tracks, poles, wires, pipes, or other facilities, including bridges and viaducts, wherever in the judgment of the Council such use shall be in the public interest, provided that in such event the Council shall fix a reasonable rental to be paid to the owner of the facility for such use, after notice to the interested parties and a hearing of the facts.
- g. (1) To prescribe the form of accounts kept by every franchise holder.
(2) To examine and audit at any time the accounts and other records of any franchise holder.
(3) To require annual and other reports, including reports on the local operations of the utility, which shall be in such form and contain such information as the Council may prescribe.
- h. To require and collect any compensation and rental not now or hereafter prohibited by the Laws of this State.
- i. To require such franchise holders who request an increase in rates, charges or fares, to reimburse the City for reasonable expense incurred in employing rate consultants to conduct investigations, present evidence and advise the Council on such requested increase.

Section 6. REGULATION OF RATES

- a. The Council shall have full power after notice and hearing to regulate by ordinance the rates, charges and fares of every public utility franchise holder operating in the City. Provided that no such ordinance shall be passed as an emergency measure. Any franchise holder requesting an increase in its rates, charges, or fares shall have at the hearing on such request, the burden of establishing by clear and convincing evidence the value of its investments and the amount and character of its expenses and revenues. No franchise holder shall institute any legal action to

contest any rate[,] charge, or fare fixed by the Council until such franchise holder has filed a motion for rehearing with the Council specifically setting out each ground of its complaint against the rate, charge or fare fixed by the Council, and until the Council shall have acted upon such motion.

b. Franchise Value not to be Allowed - No value shall be assigned to any franchise granted by the City of Katy under this Charter in fixing reasonable rates and charges for utility service within the City and in determining the just compensation to be paid by the City for public utility property which the City may acquire by condemnation or otherwise.



Section 7. ACCOUNTS OF MUNICIPALLY OWNED UTILITIES

Accounts shall be kept for each public utility owned or operated by the City in such manner as to show the true and complete financial results of such City ownership and operation, including all assets appropriately subdivided by classes, depreciation reserve, other reserves and surplus; also revenues, operating expenses including depreciation, interest payments, rental and other distribution of annual income. The accounts shall show the actual capital cost to the City of each public utility owned, also the costs of all extensions, additions and improvements and the source of the funds expended for such capital purposes. They shall show as nearly as possible the cost of any service furnished to or rendered by any such utility to any other City or governmental department. The City Council shall annually cause to be made and published a report showing the financial results of such City ownership and operation, giving the information specified in this Section and such additional data as the City Council shall deem expedient.

State law reference—Municipal utilities, V.T.C.A., Local Government Code, sec. 552.001 et seq..



Section 8. OTHER CONDITIONS

All franchises heretofore granted are recognized as contracts between the City of Katy and the grantee, and the contractual rights as contained in any such franchise shall not be impaired by the provisions of this Charter, except that the Power of the City of Katy to exercise the right of eminent domain in the acquisition of utility property is in all things reserved; and except the General Power of the City, heretofore existing and herein provided for to regulate the rates and services of a grantee; shall include the right to require proper and adequate extension of plant and service and in the maintenance of the plant and fixtures at the highest reasonable standard of efficiency. Every public utility franchise hereafter granted shall be held subject to all the terms and conditions contained in the various Sections of this Article whether or not such terms are specifically mentioned in the franchise. Nothing in this Charter shall operate to limit in any way, as specifically stated, the discretion of the Council or voters of the City in imposing terms and conditions as may be reasonable in connection with any franchise grant.



ARTICLE XII

GENERAL PROVISIONS



Section 1. OFFICIAL OATH

All officers of the City shall, before entering upon the duties of their respective offices, take and subscribe to the official oath prescribed in the Constitution of the state of Texas.

State constitution reference—Oath of office, Texas Constitution, art. 16, sec. 1.

  **Section 2. PUBLIC RECORDS**

All public records of every office, department or agency of the City shall be open to inspection by any citizen at all reasonable times, provided that police records and vital statistics records, and any other records closed to the public by law, shall not be considered public records for the purpose of this Section.

State law references—Public access to records, V.T.C.A., Local Government Code, sec. 201.009; public information, V.T.C.A., Government Code, ch. 552.

  **Section 3. OFFICIAL NEWSPAPER**

The City Council shall have power to designate by ordinance a newspaper of general circulation in the City as the Official Newspaper, and shall cause to be published therein all ordinances, notices, and/or other matters which are required by this Charter, the ordinances of the City, or the Constitution or Laws of the State of Texas, to be officially published.

  **Section 4. NOTICE OF CLAIMS**

Before the City of Katy shall be liable to damages for the death or personal injuries of any person or for damage to or destruction of property of any kind, which does not constitute a taking or damaging of property under [Article I, Section 17](#), Constitution of Texas, the person injured, if living, or his representatives, if dead, or the owner of the property damaged or destroyed, shall give to the Mayor or City Council notice in writing of such death, injury, damage or destruction, duly verified by affidavit, within forty-five days after same has been sustained, stating specifically in such written notice when, where, and how the death, injury, damage or destruction, occurred, and the apparent extent of any such injury, the amount of damages sustained, the actual residence of the claimant by street and number at the date the claim is presented, the actual residence of such claimant for six months immediately preceding the occurrence of such death, injury, damage or destruction, and the names and addresses of all witnesses upon whom it is relied to establish the claim for damages; and the failure to so notify the Mayor and Council within the time and manner specified herein shall exonerate, excuse, and exempt the City from any liability whatsoever. No act of any officer or employee of the City shall waive compliance, or stop the City from requiring compliance, with the provisions of this section as to notice, but such provisions may be waived by resolution of the 45 day period herein provided, and evidenced by Minutes of the Council.

State law reference—Texas Tort Claims Act, V.T.C.A., Civil Practice and Remedies Code, ch. 101.

  **Section 5. CITY NOT REQUIRED TO GIVE SECURITY OR EXECUTE BOND**

It shall not be necessary in any action, suit, or proceeding in which the City is a party for any bond, undertaking or security to be demanded or executed by or on behalf of the City. The City shall

have all remedies of appeal by law to all courts in this State without bond or security of any kind, but shall be liable in the same manner and to the same extent as if such bond, undertaking, or security had actually been executed or given.

State law reference—Cities exempt from security for court costs, V.T.C.A., Civil Practice and Remedies Code, sec. 6.002.



Section 6. PERSONAL INTEREST IN CITY CONTRACTS

No officer or employee of the City shall have a financial interest, direct or indirect, in any contract with the City, or shall be financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies or service, except on behalf of the City as an officer or employee unless he should disclose such interest to the City Council or Procuring Officer in writing. Any willful violation of this Section shall constitute malfeasance in office, and any officer or employee guilty thereof shall be subject to removal from his office or position. Any violation of this Section, with the knowledge, expressed or implied, of the person or corporation contracting with the Council shall render the contract involved voidable by the Mayor and the Council.

State law references—Conflicts of interest of officers, V.T.C.A., Local Government Code, ch. 171; public disclosure, V.T.C.A., Government Code, ch. 553.



Section 7. NEPOTISM

No person who is related by affinity or consanguinity within the first degree to a member of the Council or to the Mayor or to the City Administrator, shall be appointed to any office, clerkship or other paid position with the City; but this prohibition shall not apply to officers or employees who have been employed by the City continuously for more than two years prior to the election of such member of the Council or of the Mayor or appointment of the City Administrator.

State law reference—Nepotism, V.T.C.A., Government Code, ch. 573.



Section 8. EFFECT OF CHARTER ON EXISTING LAW

All codes, ordinances, resolutions, rules and regulations in force in the City on the effective date of this Charter, and not in conflict with this Charter, shall remain in force until altered, amended or repealed by the Council. All taxes, assessments, liens, encumbrances and demands, of or against the City, fixed or established before such date, or for the fixing or establishing of which proceedings have begun at such date, shall be valid when properly fixed or established either under the law in force at the time of the beginning of such proceedings or under the law after the adoption of this Charter.



Section 9. INTERIM MUNICIPAL GOVERNMENT

Upon adoption of this Charter, the persons then filling elective offices will continue to fill those offices for the terms to which they were elected. Thereafter, the City Council and the Mayor shall be elected as provided in [Article VII - Section 2](#), of this Charter. Persons, who on the date this Charter is adopted, are filling appointive positions with the City of Katy which are retained under this Charter, may continue to fill these positions for the term for which they were appointed, unless removed by the Mayor or the City Council or by other means provided for in this Charter. Persons

who, on the effective date of this Charter, are filling elective offices, that by this Charter are made appointive offices shall continue to serve in those offices for the terms to which they were elected.

Section 10. 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. ASSIGNMENT, EXECUTION, AND GARNISHMENT

The property, real and personal, belonging to the City shall not be liable for sale or appropriation under any writ of execution. The funds belonging to the City, in the hands of any person, firm, or corporation, shall not be liable to garnishment, [or] attachment 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 of garnishment on any account whatever. The City shall not be obligated to recognize any assignment of wages or funds by its employees, agents or contractors.

State law reference—Authority to provide that municipal funds not subject to garnishment, V.T.C.A., Local Government Code, sec. 101.023.

Section 12. GRAMMATICAL CLASSIFICATION

The use of any gender herein shall be applicable to all genders. The present or past tense shall include the future. The singular and plural number shall each include the other, unless otherwise expressly provided.

Section 13. DAMAGES - CITY NOT LIABLE - LIMITATIONS

The City of Katy shall not be liable for damages to anyone, on account of any defect in, obstruction on, or anything else in connection with any sidewalk in the City; nor shall the City of Katy be liable for damages to anyone on account of any defect in, obstruction on, or anything else in connection with any street, alley, or public place, other than any sidewalk, unless and until it be shown that some person, in the employment of the City and having superintendence or control of the work on the streets, alleys or public places, had actual notice of such defect, obstruction or other thing, for a sufficient length of time before such injury was received to have remedied such condition of the street, alley or public place before the injury was received.

State law reference—Texas Tort Claims Act, V.T.C.A., Civil Practice and Remedies Code, ch. 101.

Section 14. APPLICABILITY OF GENERAL LAWS

The Constitution of the State of Texas, the statutes of said state applicable to Home Rule Municipal Corporations, as now or hereafter enacted, this Charter and ordinances enacted pursuant hereto shall in the order mentioned, be applicable to the City of Katy, but the City shall also have the power to exercise any and all powers conferred by the 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, but the exercise of any such powers by the City of Katy shall

be optional with it, and it 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 15. AMENDING THE CHARTER

Amendments to this Charter may be framed and submitted to the voters of the City in the manner provided by the applicable statute of the State of Texas.

State constitution reference—Adoption or amendment of charter, Texas Constitution, art. 11, sec. 5.

State law reference—Adoption or amendment of charter, V.T.C.A., Local Government Code, sec. 9.001 et seq.

Section 16. CHARTER REVIEW COMMISSION

Every four (4) years commencing in 1992, at the first regular meeting of the City Council in October, the Mayor, with the approval of the City Council, shall appoint a Charter Review Commission of five (5) citizens of the City of Katy. (Amended 5/6/89)

a. Duties of the Commission - It shall be the duty of such Charter Review Commission to:

(1) Inquire into the operations of the City Government under the Charter provisions and determine whether any such provisions require revision. To this end public hearings may be held; and the Commission shall have the power to compel the attendance of any officer or employee of the City and to require the submission of any of the City records which it may deem necessary to the conduct of such hearing;

(2) Propose any recommendations it may deem desirable to insure compliance with the provisions of the Charter by the several departments of the City Government;

(3) Propose, if it deems desirable, amendments to this Charter to improve the effective application of said Charter to current conditions;

(4) Report its finding and present its proposed amendments, if any, to the Mayor and Council.

b. Action by the Mayor and the Council

The Mayor and the Council shall receive and have published in the Official Newspaper of the City any report presented by the Charter Review Commission, shall consider any recommendations made, and if any amendments or amendment be presented as a part of such report may order such amendment(s) to be submitted to the voters of the City in the manner provided by the applicable statute of the State of Texas.

c. Term of Office - The term of office of such Charter Review Commission shall be six months and if during such term no report is presented to the Mayor and Council, then all records of the proceedings of such Commission shall be filed with the Office of the City Secretary and shall become a public record.



Section 17. SUBMISSION OF CHARTER TO VOTERS

Pursuant to Article 1167, V.A.C.S., the Charter Commission finds and determines that it is impracticable to segregate each subject or section contained in this Charter so that the voter may vote "Yes" or "No" on the same. This Charter was drafted and framed in such a manner that the Articles and Sections of the Charter are so interrelated and dependent, one upon the other, to the extent that the Charter would not function properly if it were not adopted in its entirety. Therefore, 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 Katy at an election to be held for that purpose on the 17th day of January, 1981, which time is fixed by the Charter Commission at a time not less than forty (40) nor more than ninety (90) days after the completion of the work of the Charter Commission. Not less than thirty (30) days prior to the aforesaid date of election, the City Council shall cause the Office of the City Secretary to mail a copy of this proposed Charter to each qualified voter of the City of Katy as appears from the tax collectors' rolls for the year ending December 31, 1980, preceding said election. 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 Charter of the City of Katy, after the returns have been canvassed by the Mayor and City Council and an official order has been entered upon the records of the City by the Mayor and Council thereby declaring the adoption of this Charter. A copy of the adopted Charter, authenticated and certified by the signature of the Mayor and seal of the City, shall be forwarded to the Secretary of State of the State of Texas.



Section 18. SEVERABILITY CLAUSE

If any Article or Section or Subsection of an Article of this Charter is held to be invalid or unconstitutional by a Court of competent jurisdiction, the same shall not invalidate or impair the validity, force or effect of any other Article or Section or Subsection of an Article of this Charter.



HOME RULE CHARTER

HOME RULE CHARTER*

As Amended:

April 2, 1983

April 6, 1985

May 6, 1989

May 1, 1993

January 27, 1994

May 3, 1997

May 6, 2000

May 9, 2009

May 6, 2017

  **ARTICLE I**

INCORPORATION



Section 1. CORPORATE POWERS

a. Corporate Name - The inhabitants of the City of Katy, Fort Bend, Harris, and Waller Counties residing within its corporate limits as heretofore or hereafter established, are hereby constituted and shall continue to be a Municipal body politic and corporate in perpetuity under the name of the "CITY OF KATY," hereinafter referred to as the "City," with such powers, privileges, rights, duties and immunities as are herein provided.

b. Boundaries - The boundaries of the City of Katy shall be the same as have been heretofore established and now exist and those boundaries established and changed hereafter in all annexation ordinances and proceedings of the City of Katy, Texas, filed in the Office of the City Secretary of Katy, Texas.

c. Extension and Alteration - The Council shall have the power by ordinance to fix the boundary limits of the City and to provide for the alteration and extension of said boundary limits, [and] the annexation of additional territory with or without the consent of the owners and inhabitants of the territory annexed, detached, or disannexed; in any manner not inconsistent with the Laws of the State of Texas. Upon the final passage of any ordinance annexing territory, the corporate limits of the City shall thereafter include the territory so annexed; and when any additional territory has been so annexed, the same shall be a part of the City of Katy and the property situated therein shall bear its pro rata part of the taxes levied by the City, and the inhabitants thereof shall be entitled to all of the rights and privileges of all citizens and shall be bound by the acts and ordinances, resolutions and regulations of the City. Upon the final passage of any ordinance detaching or disannexing territory from the City, the Corporate limits of the City shall be reduced by the territory so detached or disannexed.

State law references—Municipal boundaries and annexation, V.T.C.A., Local Government Code, ch. 41 et seq.; municipal annexation, V.T.C.A., Local Government Code, ch. 43; disannexation, V.T.C.A., Local Government Code, sec. 43.141 et seq.



Section 2. FORM OF GOVERNMENT

The Municipal Government provided by this Charter shall be known as the Mayor-Aldermanic-Administrator Form of Government and shall be described elsewhere in this Charter.

State law reference—Form of government, V.T.C.A., Local Government Code, sec. 26.021.

ARTICLE II

POWERS OF THE CITY*

Section 1. GENERAL

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

Section 2. GENERAL POWERS ADOPTED

The enumeration of the particular powers in this Charter shall not be held or deemed to be exclusive but in addition to the powers enumerated herein or implied hereby or appropriate to the exercise of such powers, the City shall have and may exercise all power of local self-government and all other powers which, under the Constitution and Laws of the State of Texas, it would be competent for this Charter specifically to enumerate. The City of Katy shall have and may exercise all the powers enumerated in Article 1175, Chapter 13, Title 28, of the Revised Civil Statutes of the State of Texas of 1925 as now or hereafter amended.

Section 3. EMINENT DOMAIN

The City shall have the full right, power and authority of eminent domain where necessary or desirable to execute any power conferred upon it by this Charter, or by the Constitution or Laws of the State of Texas and may condemn either private or public property whether in or out of the corporate limits of the City for such purposes, upon payment of fair compensation for the property taken. Such power may be exercised in any manner authorized by the Constitution or Laws of the State of Texas, or as may be prescribed by ordinance. The power of eminent domain hereby

conferred shall include the right of the City to take the fee in the lands so condemned and such power and authority shall include the right to condemn public property for such purposes. The City shall have and possess this power of condemnation for any municipal or public purpose, even though not specifically enumerated herein or in this Charter.

State law references—Eminent domain, V.T.C.A., Property Code, ch. 21; municipal right of eminent domain, V.T.C.A., Local Government Code, ch. 251.

Section 4. REGULATION OF RAILROADS

The City Council shall have the power by ordinance or otherwise to direct and control, within the City limits, the speed of engines, locomotives and motor cars operating on railroad tracks, the construction of railroad tracks, turnouts and switches, and the regulation of the grade thereof and the use of streets, and regulating unusual and excessive noises, and to regulate by ordinance all signal lights and safety devices at street crossings.

ARTICLE III

THE MAYOR

Section 1. OFFICE CREATED: QUALIFICATIONS: TERM

There is hereby established the Office of Mayor of the City of Katy, Texas, the incumbent of which shall be a citizen of the United States, at least twenty-one (21) years of age, a qualified voter, residing for at least twelve (12) months prior to his election within the City; he shall not hold any other public office. He shall not receive remuneration from two governmental or taxing entities. The Mayor shall be elected from the City at large; he shall hold his office for three years and/or until his successor is elected and qualified unless sooner removed as provided by this Article. This provision becomes effective January 1, 2018. The City as here referred to shall be deemed to include the City and any and all territory at any time annexed to the City of Katy. (Amended 5/1/93; Amended 5/6/17, amnd. 1)

a. Head of City Government - The Mayor shall be the Chief Administrative and Executive Officer of the City. He shall devote his best efforts to and shall be responsible for the proper administration of its affairs. The Mayor shall preside at all meetings of the Council and shall be recognized as the head of the City Government for all ceremonial purposes, for the purpose of receiving civil process, for emergency purposes, and for military purposes.

b. Absence or Disability of the Mayor - If for any reason the Mayor is absent from the City, sick or unable to perform the duties of his office, the Mayor Pro Tem shall act as Mayor, and during such absence or disability shall possess all of the powers and perform all of the duties of the Mayor.

Section 2. MAYOR PRO TEM

Each year at the first regular meeting of the City Council after the newly-elected Officials have been inducted into office, the Mayor shall nominate, subject to confirmation by the City Council,

one of the Councilmembers who shall be known and designated as "Mayor Pro Tem," and shall continue to hold the title and the office until his successor is appointed, but shall receive no extra pay by reason of being or acting Mayor Pro Tem. In case of the death, resignation, or for any other reason the Mayor Pro Tem is unable to serve, causing a vacancy to occur, then the Mayor shall nominate subject to confirmation by the City Council, one of the Councilmembers who shall be known and designated as "Mayor Pro Tem," and shall continue to hold the title and the office until his successor is appointed, but shall receive no extra pay by reason of being or acting Mayor Pro Tem. (Amended 5/1/93)

Section 3. ACTING MAYOR

In the event of the absence, refusal to act, disability, or disqualification of both the Mayor and Mayor Pro Tem at any particular meeting of the Council, the remaining members of the Council shall by election designate one of their members as Acting Mayor and he shall act as Mayor for such particular meeting and shall have power to perform every act except the power to remove or suspend officers and employees and the power of veto the Mayor could perform if present.

Section 4. FORFEITURE

The Mayor, remaining absent for three (3) consecutive regular meetings of the Council, without first having obtained a leave of absence at a regular meeting, may have his office declared vacated by a majority vote of all the members of the Council. If the Mayor remains absent for six (6) consecutive regular meetings of the Council, he shall be deemed to have vacated his office.

Section 5. VACANCY

- a. In case of the death, resignation, or permanent disability of the Mayor, or if he ceases to possess any of the qualifications listed in [Section 1.](#), or if he ceases to reside in the City, his office shall immediately become vacant; or whenever a vacancy in the Office of Mayor shall occur for any reason, the Mayor Pro Tem shall act as Mayor, and shall possess all of the rights and powers of the Mayor and perform all of his duties, under the official title, however, of "Mayor Pro Tem" until the next available uniform election date, at which time a Mayor shall be elected to fill the unexpired portion of the current Mayor's term. (Amended 5/6/89)

- b. If the Mayor shall file to become a candidate for nomination or election to any other public office, his office shall be vacant, and the vacancy thereby created shall be filled in the same manner as any other vacancies.

Section 6. POWERS OF THE MAYOR

- a. General Powers of the Mayor - The Mayor shall have and exercise such powers, prerogatives and authority, acting independently of or in concert with the City Council, as are conferred by the provisions of this Article or as may be conferred upon him by the City Council, not inconsistent with the general purposes and provisions of the Charter, and shall have the power to administer oaths. Subject to the confirmation of the Council, he shall have the power to appoint all boards created by the Charter or ordinance. (Amended 5/1/93)

b. Additional Powers and Duties: Bond, Etc. - All the Administrative work of the City Government shall be under the control of the Mayor. Among others, the powers and duties of the Mayor shall be as follows:

1. To see that all laws and ordinances are enforced.
2. The Mayor shall have power to appoint, subject to confirmation by the City Council, such heads of Departments in the Administrative service of the City as created by Ordinance, and the Mayor shall have the power to remove such heads of Department at any time he shall see fit without confirmation by the City Council. The Mayor shall also have the power to appoint and remove all other employees of the City, such appointments and removals to be subject to the provisions of the Charter.
3. To exercise administrative control over all departments of the City.
4. It shall be the duty of the Mayor from time to time to make such recommendations to the Council as the Mayor may deem to be for the welfare of the City, and each year to submit to the Council the annual budget of the current expenses of the City in accordance with the requirements of the State Budget Law applicable to cities and towns. The budget shall be finally adopted no earlier than the 30th day after presentation by the Mayor and no later than the last day of the then current fiscal year and should City Council fail to so adopt said budget, the budget as proposed by the Mayor shall go into effect for the ensuing fiscal year. (Amended 5/6/00)
5. To keep the Council at all times fully advised as to the financial conditions and needs of the City.
6. The Mayor shall have the power to settle all claims and lawsuits where such claim or lawsuit is for \$5,000.00 or less without approval of the City Council. (Amended 5/6/00)

The Council shall have authority to prescribe, by Ordinance, rules, and regulations governing the operation of each department, but the Mayor may prescribe such general rules and regulations as he may deem necessary or expedient for the general conduct of the Administrative Department, the heads of which are responsible to him. In order to expedite the work of any department, or to adequately administer an increase in the duties which may devolve on any department, or to cope with periodic or seasonal changes, the Mayor is empowered to transfer employees temporarily from one department to perform similar duties in another such department except the Mayor shall have no such power to transfer employees or Officers of the Police, Fire or Ambulance Departments. Each department head shall have the power to transfer employees from one bureau or division to another within his department.

In case of general conflagration, rioting, earthquakes, or other emergency menacing life and property, the Mayor, or in his absence, the Mayor Pro Tem, shall be authorized to marshal all the forces of the different departments of the City for the maintenance of the general security, and shall have the power to deputize, or otherwise employ, such other persons as he may consider necessary for the purpose of protecting the City and its residents.

Neither the Council nor any of its committees or members shall in any manner interfere in the appointment of Officers and employees in the Departments of Administrative service vested in

the Mayor by this Charter, except that all department heads appointed by the Mayor shall be subject to confirmation by the City Council as herein provided. Except for the purpose of inquiry, the Council and its members shall deal with that part of the Administrative service for which the Mayor is responsible solely through the Mayor, or City Administrator and neither the Council nor any member thereof shall give orders to any of the subordinates of the Mayor in said departments, either privately or publicly.

The Council, the Mayor or any person or committee authorized by either or both of them shall have power to inquire into the conduct of any department or office of the City and to make investigations as to City affairs. For that purpose the Council may subpoena witnesses, administer oaths and compel the production of books, papers and other evidence, and shall have the power to punish any such contempt in the manner provided by ordinance.

The Council shall require the Mayor, before entering upon the duties of his Office, to execute a good and sufficient bond, with a surety company business in the state of Texas, and approved by the Council, as surety thereon, said bond to be in such amount as the Council may demand payable to the City of Katy and conditioned for the faithful performance of the duties of his Office, the premium for such bond to be paid by the City.

Section 7. PRIVILEGE OF VOTE AND VETO

The Mayor shall not be entitled to vote upon matters considered by the Council, except in the event of a tie Council vote, and the Mayor may, in his sole discretion fail or refuse to vote and such vote shall not be recorded as a negative or affirmative vote. He shall have the power to veto any ordinance or resolution enacted or adopted by the Council, except those ordinances or resolutions originated by the initiative, or referendum process under the provisions of this Charter. To be effective, such veto must be accomplished within seven (7) days after the final passage or adoption of the ordinance or resolution and must be accompanied by a veto message setting forth in writing the Mayor's reason for such veto, which such veto and veto message must be filed with the Office of the City Secretary within such seven (7) day period. The City Secretary shall deliver the Mayor's veto and veto message to the Council at its next regular meeting.

Section 8. REMOVAL OF APPOINTED, NON-PAID PERSONS

Except as may be otherwise provided by the Laws of the State of Texas, or by this Charter, the Mayor shall have the exclusive authority to remove from office or position all persons appointed by him to serve on boards, commissions, committees, or agencies of the City or to serve in any similar non-paid offices or positions of the City. The action of the Mayor shall be final.

Section 9. SUSPENSION WITHOUT PAY OF APPOINTED, SALARIED OFFICERS AND EMPLOYEES

The Mayor shall have the authority to suspend without pay any appointed, salaried officer or employee of the City. Provided, however, notice of such suspension shall be given by the Mayor to the Council the next regular meeting of the Council after the effective date of such suspension. Such suspension shall permanently terminate such officer's or employee's appointment or employment with the City without recourse to the officer or employee unless he files a petition with the Council requesting a hearing on such suspension in the time and manner provided for in this Charter.



Section 10. OTHER POWERS AND DUTIES

The Mayor shall have the authority to delegate such duties as he shall deem necessary to the City Administrator and the power to perform such other duties as may be prescribed by this Charter; and the power to perform such other duties as may be required of him by the Council, not inconsistent with this Charter.



Section 11. COMPENSATION OF MAYOR

From and after the effective date of this Charter, the annual salary of the Mayor shall be determined by the Council.

State law reference—Compensation of officers in home-rule municipality, V.T.C.A., Local Government Code, sec. 141.004.



Section 12. LIMITATION ON NUMBER OF TERMS OF MAYOR

No person shall be elected to more than two (2) consecutive regular three-year terms as Mayor. This provision becomes effective January 1, 2018. (Amended 5/6/17, amnd. 2)



Section 13. SAVING CLAUSE

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



ARTICLE IV

THE COUNCIL



Section 1. OFFICE CREATED: QUALIFICATIONS

There is hereby established a Council of the City of Katy, Texas. The City as here referred to shall be deemed to include the City of Katy, and any and all territory at any time annexed to the City of Katy. This Council shall consist of one Councilmember elected from the City At large and four Councilmembers elected from the Wards established by the City designated within the City as Ward A., and Ward B.; the Councilmembers shall be elected, two from Ward A., and two from Ward B., and one at-large. The candidate for Councilmember from a Ward shall reside in the Ward for which he seeks election. The candidate for Councilmember must be a citizen of the United States, at least twenty-one (21) years of age, a qualified voter residing within the City for at least twelve (12) months prior to his election. He shall not hold any other public office; and he shall not receive remuneration from two governmental or taxing entities. (Amended 5/1/93)



Section 2. TERM

a. The term of the Councilmembers shall be three years. The tenure in office for Councilmembers shall not exceed two consecutive three-year terms.

b. This provision becomes effective January 1, 2020.

(Amended 5/6/17, amnd. 3)



Section 3. FORFEITURE

Any member of the City Council remaining absent for three (3) consecutive regular meetings of the Council, without first having obtained a leave of absence at a regular meeting, may have his office declared vacated by a majority vote of all the remaining members of the Council. Any member of the City Council remaining absent for six (6) consecutive regular meetings of the Council shall be deemed to have vacated his office.



Section 4. VACANCY

a. When a vacancy occurs in the City Council, the remaining members thereof must, within twenty (20) days, appoint a qualified person to serve in that position until the next Regular City Officers' Election, at which time a Councilmember shall be elected to serve out the balance remaining of the vacated Councilmember's term. Any persons elected or appointed to fill a vacancy in the Office of Councilmember shall possess all of the qualifications herein required for the Office. Provided, however, the City Council shall not appoint more than one Councilmember in any twelve month period, and in the event of the occurrence of a vacancy in the City Council within a twelve month period in which a vacancy in the City Council has been filled by said City Council, or in the event that more than one vacancy shall occur at the same time, then in such event a Special Election shall be held at the next available Uniform Election date, for the purpose of electing the successor or successors. If such vacancies shall exist within ninety (90) days of the next Regular City Officers' Election the vacancy shall be filled by appointment as in other cases. Any persons elected or appointed to fill a vacancy in the Office of Councilmember shall possess all of the qualifications herein required for the Office. In the event that the Mayor and the Mayor Pro Tem should resign at the same time, the remaining members of the City Council, or any of them, shall have the right and power to issue legal notice of such election to be held and to elect and appoint Election Officials. Should all positions on the City Council become vacant at one time, then in such event, the County Judge of Harris County, Texas, is hereby empowered and directed to issue notice of such special election, for and on behalf of said City, and to appoint qualified persons as Election Officials. (Amended 5/6/89)

b. If a member of the Council shall file to become a candidate for nomination or election to any other public office, his office shall be vacant and the vacancy thereby created shall be filled in the same manner as any other vacancies.

c. The office of Councilmember shall be vacant at such time as that Councilmember ceases to possess any of the qualifications listed in Section 1. (Amended 4/2/83)

State law reference—Special election to fill vacancy generally, V.T.C.A., Election Code, sec. 201.051 et seq.



Section 5. MEETINGS OF THE COUNCIL

a. Meetings of the Council - The Council shall meet in regular session at the City Hall at least twice each month at such time as may be prescribed by ordinance, unless otherwise ordered by

the Council, the reason to be put into the Minutes of the Council. The Mayor, acting alone, may cancel a regular or special council meeting anytime prior to the meeting when inclement weather or dangerous conditions of any kind may threaten the health and safety of employees of the City required to attend such meeting or the safety and welfare of members of the public wishing to attend such meeting. Special meetings of the Council shall be called by the Office of the City Secretary upon written request of the Mayor or of two Councilmembers. Except for meetings for discussion of personnel, land acquisition, or litigation, all meetings shall be open to the public. Notice of meetings will be posted by the Office of the City Secretary in a conspicuous place at City Hall, at least 72 hours before the meeting. Notice of such special meetings shall be given to each Councilmember, which said notice shall state the date for such meeting and the subjects to be considered at such meeting, and no other subjects shall there be considered. Said notice to the Mayor and the Councilmembers shall be sufficient if delivered to the Councilmember in person, or in the event of the inability to locate said Councilmember within the City of Katy, Texas, delivery of such notice to his or her home shall be sufficient. (Amended 5/3/97)

b. Quorum - Four-fifths (4/5) of the members of the Council shall constitute a quorum to do business, but a lesser number may adjourn from time to time and compel the attendance of absent members in the manner prescribed by ordinance. A vote regarding adjournment or the attendance of absent members may be adopted by a majority of the members present but in all other matters upon which the Council may vote, three-fifths (3/5) vote of all members of the Council in Office shall be necessary for adoption, provided, however, in the event of a tie vote with only four Councilmembers present, then the Mayor shall be entitled to vote and break the said tie. In all matters upon which the Council votes, the individual votes shall be recorded by the City Secretary in the Minutes of the Council, and shall be a public record.

c. Rules of Procedure - The Council shall by ordinance determine its own rules and order of business. Minutes of all meetings of the Council shall be taken and recorded, and such Minutes shall constitute a public record.

d. Each Member Present Shall Vote - Except as otherwise herein provided, each member of the Council in attendance at the Council meeting shall vote upon every issue upon which a vote is called. Any member present who fails or refuses to vote under such circumstances shall be recorded as having cast a negative vote.

e. Emergency Meetings - Emergency meetings of the Council shall be allowed and called in accordance with Texas State Law only when City Council must act in an emergency to authorize emergency appropriations as set out in [Article IV, Section 11](#). (Amended 4/6/85)

State law reference—Open meetings, V.T.C.A., Government Code, ch. 551.

Section 6. OVERRIDE OF MAYOR'S VETO

At the next regular Council meeting, after the Mayor has vetoed any ordinance or resolution of the Council, the Council may, by the affirmative vote of at least three members qualified and serving, override such veto, in which event such ordinance or resolution shall be considered finally passed and approved and shall not be subject to further veto. The Mayor shall not participate in such vote in event of a tie.



Section 7. REINSTATEMENT OF APPOINTED, SALARIED OFFICERS OR EMPLOYEES SUSPENDED WITHOUT PAY

In the event the Mayor or the department head suspends without pay, any appointed, salaried officer or employee of the City in the manner authorized by this Charter, such suspended officer or employee may within fifteen (15) days after the date of his suspension file a written petition with the Council requesting a hearing on such suspension. Said petition shall be signed by the officer or employee, shall contain his home address, and shall state whether he desires a public or a private hearing. If the petition is timely and properly filed, the Council shall within ten days thereafter set a time for hearing such petition, such hearing to be held not less than six nor more than twenty days thereafter and to be either a public or private hearing, as requested by the suspended officer or employee in his petition. The Office of the City Secretary shall give written notice of the time of such hearing to the suspended officer or employee at the address shown in the petition by depositing the same, postage [prepaid] by registered or certified mail, return receipt requested, in the United States mail at least five days prior to the date of such hearing. All such hearings shall be held at the City Hall of the City. At the hearing, the Mayor or the department head, as the case may be, and the suspended officer or employee shall be given the right to be heard. Within ten days following such hearing, three of the Councilmembers qualified and serving may remove such suspension and reinstate the officer or employee to his office or position of employment, in which event such officer or employee shall be entitled to receive all wages and benefits lost during the period of his suspension. However, if the petition is not timely or properly filed, or if three of the Councilmembers qualified and serving do not remove the suspension and reinstate such officer or employee, his removal and discharge shall be effective as of the date of his suspension, by the Mayor or by the department head. The action of the Councilmembers on the question of the removal of such suspension and reinstatement shall be final. (Amended 5/6/00)



Section 8. ORDINANCES

The Council shall legislate by ordinance only, and the enacting clause of every ordinance shall be "Be It Ordained by the City Council of the City of Katy." All ordinances shall be submitted to the City Attorney for his approval before adoption and unless approved by him in writing, he shall file with the Office of the City Secretary his written legal objections thereto. Every proposed ordinance shall be read in open meeting of the Council by request of the Mayor or at least one Councilmember before a vote is taken thereon; provided that whenever a second and third reading are required by law or this Charter, it shall be sufficient upon the second and third reading that the ordinance be read by descriptive caption only. All ordinances, unless otherwise provided by law or this Charter or by the terms of such ordinances, shall take effect immediately upon the final passage thereof. (Amended 4/2/83)

Every ordinance imposing any penalty, fine or forfeiture for any violation of any of its provisions shall be published in the official Newspaper of the City on three separate weeks, the last of which shall not be more than 15 days after the first, and every such ordinance shall not take effect until 15 days after the date of the first publication. In lieu of publishing the full text of such an ordinance, the Council may provide, in the enactment thereof, that the publication shall be only of a descriptive caption or title stating in summary the purpose of the ordinance and the penalty for violation thereof. When an ordinance is published by descriptive caption only, the Office of the City Secretary shall upon request, furnish a copy of such ordinance to any interested persons. When any ordinance is required to be published by this Section or other provision of the law or this Charter, the affidavit of such publication by the publisher of the Official 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.

State law references—Ordinance, rule or regulation necessary to carry out other powers, V.T.C.A., Local Government Code, sec. 51.001; publication of ordinances, V.T.C.A., Local Government Code, sec. 52.013.



Section 9. DUTIES OF THE COUNCIL

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

- a. Adopt the budget of the City.
- b. Authorize the issuance of bonds by a bond ordinance.
- c. Adopt and modify the zoning plan and the building codes of the City.
- d. Adopt and modify the Official map of the City.
- e. Regulate, license and fix the charges or fares made by any person, firm or corporation owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire or the transportation of freight for hire on the public streets and alleys of the City.
- f. Provide for the establishment and designation of fire limits and prescribe the kind and character of buildings or structures or improvements to be erected therein and provide for the erection of fireproof buildings within such buildings within said limits, and provide for the condemnation of dangerous structures or buildings or dilapidated buildings or buildings calculated to increase fire hazard and prescribe the manner of their removal or destruction within said limits.
- g. Fix the salaries and compensation of the City Officials and employees.
- h. Provide for a sanitary sewer and water system and require property owners to connect their premises with sewer system and provide for penalties for failure to make sanitary sewer connections.
- i. Provide for sanitary garbage disposal, and set fees and charges therefore, and provide penalties for failure to pay such fees and charges.
- j. Exercise exclusive dominion, control, and jurisdiction including the right to close and abandon streets and alleys, highways, boulevards and public grounds of the City and provide for the improvement of same as provided in Article 1105b, Chapter 9, Title 28 of the Revised Civil Statutes of the State of Texas of 1925, as now or hereafter amended.

k. Compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the City of Katy.

l. And such other and further powers as have been or may from time to time hereafter be delegated to Home Rule cities by the Legislature of the State of Texas, including the powers incident to the exercise thereof.

m. All powers of this Charter are vested in the City Council. The Council shall conduct all business in meetings. No member of the Council shall have any power to act or make appointments without the specific authorization of the Council in a meeting.

Section 10. CREATE BOARDS

The City Council by ordinance may create boards, commissions or committees. The members of any such boards, commissions or committees shall be appointed by the Council upon the recommendation of the Mayor and shall receive no compensation from the City. (Amended 5/1/93)

Section 11. PURCHASE PROCEDURE

All contracts for the purchase of supplies, materials, equipment, or for contractual services for a sum in excess of the amount authorized for expenditures by cities of the size and population of the City of Katy, as set out in Local Government Code, Article 252.021, and all amendments thereto or other statute into which same shall be merged or changed, shall be in writing and opportunity for competitive bidding shall be given before they are awarded, after such public notice as may be required by the laws of the State of Texas. The Council shall have the right to reject any and all bids. All contracts for the purchase of supplies, materials, equipment, or for contractual services where such purchase requires an expenditure less than the amounts above stated and the item(s) is one provided for in the budget, may be authorized by Council to be made by designated City Official without the necessity of competitive bidding. When it becomes necessary to act at once to appropriate money for emergency repairs to preserve or protect the public health; or in case of unforeseen damage to public property, then the provision for competitive bidding shall not apply, and Council may, by Ordinance, authorize the purchase. The Council may, by Ordinance, purchase real estate for the City without following the procedure for competitive bidding. (Amended 5/3/97)

Editor's note—The city council, by Ordinance No. 1054 adopted January 27, 1994, elected to abide by the provisions of V.T.C.A., Local Government Code, chapter 252, with the exception of section 252.021(a).

State law reference—Purchasing and contracting authority of municipality, V.T.C.A., Local Government Code, chs. 252, 271.

Section 12. EMERGENCY POWERS

The Council may enter upon cooperative agreements with the proper authorities of State, Federal or County Governments, or other Municipalities, for mutual assistance within the area of an existing or threatened emergency.



Section 13. SAVINGS CLAUSE

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



ARTICLE V

THE CITY ADMINISTRATOR*



Section 1. [APPOINTMENT; QUALIFICATIONS; ASSISTANTS; TEMPORARY CITY ADMINISTRATOR]

a. Appointment and Qualifications. The Mayor shall appoint, subject to the approval of the City Council, a City Administrator. Such appointment shall be made as soon as practical after the occurrence of a vacancy. Such appointment shall be presented to [the] City Council at a regularly scheduled City Council meeting. City Council shall vote on such appointment not later than the first regular or special called meeting following the presentation. The Mayor and Council shall consider the nominee or the confirmation of the nominee on the basis of executive and administrative training and/or experience and ability. No person appointed and confirmed as City Administrator shall hold any other office or employment with the City of Katy. No Mayor or City Councilmember shall be eligible for appointment to the office of City Administrator for a period of 24 months following the termination of their service with the City of Katy.

b. Assistant or Temporary City Administrator. Such Assistant City Administrators as may be required may be appointed by the Mayor subject to the approval of City Council. In the temporary absence of a City Administrator and Assistant City Administrator because of illness, death, resignation, termination or other cause, the Mayor may appoint a qualified person as Temporary City Administrator whose term may not exceed 90 days without Council approval.

(Amended 5/6/00)



Section 2. TERM AND SALARY

Upon confirmation of the appointment of the City Administrator, the City Council shall fix the term of employment and compensation by written contract. The term of the contract of the City Administrator shall not extend beyond September 30, of the first odd numbered calendar year following the year in which the appointment is made. Such termination date is designed to coincide with the end of the City's fiscal year in the calendar year of the regular mayoral election. The contract of the City Administrator may not be terminated by the Mayor except by agreement or for cause. The pay of the City Administrator terminated for cause shall not be suspended pending an appeal as hereafter provided. If no appeal is taken within 15 days following receipt by the City Administrator of notice, termination shall become final and any pay due under the contract shall cease. If terminated for cause, such action shall be subject to the right of appeal as provided in Article IV, Section 7 of the Katy City Charter. Such appeal shall be considered by City Council allowing the City Administrator an opportunity to be heard and allowing the Mayor to present the basis for the termination. The City Administrator may be reinstated as provided in Article IV,

Section 7. Such hearing shall be either in closed or public session at the option of the City Administrator. (Amended 5/6/00)



Section 3. DUTIES OF THE CITY ADMINISTRATOR

- a. The City Administrator shall be responsible to the Mayor and shall assist the Mayor in the efficient and economical administration of the City Government. He shall have the authority with the approval of the Mayor, to appoint, transfer and remove all employees in the Administrative service of the City except those employees within the Police, Fire and Ambulance Departments. He may, with the approval of the Mayor authorize the head of a department to appoint, transfer and remove subordinates in his respective department.
- b. He shall assist the Mayor in preparing the budget annually and submitting it to the City Council and shall assist the Mayor in its administration after adoption.
- c. He shall assist the Mayor in preparing and submitting to the City Council, a complete report on the finances and administrative activities of the City for the preceding year.
- d. He shall assist the Mayor in keeping the City Council advised of the financial condition and make such recommendations as may be deemed desirable.
- e. Perform such other duties as may be prescribed by this Charter or may be required of him by the Mayor not inconsistent with this Charter.



ARTICLE VI

DEPARTMENTS*



Section 1. DEPARTMENT OF LAW

- a. City Attorney - There shall be a Department of Law, the head of which shall be the City Attorney, who shall be appointed by the Mayor with the approval of the City Council. The City Attorney shall be a competent attorney who shall have practiced law in the State of Texas for at least five years immediately preceding the appointment. The City Attorney shall be the legal advisor of, and attorney for, all of the officers and departments of the City and shall represent the City in all litigation and legal proceedings. The City Attorney shall draft, approve, or file written legal objections to every ordinance before it is acted upon by the Council and shall pass upon all documents, contracts, and legal instruments in which the City may be required to perform any act, or pay any sum of money. (Amended 5/9/09)
- b. Assistant City Attorney - There shall be such Assistant City Attorney(s) as may be authorized by the Mayor with the approval of Council, and who shall be authorized to act for and on behalf of the City Attorney. The Assistant City Attorney(s) shall possess the same qualifications as listed for the City Attorney in subsection a. of this Section.



Section 2. MUNICIPAL COURT

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

- a. Judge of the Municipal Court - The Municipal Court shall be presided over by a magistrate who shall be known as the Judge of the Municipal Court. He shall be appointed by the Mayor with the approval of Council, for a two-year term beginning on April 15th of odd-numbered years. He shall be removed only for cause or disability as defined in State Constitution. He shall have resided in the City for a period of not less than five years immediately preceding his appointment. In the event the Judge of the Municipal Court is unable to act for any reason, the Mayor, with the approval of Council, shall appoint a competent person possessing the qualifications listed above to act in his place. The Municipal Judge, or anyone acting in his place, shall receive compensation as may be set by Council.
- b. Additional Municipal Courts - The Mayor, with the approval of Council, shall have the power to create and establish additional Municipal Courts, and the Mayor, with the approval of Council, shall appoint a Judge of each Municipal Court, each of whom shall be required to possess the qualifications and shall serve the same term as outlined in subsection a. of this Section.
- c. Clerk of the Municipal Court - There shall be a Clerk of the Municipal Court who shall be appointed by the Mayor, with the approval of Council. The Clerk shall have the power to administer oaths and affidavits, make certificates, affix the seal of the Court thereto, and otherwise perform any and all acts necessary in issuing process of such Court and conducting the business thereof.
- d. Deputy Clerks - There shall be such deputy Clerks of the Municipal Court as may be authorized by the Mayor, with approval of Council, who shall have authority to act for and on behalf of the Clerk of the Municipal Court, and who shall be appointed by the Mayor, with the approval of Council.

State law references—Municipal courts generally, V.T.C.A., Government Code, sec. 29.001 et seq.; jurisdiction of municipal courts, V.T.C.A., Government Code, sec. 29.003; municipal court judges, V.T.C.A., Government Code, sec. 29.004; municipal court clerk generally, V.T.C.A., Government Code, sec. 29.010.

Section 3. THE POLICE DEPARTMENT

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 Chief of Police shall be the Chief Administrative Officer of the Department of Police. He shall, with the approval of the Mayor, appoint and remove employees of said Department and shall perform such duties as may be required of him by the City Council. The Chief of Police shall be appointed by the Mayor with the approval of Council for an indefinite term. The Chief of Police shall be responsible to the Mayor for the administration of his Department and the carrying out of directions of the City Council. He may be removed from Office by the Mayor.

b. Authority - The Officers and Policemen of this Department shall have all the powers and authority given to them as Peace Officers under the Laws of Texas, this Charter and all other powers and authority that may be lawfully conferred on them by the Council.

c. Special Police - No persons except as otherwise provided by the General Laws or the Charter or the ordinances passed pursuant thereto shall act as "Special Police," or "Special Detectives".

d. No person shall be authorized to act as a Police Officer for the City of Katy unless such person shall be a full-time paid employee of the City of Katy and shall qualify under the laws of the State of Texas. No person shall be allowed to wear a gun, badge, uniform, or act as a Katy Police Officer or be a member of the Katy Police Department unless such person shall be a full-time paid employee of the City of Katy and shall qualify under the laws of the State of Texas; it being the intent of this Charter that only full-time paid employees shall act in the capacity of Peace Officer for the City of Katy. (Amended 4/2/83)

State law reference—Police force in home-rule municipality, V.T.C.A., Local Government Code, sec. 341.003.

Section 4. CITY SECRETARY

The Mayor, with the approval of the City Council, shall appoint a competent person as City Secretary and such assistants as the City Council shall deem advisable. The Office of the City Secretary shall give notice of Council meetings, shall keep the minutes of the proceedings of such meetings, and shall authenticate by his 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 Mayor shall assign to him, and those elsewhere provided in this Charter and the Laws of the State of Texas.

Section 5. CITY TREASURER

The Mayor, with the approval of the City Council, shall appoint a competent person as City Treasurer and such assistants as the City Council shall deem advisable. The City Treasurer shall perform the duties delegated to him by the Mayor, and those which may be imposed upon him by the Laws of the State of Texas. The duties of City Secretary, City Treasurer and City Tax Assessor and Collector may be performed by the same individual.

Section 6. THE FIRE DEPARTMENT

The City of Katy shall, by Ordinance, establish and maintain a Fire Department to provide firefighting, fire protection and rescue services for the city. The Fire Department hereinafter shall be known as the Katy Fire Department. The Katy Fire Department shall attend not only to all situations concerning the extinguishments of fires but also to all emergencies normally performed by a Fire Department, whether of a medical emergency or rescue or search operation. The Fire Department shall be staffed by paid or volunteer firefighters and emergency medical technicians or a combination thereof. (Amended 5/9/09)

State law reference—Fire department in home-rule municipality, V.T.C.A., Local Government Code, sec. 342.011.

Section 7. PARKS AND RECREATION

The City of Katy shall, by Ordinance, establish and maintain a Department of Parks and Recreation for the purpose of regulating the City Parks and for promoting and organizing recreational programs within the City. (Amended 4/6/85)

Section 8. SOCIAL SERVICES

The City of Katy shall, by Ordinance, establish and maintain a Department of Social Services, and the City shall provide a building for the administration and implementation of the preferred services. The head of the Department shall be known as "The Director" and shall be hired by the Mayor with the approval of Council. The Director will be the coordinator of the multi-purpose activities, and the Council will employ any other personnel deemed necessary for the efficiency of the Department.

- a. Purpose - The Department will strive to promote, offer, arrange, and institute various informative services by referral, by utilization of volunteers, and by hosting the various contact stations allowed by other governmental agencies to serve older Americans and others requiring special services which will ameliorate their lives.
- b. Authority - The City will join with governmental aging agencies by grant applications, and the Department will be responsible for being cognizant of the criteria required in standards for implementation of the funding of both the City and any other governmental agency, to ensure fulfillment of the many-faceted programs.

(Amended 4/6/85)

ARTICLE VII

ELECTION*

Section 1. SPECIAL ELECTIONS

The Council may by ordinance call such special elections as are authorized by the State law and this Charter, fix the time of holding same, and provide all means for holding such special elections, provided that every special election shall be held on a Saturday, unless otherwise provided by law or this Charter, and shall be held as nearly as practicable according to the provisions governing general elections.

Section 2. REGULAR ELECTIONS

Regular elections for Mayor and City Councilmembers shall be held annually on the first Saturday in May of each year as hereinafter provided. All regular elections shall be conducted in accordance with the Texas Election Code.

a. Odd-numbered Years - In odd-numbered years there shall be elected the Mayor, one Councilmember from Ward A., and one Councilmember from Ward B.

b. Even-numbered Years - In even-numbered years there shall be elected one Councilmember from Ward A., one Councilmember from Ward B., and one Councilmember at large.

State law reference—Date for election of officers, V.T.C.A., Local Government Code, sec. 26.042; election dates, V.T.C.A., Election Code, ch. 41.

Section 3. RUN-OFF

Where in an election for Mayor or to a place on the Council, no candidate receives a majority of all the votes cast for such place at such election, the Council shall, immediately upon declaring the official results of the election, issue a call for a run-off election for every place to which no one was elected. Such run-off election shall be held not earlier than the 20th day or later than the 30th day after the date the final canvass of the main election is completed. Such date shall be set by ordinance by Council in the ordinance calling the run-off election. Such run-off election and candidates therefor shall comply with the Texas Election Code, in particular Title I Chapter 2 and all amendments thereto.

State law reference—Runoff election, V.T.C.A., Election Code, sec. 2.021 et seq..

Section 4. CANDIDATES

Any person seeking election to the Office of Mayor or Councilmember must comply with the provisions of this Charter and to the extent it applies to persons seeking municipal office, must also comply with the Texas Election Code, in particular, Texas Election Code, Title 9, except that age and residency requirements shall be those prescribed by this Charter.

In addition to such requirements which require the filing of an application, each candidate must present an affidavit signed by the candidate, containing proof that such candidate has met the qualifications of the office as outlined in this Charter. Such application and affidavit shall be presented to the City Secretary.

State law references—Age and residence requirements for home-rule city office, V.T.C.A., Election Code, sec. 141.003; candidates for city office, V.T.C.A., Election Code, ch. 143; candidate's application for home-rule city office, V.T.C.A., Election Code, sec. 143.005.

Section 5. CONDUCT OF ELECTIONS

a. All regular, special and run-off elections in the City of Katy shall be conducted in accordance with this Charter and the Texas Election Code.

b. All Election Officials required by the Texas Election Code shall be appointed by the Mayor and approved by the City Council and each such official shall be governed by the Texas Election Code.

c. The voting system for casting and processing votes in any City of Katy election shall be designated by City Council in the ordinance calling the election and shall be a system meeting the standards of and approved by the Texas Election Code.

State law reference—Appointment of election judges, V.T.C.A., Election Code, sec. 32.005.

  **Section 6. EARLY VOTING**

Early voting, formerly absentee voting, shall be conducted in accordance with the Texas Election Code, in particular Texas Election Code, Title 7.

  **Section 7. OATH**

The candidates elected to either the Office of Mayor or Councilmember shall assume the duties of office after giving the oath of office which shall be administered by the City of Katy Municipal Judge or any person authorized by Texas State Law to administer oaths.

State constitution reference—Oath of office, Texas Constitution, art. 16, sec. 1.

(Amended 5/1/93)

  **ARTICLE VIII**

INITIATIVE, REFERENDUM, RECALL

  **Section 1. POWER OF INITIATIVE**

The people of the City reserve the power of direct legislation by initiative, and in the exercise of such power may propose any ordinance, not in conflict with this Charter, the State Constitution, or the State Laws except an ordinance appropriating money or authorizing the levy of taxes, or ordinances repealing ordinances appropriating money or levying taxes. Any initiated ordinance may be submitted to the Council by a petition signed by qualified voters of the City equal in number to at least thirty per cent (30%) of the qualified voters of the City, but in no event less than 300 petitioners.

  **Section 2. POWER OF REFERENDUM**

The people reserve the power to approve or reject at the polls any legislation enacted by the Council which is subject to the initiative process under this Charter, except an ordinance which authorizes the issuance of either tax or revenue bonds, whether original or refunding bonds. Prior to the effective date of any ordinance which is subject to referendum, or within thirty (30) days after the effective date of any ordinance which is subject to referendum, a petition signed by qualified voters of the City equal in number to at least thirty per cent (30%) of the qualified voters of the City, but in no event less than 300 such petitioners, may be filed with the Office of the City Secretary requesting that any such ordinance be either repealed or submitted to a vote of the people. When such a petition has been certified as sufficient by the Office of the City Secretary, the ordinance specified in the petition shall not go into effect, or further action thereunder shall be

suspended if it shall have gone into effect, until and unless it is approved by the voters as herein provided.

Section 3. FORM OF PETITION

Initiative petition papers shall contain the full text of the proposed legislation in the form of an ordinance including a descriptive caption. The signatures to the initiative or referendum petitions need not all be appended to one paper, but each signer shall sign his name in ink or indelible pencil and shall add to his signature his place of residence by street and number. One of the signers of each separate petition shall make an affidavit, that he and he only, personally circulated such petition and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be.

Section 4. FILING, EXAMINATION AND CERTIFICATION OF PETITIONS

Within thirty (30) days after an initiative or referendum petition is filed, the Office of the City Secretary shall determine whether the same is signed by the requisite number of qualified voters. The Office of the City Secretary shall declare void any petition paper which does not have an affidavit attached thereto as required in Section 3 of this Article. In examining the petition, the Office of the City Secretary shall write the letters "D.V." in red ink opposite the names of signers found not qualified to vote.

After completing examination of the petition the Office of the City Secretary shall certify the result thereof to the Council at its next regular meeting, stating the number of persons found on the petition who are qualified to vote and number of persons found on the petition who are not qualified to vote. If the certificate of the Office of the City Secretary shall show an initiative or referendum petition to be insufficient, the Office shall notify the person filing the petition, and it may be amended within fifteen days from the date of such notice by filing a supplementary petition and certify as to its sufficiency. If the amended petition is found to be insufficient the Office of the City Secretary shall return the petition to the person filing the same, without prejudice, to the filing of a new petition for the same purpose.

Section 5. COUNCIL CONSIDERATION AND SUBMISSION TO VOTERS

When the Council receives an authorized initiative petition certified by the Office of the City Secretary to be sufficient, the Council shall either (a) pass the initiated ordinance without amendment within twenty-one days after the date of the certification to the Council; or (b) submit said initiated ordinance without amendment to a vote of the qualified voters of the City at a regular or special election to be held within sixty (60) days after the date of the certification to the Council; or (c) at such election, submit to a vote of the qualified voters of the City said initiated ordinance without amendment, and an alternative ordinance on the same subject proposed by the Council.

When the Council receives an authorized referendum petition certified by the office of the City Secretary to be sufficient, the Council shall reconsider the referred ordinance, and if upon such reconsideration such ordinance is not repealed, it shall be submitted to the voters at a regular or special election to be held not more than ninety (90) days after the date of the certification to the Council. Special elections on initiated or referred ordinances shall not be held more frequently than once each six months, and no ordinance on the same subject as an initiated ordinance which

has been defeated at any election may be initiated by the voters within two years from the date of such election.



Section 6. BALLOT FORM AND RESULTS OF ELECTIONS

The ballot used in voting upon an initiated or referred ordinance shall state the caption of the ordinance and below the caption shall set forth on separate lines the words, "For the Ordinance" and "Against the Ordinance."

Where an initiated ordinance and an alternative ordinance proposed by the Council are submitted, the ballot shall state the captions of each ordinance, clearly designating them "Ordinance No. 1" and "Ordinance No. 2" respectively, and shall set forth below the captions on separate lines the words "For Ordinance No. 1," "For Ordinance No. 2," and "Against Both Ordinances." Where an initiated ordinance and an alternative ordinance are submitted, each voter shall vote "For" only one ordinance or "Against Both Ordinances," and a vote for one ordinance shall be counted as a vote against the other ordinance.

Any number of ordinances may be voted on at the same election in accordance with the provisions of this Article. If a majority of the votes cast is in favor of a submitted ordinance, it shall thereupon be effective as an ordinance of the City. An ordinance so adopted may be repealed or amended at any time after the expiration of two years by favorable vote of four members of the Council. A referred ordinance which is not approved by a majority of the votes cast shall be deemed thereupon repealed.



Section 7. PETITION SIGNED BY LESS THAN THIRTY PERCENT (30%) OF QUALIFIED VOTERS

If an authorized initiative petition or referendum petition be signed by qualified voters of the City equal in number to at least ten percent (10%) but less than thirty percent (30%) of the qualified voters of the City, and such ordinance is not adopted by the Council, then such ordinance, without amendment or alteration, shall be submitted by the Council to the qualified voters of the City at the next City General Election that shall be held at any time after sixty (60) days from the date of the City Secretary's certification of sufficiency attached to the petition accompanying said initiated or referred ordinance.



Section 8. POWER OF RECALL

The people of the City reserve the power to recall any member of the Council or the Mayor and may exercise such power by filing with the Office of the City Secretary a petition, signed by qualified voters of the City equal in number to at least thirty percent (30%) of the qualified voters of the City, but in no event less than 300 such petitioners, demanding the removal of the Mayor or a Councilmember. The petition shall be signed and verified in the manner required for an initiative petition, shall contain a general statement of the grounds for which the removal is sought, and one of the signers of each petition paper shall make an affidavit that the statements therein made are true.



Section 9. RECALL ELECTION

Within twenty (20) days after a recall petition is filed, the Office of the City Secretary shall examine the same. The provisions regulating examination, certification and amendment of initiative petitions shall apply to recall petitions. If the petition is certified by the Office of the City Secretary to be sufficient and the Councilmember or the Mayor whose removal is sought does not resign within five days after the certification to the Council, the Council shall order and hold a recall election within not less than thirty (30) nor more than sixty (60) days from such certification.

Section 10. RECALL BALLOT

Ballots used at recall elections shall conform to the following requirements:

- a. With respect to each person whose removal is sought, the question shall be submitted "Shall (name of the Mayor or the Councilmember) be removed from the Office of The Mayor or from the Council?"
- b. Immediately below each question there shall be printed the two following propositions, one above the other; in the order indicated:

"For the recall of (name of the Mayor or Councilmember.)"

"Against the recall of (name of the Mayor or Councilmember.)"

Section 11. RESULTS OF RECALL ELECTION

If a majority of the votes cast at a recall election shall be against removal of the Mayor or the Councilmember named on the ballot, he shall continue in Office. If the majority of the votes cast at such election be for the removal of the Mayor or the Councilmember named on the ballot, the Council shall immediately declare his Office vacant and such vacancy shall be filled in accordance with the provisions of this Charter for the filling of vacancies. A Councilmember or the Mayor thus removed shall not be a candidate to succeed himself in an election called to fill the vacancy thereby created, and further shall not be eligible to hold Office in the City of Katy within a period of two years from the date of his recall.

Section 12. LIMITATION ON RECALL

No recall petition shall be filed against the Mayor or a Councilmember within six months after he takes Office, and neither the Mayor nor a Councilmember shall be subjected to more than one recall election during a term of Office.

Section 13. FAILURE OF CITY COUNCIL TO CALL AN ELECTION

In case all the requirements of this Charter shall have been met, and the City Council shall fail or refuse to receive the recall petition, or order such recall election, or discharge any other duties imposed upon said City Council by the provisions of this Charter with reference to such recall, then, the County Judge of either Fort Bend, Harris or Waller County, Texas, shall discharge any of such duties herein provided to be discharged by the person performing the duties of City Secretary or by the City Council.

  **ARTICLE IX****FINANCE***  **Section 1. FISCAL YEAR**

The fiscal year of the City of Katy, Texas shall commence on the first day of October and end on the last day of September for any and all purposes including taxing and budgeting.

State law references—General fiscal power to establish fiscal year, V.T.C.A., Local Government Code, sec. 101.022; city fiscal year, V.T.C.A., Tax Code, sec. 1.05.

  **Section 2. DEPOSITORY FOR CITY FUNDS**

All money received by any department or agency of the City for, or in connection with, the business of the City shall be paid promptly into the treasury and shall be deposited with a responsible banking institution. This institution shall be designated by the Council, in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by ordinance. All interest on money belonging to the City shall accrue to the benefit of the City.

State law reference—Depositories for municipal funds, V.T.C.A., Local Government Code, ch. 105.

  **Section 3. INDEPENDENT AUDIT**

At the close of each fiscal year the Council shall cause an independent audit to be made of all accounts of the City by a Certified Public Accountant.

State law reference—Audit of municipal finances, V.T.C.A., Local Government Code, ch. 103.

  **Section 4. ISSUANCE OF BONDS - TYPES**

a. General Obligation Bonds - The City shall have the power to borrow money on the credit of the City and to issue general obligation bonds for permanent public improvements or for any other public purpose not prohibited by the Constitution and the Laws of the State of Texas and to issue refunding bonds to refund outstanding bonds of the City previously issued. All such bonds shall be issued in conformity with the Laws of the State of Texas.

b. Revenue Bonds - The City shall have the power to borrow money for the purpose of constructing, purchasing, improving, extending or repairing of public utilities, recreational facilities or any other self-liquidating municipal function not prohibited by the Constitution and the Laws of the State of Texas and to issue revenue bonds to evidence the obligation created thereby, and to issue refunding bonds to refund outstanding revenue bonds of the City previously issued. All such bonds shall be issued in conformity with the Laws of the State of Texas.

State law references—Public Security Procedures Act, V.T.C.A., Government Code, ch. 1201; refunding bonds, V.T.C.A., Government Code, ch. 1207; bond elections generally, V.T.C.A., Government Code, ch. 1251; municipal bonds, V.T.C.A., Government Code, ch. 1331.



Section 5. APPROPRIATIONS

- a. No funds of the City shall be expended nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual or interim period appropriation ordinance provided by this Charter. At the close of each fiscal year any unencumbered balance of an appropriation shall revert to the fund from which appropriated and may be reappropriated by the City Council. The Council may transfer any unencumbered appropriation balance or portion thereof from one office, department, or agency to another.
- b. The revenues of the water and sewer systems of the City shall be used only for such systems and approved water and sewer bonded indebtedness, and shall not be transferred to any other office, department, or agency for any other purpose.



Section 6. REQUIREMENTS ON BORROWING

- a. Limitation on Borrowing - The City shall not borrow money and/or issue certificates of obligation created thereby unless first submitted to all of the qualified voters in the City for their approval at an election duly called and held for such purposes with the exception of the borrowing authorized by subsection b. and c. of this Section.
- b. Borrowing to Meet Emergency Appropriations - In the absence of unappropriated available revenues or other funds to meet emergency appropriations under the provisions of the preceding Section, the Council may, by resolution, authorize the borrowing of money to meet such deficit by the issuance of notes, each of which shall be designated "Emergency Note" and may be renewals thereof, shall mature and be payable not later than the Last day of the fiscal year in which the emergency appropriation was made, as provided in the last preceding Section.
- c. Borrowing in Anticipation of Property Taxes - In any fiscal year, in anticipation of the collection of the ad valorem property tax for such year, whether levied or to be levied in such year, the Council may by resolution authorize the borrowing of money, not to exceed in any fiscal year an amount equal to ten percent (10%) of the budget for that fiscal year. Such borrowing shall be by the issuance of negotiable notes of the City, each of which shall be designated "tax anticipation note for the year," (stating the tax year.) Such notes shall mature and be payable not later than the end of the fiscal year in which issued and may be secured by the pledge of the ad valorem property taxes for such year.
- d. Time Warrants. Time Warrants shall not be subject to the terms [of] Section 6.



Section 7. ALTERNATE MEANS OF FINANCING

The City of Katy shall be able to borrow monies and execute all forms of obligations and exercise all rights and powers available to General Law Cities or Home Rule Cities under the Constitution and the Laws of the State of Texas and of the United States of America as they now read and exist, and should these rights and powers be subsequently enlarged or increased by amendment to said Constitution or Laws, subsequent to the date of adoption of this Charter, the City of Katy shall from the date of such amendment possess such additional rights and powers, including by way of illustration, but not of limitation, such mechanism of finance as "time warrants."

It being the intent of this Charter that this provision be liberally construed in favor of alternate means of financing, that the City of Katy may thus act in the best interests of the people of this City.

  **Section 8. SALE OF BONDS**

No bonds (other than refunding bonds issued to refund and in exchange of previously issued outstanding bonds) issued by the City shall be sold for less than par value and accrued interest. All bonds of the City having been issued and sold in accordance with the terms of [Section 5.](#) of this Article, and having been delivered to the purchasers thereof shall thereafter be incontestable and all bonds issued to refund and in exchange of outstanding bonds previously issued shall, after said exchange, be incontestable.

  **Section 9. SINKING FUND**

It shall be the duty of the Council to levy an annual tax sufficient to pay the interest on and provide the necessary sinking fund required by law on all outstanding general obligation bonds of the City. The interest and sinking fund shall be deposited in a separate account and shall not be diverted to or used for any other purpose than to pay the interest and principal on such bonds. The sinking fund maintained for the redemption of any debt may be invested in any interest bearing bonds of the United States government, the State of Texas, the Counties of Fort Bend, Harris, Waller or the City of Katy, and the interest generated from said investments shall be retained in a sinking fund.

  **ARTICLE X**

TAXATION*

  **Section 1. DEPARTMENT CREATED**

There shall be established a Department of Taxation to assess and collect taxes, the head of which shall be the City Tax Assessor-Collector, which office shall be filled by appointment by the Mayor with approval of Council. The Tax Assessor-Collector shall give a surety bond for faithful performance of his duties, including compliance with all controlling provisions of the State Law bearing upon the functions of his office, in a sum which shall be fixed by the Mayor with the approval of Council.

  **Section 2. POWER TO TAX**

The Council shall have the power under the provisions of the State Laws to levy, assess and collect an annual tax on real and personal property within the City to the maximum provided by the Constitution and General Laws of the State of Texas.

  **Section 3. PROPERTY SUBJECT TO TAX: METHOD OF ASSESSMENT**

All property, real, personal or mixed, within the City on January 1 of each year not expressly exempted by law, shall be subject to annual taxation. On or before the 31st day of January each

year, the City Tax Assessor-Collector shall mail or deliver to each owner of property within the City, a tax rendition form on which form such property owner shall state the value of his property computed in a manner prescribed by the Mayor and approved by Council, and shall return said form to the City Tax Assessor-Collector before the 30th day of April of that year. In all cases of failure to obtain a statement of real and personal property from any cause, the Tax Assessor-Collector shall ascertain the amount and value of such property and may assess the same as he believes to be the true and full value thereof, and such assessment shall be as valid and binding as if such property had been rendered by the owner thereof.

  **Section 4. RESERVED**

Editor's note—Former article X, section 4 pertaining to the board of equalization; appointment; qualifications was deleted by Ordinance 2787 at an election held on May 6, 2017, amendment 4.

  **Section 5. RESERVED**

Editor's note—Former article X, section 5 pertaining to the powers of the board of equalization was deleted by Ordinance 2787 at an election held on May 6, 2017, amendment 4.

  **Section 6. RESERVED**

Editor's note—Former article X, section 6 pertaining to the records of the board of equalization was deleted by Ordinance 2787 at an election held on May 6, 2017, amendment 4.

  **Section 7. TAXES - WHEN DUE AND PAYABLE**

All taxes due the City of Katy shall be payable at the Office of the City Tax Assessor-Collector and may be paid at any time after the tax rolls for the year have been completed and approved which shall be not later than October 1st. Taxes shall be paid before February 1st, and all such taxes not paid prior to such date shall be deemed delinquent and shall be subject to such penalty and interest as the Mayor and Council may provide by ordinance. Failure to levy and assess taxes through omission in preparation of the approved tax roll shall not relieve the person, firm, or corporation so omitted, from obligation to pay such current or past due taxes shown to be payable by recheck of the rolls and receipts for the year in question, unless otherwise provided by law.

State law reference—Delinquency date for payment of taxes, V.T.C.A., Tax Code, sec. 31.02.

  **Section 8. TAX LIENS**

a. The tax levied by the City is hereby declared to be a lien, charge or encumbrance upon the property upon which the tax is due, which lien, charge or encumbrance the City is entitled to enforce and foreclose in any court having jurisdiction over the same, and the lien[,] charge or encumbrance on the property in favor of the City, for the amount due in taxes on the property, not only as against any resident of this state or person whose residence is unknown: but also, as against non-residents of this state. All taxes on real estate shall especially be a lien and a charge on the property on which the taxes are due, which lien may be foreclosed in any court having jurisdiction. The City's tax lien shall exist from January 1st in each year until the taxes are paid;

and the statute of limitations shall not apply. Such lien shall be prior to all other claims, and no gift, sale, assignment or transfer of any kind, or judicial writ of any kind, can ever defeat such lien.

b. All persons or corporations owning or holding personal property or real estate in the City of Katy on the first day of January of each year shall be liable for all municipal taxes levied thereon for such year. The personal property of all persons owing any taxes to the City of Katy is hereby made liable for all of said taxes, whether the same be due upon personal or real property or upon both.

State law reference—Tax liens and personal liability, V.T.C.A., Tax Code, ch. 32.

Section 9. LIMITATION ON TAX

The City Council shall not adopt a tax rate for the City of Katy which exceeds the maximum effective tax rates provided in the Texas Property Tax Code, or amendments thereto. Aggrieved taxpayers who own taxable property within the City of Katy shall be entitled to relief as provided in the Texas Property Tax Code, or amendments thereto. (Amended 5/6/89)

Section 10. CITY SALES TAX

All monies received from City Sales Taxes shall be delegated to the General Fund of the City without designation as to their usage.

Section 11. TAX REMISSIONS, DISCOUNT AND CORRECTION OF ERROR

The Mayor, City Council, or any other official of the City shall never extend the time for the payment of taxes except as herein provided, or remit, or discount any tax legally due the City, nor waive the penalty and interest that may be due thereon to any persons, firms or corporations owing taxes to the City for such year or years, provided, however, that this provision shall not prevent the discounting of any tax suit or the correction of any errors in assessment, or preparation of tax rolls, or preparation of a tax statement. Such discount or correction of errors shall first have the approval of the Mayor and the City Council.

This provision shall not govern those options for exemptions or reductions granted by the City pursuant to State Law including, by way of illustration but not of limitation, "over-65" exemptions.

Section 12. TAX SUITS - EVIDENCE - LIMITATIONS

On all suits for the collection of taxes which have been heretofore or which may be hereafter levied upon the tax rolls of said City, a certified statement made therefrom by the Tax Assessor and Collector, shall be *prima facie* evidence of the truth of all recitations and facts shown by said rolls, and shall be held to be sufficient proof, subject to rebuttal only by pleading and proof by defendant, of the following facts, viz:

a. That the person, partnership, association or corporation therein shown to be a taxpayer was such, and owned the property therein listed, and that such property was subject to taxation in said City, and was rendered by such person, partnership,

association or corporation, or by his or its agent, at the value placed thereon in such rolls.

b. That the taxes due upon such property were duly and legally levied for the purposes shown in such rolls, and that the same are valid and unpaid.

c. That all acts and proceedings required by law or by ordinance of said City in the manner of rendering, appraising, and fixing of values upon said property and the giving of all notices to such taxpayers have each and all been performed and complied with at the time and in the manner and form required and that all things that might be construed as conditions precedent to the lawful demand upon such taxpayers to pay the amount of taxes in such rolls shown to be due by him or them have been performed at the time and in the manner required by law; provided, that in the event the defendant shall show that his property was voluntarily rendered by him, and that the valuation of the same was subsequently changed by the Tax Assessor and Collector or Board of Equalization without notice to him or his agent, or shall show that the said rate of taxation for any purpose was to any extent illegal, judgment shall thereupon be rendered against him for the proper amount due, based upon the value of his property rendered by him, and the amount of tax which is found to be legal.



Section 13. APPRAISAL DISTRICT

At such time as the Waller County Appraisal District goes into operation this Charter will automatically conform to State Law and any provisions to the contrary will be of no force and effect.

State law reference—Appraisal districts, V.T.C.A., Tax Code, sec. 6.01 et seq.



ARTICLE XI

FRANCHISE*

The City retains and reserves all rights granted to it and 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 1. INALIENABILITY OF PUBLIC PROPERTY

The right of control and use of the public streets, highways, sidewalks, alleys, parks, public squares, and public places of the City is hereby declared to be inalienable by the City, except by ordinances not in conflict with the provisions of this Charter. No act or omission by the Council or any officer or agent of the City shall be construed to grant; renew, extend, or amend by estoppel or indirection any right, franchise or easement affecting said public streets, highways, sidewalks, alleys, parks, public squares, public places and other real property.



Section 2. POWER TO GRANT FRANCHISE

The 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 the franchise holder, to amend the same. Provided, however, that no franchise shall be granted for an indeterminate term, that no franchise shall be granted for a term of more than forty (40) years, and that no franchise shall be granted, renewed, extended, or amended, except on condition that the City shall have the right at any time within 5 years of the expiration of the term thereof 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 3. ORDINANCE GRANTING FRANCHISE

The caption of every ordinance granting, renewing, extending, or amending a public utility franchise shall be read at three regular meetings of the Council, and shall not be finally acted upon until thirty (30) days after the first reading thereof. Within five (5) days following each of the three (3) readings of the ordinance, the full text thereof shall be published one time in the Official Newspaper of the City, and the expense of such publication shall be borne by the prospective franchise holder. No such ordinance shall become effective until the expiration of sixty (60) days following the date of its final adoption by the Council, and every such ordinance shall be subject to the referendum procedure provided by the Laws of the State of Texas. (Amended 5/6/17, amnd. 5)

Section 4. TRANSFER OF FRANCHISE

No public utility franchise or ten percent (10%) or more interest in such, shall be transferred by the holder thereof except with the approval of the Council expressed by ordinance.

Section 5. REGULATION OF FRANCHISE

Every grant, renewal, extension, or amendment of a public utility franchise, whether so provided in the ordinance or not, shall be subject to the right of the Council:

- a. To forfeit any such franchise by ordinance at any time for failure of the holder thereof to comply with the terms of the franchise, such power to be exercised only after notice and hearing.
- b. To impose reasonable regulations to insure safe, efficient and continuous service to the public.
- c. To require such expansion and extension of plants and facilities as are necessary to provide adequate service to the public.
- d. To require every franchise holder to furnish to the City, without cost to the City, full information regarding the location, character, extent and condition of all facilities of such franchise holder 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.

e. To collect from every public utility operating in the City its fair and just proportion of the expense of excavating, grading, paving, repaving, constructing, reconstruction, draining, repairing, maintaining, lighting, sweeping, and sprinkling such portions of the alleys, bridges, culverts, viaducts, and other public places and ways of the City as may be occupied or used in whole or in part by such utilities; or to compel such public utility to perform as its own expense, its just share of such excavating, grading, paving, repaving, constructing, reconstructing, draining, repairing, maintaining, lighting, sweeping and sprinkling.

f. To require every franchise holder to allow other public utilities to use its tracks, poles, wires, pipes, or other facilities, including bridges and viaducts, wherever in the judgment of the Council such use shall be in the public interest, provided that in such event the Council shall fix a reasonable rental to be paid to the owner of the facility for such use, after notice to the interested parties and a hearing of the facts.

g. (1) To prescribe the form of accounts kept by every franchise holder.

(2) To examine and audit at any time the accounts and other records of any franchise holder.

(3) To require annual and other reports, including reports on the local operations of the utility, which shall be in such form and contain such information as the Council may prescribe.

h. To require and collect any compensation and rental not now or hereafter prohibited by the Laws of this State.

i. To require such franchise holders who request an increase in rates, charges or fares, to reimburse the City for reasonable expense incurred in employing rate consultants to conduct investigations, present evidence and advise the Council on such requested increase.

Section 6. REGULATION OF RATES

a. The Council shall have full power after notice and hearing to regulate by ordinance the rates, charges and fares of every public utility franchise holder operating in the City. Provided that no such ordinance shall be passed as an emergency measure. Any franchise holder requesting an increase in its rates, charges, or fares shall have at the hearing on such request, the burden of establishing by clear and convincing evidence the value of its investments and the amount and character of its expenses and revenues. No franchise holder shall institute any legal action to contest any rate[,] charge, or fare fixed by the Council until such franchise holder has filed a motion for rehearing with the Council specifically setting out each ground of its complaint against the rate, charge or fare fixed by the Council, and until the Council shall have acted upon such motion.

b. Franchise Value not to be Allowed - No value shall be assigned to any franchise granted by the City of Katy under this Charter in fixing reasonable rates and charges for utility service within the City and in determining the just compensation to be paid by the City for public utility property which the City may acquire by condemnation or otherwise.



Section 7. ACCOUNTS OF MUNICIPALLY OWNED UTILITIES

Accounts shall be kept for each public utility owned or operated by the City in such manner as to show the true and complete financial results of such City ownership and operation, including all assets appropriately subdivided by classes, depreciation reserve, other reserves and surplus; also revenues, operating expenses including depreciation, interest payments, rental and other distribution of annual income. The accounts shall show the actual capital cost to the City of each public utility owned, also the costs of all extensions, additions and improvements and the source of the funds expended for such capital purposes. They shall show as nearly as possible the cost of any service furnished to or rendered by any such utility to any other City or governmental department. The City Council shall annually cause to be made and published a report showing the financial results of such City ownership and operation, giving the information specified in this Section and such additional data as the City Council shall deem expedient.

State law reference—Municipal utilities, V.T.C.A., Local Government Code, sec. 552.001 et seq..



Section 8. OTHER CONDITIONS

All franchises heretofore granted are recognized as contracts between the City of Katy and the grantee, and the contractual rights as contained in any such franchise shall not be impaired by the provisions of this Charter, except that the Power of the City of Katy to exercise the right of eminent domain in the acquisition of utility property is in all things reserved; and except the General Power of the City, heretofore existing and herein provided for to regulate the rates and services of a grantee; shall include the right to require proper and adequate extension of plant and service and in the maintenance of the plant and fixtures at the highest reasonable standard of efficiency. Every public utility franchise hereafter granted shall be held subject to all the terms and conditions contained in the various Sections of this Article whether or not such terms are specifically mentioned in the franchise. Nothing in this Charter shall operate to limit in any way, as specifically stated, the discretion of the Council or voters of the City in imposing terms and conditions as may be reasonable in connection with any franchise grant.



ARTICLE XII

GENERAL PROVISIONS



Section 1. OFFICIAL OATH

All officers of the City shall, before entering upon the duties of their respective offices, take and subscribe to the official oath prescribed in the Constitution of the state of Texas.

State constitution reference—Oath of office, Texas Constitution, art. 16, sec. 1.



Section 2. PUBLIC RECORDS

All public records of every office, department or agency of the City shall be open to inspection by any citizen at all reasonable times, provided that police records and vital statistics records, and any other records closed to the public by law, shall not be considered public records for the purpose of this Section.

State law references—Public access to records, V.T.C.A., Local Government Code, sec. 201.009; public information, V.T.C.A., Government Code, ch. 552.

Section 3. OFFICIAL NEWSPAPER

The City Council shall have power to designate by ordinance a newspaper of general circulation in the City as the Official Newspaper, and shall cause to be published therein all ordinances, notices, and/or other matters which are required by this Charter, the ordinances of the City, or the Constitution or Laws of the State of Texas, to be officially published.

Section 4. NOTICE OF CLAIMS

Before the City of Katy shall be liable to damages for the death or personal injuries of any person or for damage to or destruction of property of any kind, which does not constitute a taking or damaging of property under [Article I, Section 17](#), Constitution of Texas, the person injured, if living, or his representatives, if dead, or the owner of the property damaged or destroyed, shall give to the Mayor or City Council notice in writing of such death, injury, damage or destruction, duly verified by affidavit, within forty-five days after same has been sustained, stating specifically in such written notice when, where, and how the death, injury, damage or destruction, occurred, and the apparent extent of any such injury, the amount of damages sustained, the actual residence of the claimant by street and number at the date the claim is presented, the actual residence of such claimant for six months immediately preceding the occurrence of such death, injury, damage or destruction, and the names and addresses of all witnesses upon whom it is relied to establish the claim for damages; and the failure to so notify the Mayor and Council within the time and manner specified herein shall exonerate, excuse, and exempt the City from any liability whatsoever. No act of any officer or employee of the City shall waive compliance, or stop the City from requiring compliance, with the provisions of this section as to notice, but such provisions may be waived by resolution of the 45 day period herein provided, and evidenced by Minutes of the Council.

State law reference—Texas Tort Claims Act, V.T.C.A., Civil Practice and Remedies Code, ch. 101.

Section 5. CITY NOT REQUIRED TO GIVE SECURITY OR EXECUTE BOND

It shall not be necessary in any action, suit, or proceeding in which the City is a party for any bond, undertaking or security to be demanded or executed by or on behalf of the City. The City shall have all remedies of appeal by law to all courts in this State without bond or security of any kind, but shall be liable in the same manner and to the same extent as if such bond, undertaking, or security had actually been executed or given.

State law reference—Cities exempt from security for court costs, V.T.C.A., Civil Practice and Remedies Code, sec. 6.002.

Section 6. PERSONAL INTEREST IN CITY CONTRACTS

No officer or employee of the City shall have a financial interest, direct or indirect, in any contract with the City, or shall be financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies or service, except on behalf of the City as an officer or employee unless he should disclose such interest to the City Council or Procuring Officer in writing. Any willful

violation of this Section shall constitute malfeasance in office, and any officer or employee guilty thereof shall be subject to removal from his office or position. Any violation of this Section, with the knowledge, expressed or implied, of the person or corporation contracting with the Council shall render the contract involved voidable by the Mayor and the Council.

State law references—Conflicts of interest of officers, V.T.C.A., Local Government Code, ch. 171; public disclosure, V.T.C.A., Government Code, ch. 553.

Section 7. NEPOTISM

No person who is related by affinity or consanguinity within the first degree to a member of the Council or to the Mayor or to the City Administrator, shall be appointed to any office, clerkship or other paid position with the City; but this prohibition shall not apply to officers or employees who have been employed by the City continuously for more than two years prior to the election of such member of the Council or of the Mayor or appointment of the City Administrator.

State law reference—Nepotism, V.T.C.A., Government Code, ch. 573.

Section 8. EFFECT OF CHARTER ON EXISTING LAW

All codes, ordinances, resolutions, rules and regulations in force in the City on the effective date of this Charter, and not in conflict with this Charter, shall remain in force until altered, amended or repealed by the Council. All taxes, assessments, liens, encumbrances and demands, of or against the City, fixed or established before such date, or for the fixing or establishing of which proceedings have begun at such date, shall be valid when properly fixed or established either under the law in force at the time of the beginning of such proceedings or under the law after the adoption of this Charter.

Section 9. INTERIM MUNICIPAL GOVERNMENT

Upon adoption of this Charter, the persons then filling elective offices will continue to fill those offices for the terms to which they were elected. Thereafter, the City Council and the Mayor shall be elected as provided in [Article VII - Section 2](#), of this Charter. Persons, who on the date this Charter is adopted, are filling appointive positions with the City of Katy which are retained under this Charter, may continue to fill these positions for the term for which they were appointed, unless removed by the Mayor or the City Council or by other means provided for in this Charter. Persons who, on the effective date of this Charter, are filling elective offices, that by this Charter are made appointive offices shall continue to serve in those offices for the terms to which they were elected.

Section 10. 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. ASSIGNMENT, EXECUTION, AND GARNISHMENT

The property, real and personal, belonging to the City shall not be liable for sale or appropriation under any writ of execution. The funds belonging to the City, in the hands of any person, firm, or

corporation, shall not be liable to garnishment, [or] attachment 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 of garnishment on any account whatever. The City shall not be obligated to recognize any assignment of wages or funds by its employees, agents or contractors.

State law reference—Authority to provide that municipal funds not subject to garnishment, V.T.C.A., Local Government Code, sec. 101.023.



Section 12. GRAMMATICAL CLASSIFICATION

The use of any gender herein shall be applicable to all genders. The present or past tense shall include the future. The singular and plural number shall each include the other, unless otherwise expressly provided.



Section 13. DAMAGES - CITY NOT LIABLE - LIMITATIONS

The City of Katy shall not be liable for damages to anyone, on account of any defect in, obstruction on, or anything else in connection with any sidewalk in the City; nor shall the City of Katy be liable for damages to anyone on account of any defect in, obstruction on, or anything else in connection with any street, alley, or public place, other than any sidewalk, unless and until it be shown that some person, in the employment of the City and having superintendence or control of the work on the streets, alleys or public places, had actual notice of such defect, obstruction or other thing, for a sufficient length of time before such injury was received to have remedied such condition of the street, alley or public place before the injury was received.

State law reference—Texas Tort Claims Act, V.T.C.A., Civil Practice and Remedies Code, ch. 101.



Section 14. APPLICABILITY OF GENERAL LAWS

The Constitution of the State of Texas, the statutes of said state applicable to Home Rule Municipal Corporations, as now or hereafter enacted, this Charter and ordinances enacted pursuant hereto shall in the order mentioned, be applicable to the City of Katy, but the City shall also have the power to exercise any and all powers conferred by the 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, but the exercise of any such powers by the City of Katy shall be optional with it, and it 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 15. AMENDING THE CHARTER

Amendments to this Charter may be framed and submitted to the voters of the City in the manner provided by the applicable statute of the State of Texas.

State constitution reference—Adoption or amendment of charter, Texas Constitution, art. 11, sec. 5.

State law reference—Adoption or amendment of charter, V.T.C.A., Local Government Code, sec. 9.001 et seq.



Section 16. CHARTER REVIEW COMMISSION

Every four (4) years commencing in 1992, at the first regular meeting of the City Council in October, the Mayor, with the approval of the City Council, shall appoint a Charter Review Commission of five (5) citizens of the City of Katy. (Amended 5/6/89)

a. Duties of the Commission - It shall be the duty of such Charter Review Commission to:

- (1) Inquire into the operations of the City Government under the Charter provisions and determine whether any such provisions require revision. To this end public hearings may be held; and the Commission shall have the power to compel the attendance of any officer or employee of the City and to require the submission of any of the City records which it may deem necessary to the conduct of such hearing;
- (2) Propose any recommendations it may deem desirable to insure compliance with the provisions of the Charter by the several departments of the City Government;
- (3) Propose, if it deems desirable, amendments to this Charter to improve the effective application of said Charter to current conditions;
- (4) Report its finding and present its proposed amendments, if any, to the Mayor and Council.

b. Action by the Mayor and the Council

The Mayor and the Council shall receive and have published in the Official Newspaper of the City any report presented by the Charter Review Commission, shall consider any recommendations made, and if any amendments or amendment be presented as a part of such report may order such amendment(s) to be submitted to the voters of the City in the manner provided by the applicable statute of the State of Texas.

c. Term of Office - The term of office of such Charter Review Commission shall be six months and if during such term no report is presented to the Mayor and Council, then all records of the proceedings of such Commission shall be filed with the Office of the City Secretary and shall become a public record.



Section 17. SUBMISSION OF CHARTER TO VOTERS

Pursuant to Article 1167, V.A.C.S., the Charter Commission finds and determines that it is impracticable to segregate each subject or section contained in this Charter so that the voter may vote "Yes" or "No" on the same. This Charter was drafted and framed in such a manner that the Articles and Sections of the Charter are so interrelated and dependent, one upon the other, to the extent that the Charter would not function properly if it were not adopted in its entirety. Therefore, 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 Katy at an election to be held for that purpose on

the 17th day of January, 1981, which time is fixed by the Charter Commission at a time not less than forty (40) nor more than ninety (90) days after the completion of the work of the Charter Commission. Not less than thirty (30) days prior to the aforesaid date of election, the City Council shall cause the Office of the City Secretary to mail a copy of this proposed Charter to each qualified voter of the City of Katy as appears from the tax collectors' rolls for the year ending December 31, 1980, preceding said election. 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 Charter of the City of Katy, after the returns have been canvassed by the Mayor and City Council and an official order has been entered upon the records of the City by the Mayor and Council thereby declaring the adoption of this Charter. A copy of the adopted Charter, authenticated and certified by the signature of the Mayor and seal of the City, shall be forwarded to the Secretary of State of the State of Texas.

  **Section 18. SEVERABILITY CLAUSE**

If any Article or Section or Subsection of an Article of this Charter is held to be invalid or unconstitutional by a Court of competent jurisdiction, the same shall not invalidate or impair the validity, force or effect of any other Article or Section or Subsection of an Article of this Charter.