

William A. 'Bert' Miller, III
Mayor
Bernie Gessner
Mayor Pro-Tem
Josh M. Fultz Councilmember



James Harris
Councilmember
Pattie Pederson
Councilmember

**NOTICE OF MEETING OF THE GOVERNING BODY OF THE
CITY OF NAVASOTA, TEXAS
OCTOBER 25, 2023**

Notice is hereby given that a Special Meeting of the governing body of the City of Navasota will be held on the 25th of October, 2023 at 5:30 PM at the the City Hall, upstairs in Meeting Room No. 200, located at 200 E. McAlpine Street, Navasota, Texas 77868 , at which time the following subjects will be considered, to wit:

A quorum of the City Council may attend the review and discussion of Articles I, II, and III of the current City Charter.

DATED THIS THE 19TH OF OCTOBER, 2023

/JW/

BY: JASON WEEKS, CITY MANAGER

I, the undersigned authority, do hereby certify that the above notice of meeting of the governing body of the CITY OF NAVASOTA, is a true and correct copy of said notice and that I posted a true and correct copy of said notice in the glass bulletin board, in the foyer, on the south side of the Municipal Building as well as in the bulletin board on the north side of the Municipal Building of the City of Navasota, Texas, a place convenient and readily accessible to the general public at all times, and said notice was posted on the 19th of October, 2023 at 10:25 AM and will remain posted continuously for at least 72 hours preceding the scheduled time of said meeting. Agendas may be viewed at www.navasotatx.gov.

The City Council reserves the right to convene in Executive Session at any time deemed necessary for the consideration of confidential matters under the Texas Government Code, Sections 551.071-551.089.

DATED THIS THE 19TH OF OCTOBER, 2023

/SMH/

**BY: SUSIE M. HOMEYER, CITY
SECRETARY**

THIS FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY SECRETARY'S OFFICE AT(936) 825-6475 OR (936) 825-6408 OR BY FAX AT (936) 825-2403.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

HOME RULE CHARTER

Formatted

CHARTER*

ARTICLE I. CORPORATE NAME

Sec. 1. Corporate Name.

All of the inhabitants of the City of Navasota, in Grimes County, Texas as the boundaries and limits of said city are herein established, or as hereafter established in the manner provided by this Charter, shall be a body politic, incorporated under, and to be known by the name and style of the "City of Navasota" with such powers, rights and duties as are herein provided.

ARTICLE II. MUNICIPAL BOUNDARIES

Sec. 1. Boundaries.

The boundaries of the City of Navasota shall be the same as have been heretofore established and now exists, and as may hereafter be amended, and the existing boundaries of said City of Navasota are established as those shown on the official map of the City of Navasota maintained in the office of the city secretary of the City of Navasota, in the city hall building of Navasota, Grimes County, Texas. The City may cause the boundaries of the City of Navasota to be marked by appropriate monuments or markers.

Sec. 2. ~~Extension of Boundaries~~ Annexation and Disannexation of Territory.

Commented [CB1]: Changes to this Section 2 are required by changes in state law

~~(a) Upon petition, Whenever a majority of the qualified voters who are citizens of the State of Texas and inhabitants of any territory adjoining Navasota, as said territory may be designated by the council or in case there are no qualified voters in said territory, then when persons owning a majority of the land in the area in said territory desire the annexation of such territory to Navasota, they may present a written petition to that effect to the council and shall attach to said petition the affidavit of one or more of their number to the effect that said petition is signed by a majority of such qualified voters, or in case there are no qualified voters, said affidavit shall be to the effect that there are no qualified voters in said territory, and that the persons signing said petition own a majority of the land in the area in said territory; and thereupon the council at regular session held not sooner than twenty (20) days after the presentation of said petition may by ordinance annex such territory to Navasota, and henceforth the said territory shall be a part of the City of Navasota, the property situated therein shall bear its prorated part of the taxes levied by the city, and the inhabitants thereof shall be entitled to all of the rights and privileges of other citizens and shall be bound by the acts, ordinances, resolutions and regulations of said city.~~

1 ~~(b) — By action of the council. The council shall have power by ordinance to fix the boundary limits of~~
2 ~~the City of Navasota; and to provide for the alteration and extension of said boundary limits and the~~
3 ~~annexation of additional territory lying adjacent to the city, with or without the consent of the~~
4 ~~territory and its inhabitants annexed. The authority and~~ procedures regarding the adoption of any
5 ~~such annexation or disannexation~~ ordinance by the council shall be governed by the procedures
6 established in the applicable provisions of the state statutes governing the annexation and
7 disannexation of territory; and upon the final passage of any such ordinance, the boundary limits of
8 the city shall thereafter be fixed in such ordinance; and when any additional territory has been so
9 annexed, same shall be a part of the City of Navasota, and the property situated therein shall bear its
10 prorated part of the taxes levied by the city, and the inhabitants thereof shall be entitled to all the
11 rights and privileges of all the citizens, and shall be bound by the acts, ordinances, resolutions and
12 regulations of the city.

13 (eb) The annexation or disannexation of ~~additional~~ territory ~~upon petition or~~ by action of the
14 council shall be governed by the Charter provisions contained hereinabove and by the provisions of
15 the state statutes governing annexation as same now exists or as same may be hereinafter amended,
16 provided that where a conflict exists between the eCharter provisions and the state statutes, the
17 provisions of the state statutes shall control.

18 **Sec. 3. Platting property.**

19 Should any property situated within the corporate limits of the city, as now or may hereafter be
20 established, or within the extraterritorial jurisdiction of the city, be hereafter platted into blocks
21 and lots, the owner or owners of said property shall comply with all of the provisions of Chapter
22 212 of the Texas Local Government Code, as may be amended and all other applicable provisions
23 of state statutes.;

24 **State law references**—Plat required for division of tract, V.T.C.A., Local Government Code, sec. 212.004; recording of plats,
25 V.T.C.A., Property Code, sec. 12.002.

26 **ARTICLE III. CORPORATE POWERS**

27 **Sec. 1. General.**

28 (a) The City of Navasota, made a body politic and corporate by the legal adoption of this Charter,
29 shall have perpetual succession; may use a common seal; may sue and be sued, may contract and be
30 contracted with; implead and be impleaded in all courts and places and in all matters whatever; may
31 take, hold and purchase such lands within and without the city limits as may be needed for corporate
32 or governmental purposes of said city, and may sell any real estate or personal property owned by
33 it, perform and render all public services, and when deemed expedient may condemn property for
34 corporate or governmental use, and may hold, manage and control the same; and shall be subject to
35 all the duties and obligations now pertaining to or incumbent upon said city as a municipal
36 corporation not in conflict with the provisions of this Charter, and shall enjoy all rights, immunities,
37 privileges, and franchises now possessed by said city and herein conferred and granted, and except

1 as prohibited by the constitution of the State of Texas, or restricted by the Charter, the City of
2 Navasota shall have and may exercise all municipal powers, functions, rights, privileges and
3 immunities of every name and nature whatsoever. In addition to the powers herein otherwise
4 granted, the city shall have all powers enumerated in all applicable state statutes as heretofore
5 amended, as though such statute were set forth in full herein; or as hereinafter amended.

6 (b) The enumeration of particular powers by this Charter shall not be held or deemed to be
7 exclusive, unless expressly restricted herein, and in addition to the powers enumerated herein or
8 implied hereby, or appropriate to the exercise of such powers, it is intended that the City of Navasota
9 shall have and may exercise all powers which under the constitution and statutes of the State of
10 Texas it would be competent for this Charter specifically to enumerate. Included, but not limited by,
11 the enumeration herein contained [are] all powers heretofore or hereafter delegated by the
12 constitution and statutes of the State of Texas to municipal corporations and all powers of the city,
13 whether express or implied, shall be exercised in the manner prescribed by this Charter, but if not
14 prescribed herein, then in the manner provided by the ordinance or resolution of the council.

15 **Sec. 2. Powers of ordinances.**

16 The city shall have the power to enact and enforce all ordinances necessary to protect health, life
17 and property, and to prevent and summarily abate and remove all nuisances and preserve and
18 enforce good government, and order and security of the city and its inhabitants; and to enact and
19 enforce ordinances on any and all subjects; provided that no ordinances shall be enacted
20 inconsistent with the provisions of this Charter, or general laws or constitution of the State of
21 Texas; it being the intention to obtain, by the adoption of this Charter, full power of local self-
22 government, and the City shall have and exercise all the powers of local self-government granted
23 to cities having more than five thousand (5,000) inhabitants by what is known as the Home Rule
24 Amendment to the Constitution of the State of Texas, and to the Home Rule Enabling Act passed
25 by the Legislature of Texas, and now known as Chapter 9 of the Texas Local Government Code.

26 **State law references**—Ordinance, rule or regulation necessary to carry out other powers, V.T.C.A., Local Government Code, sec.
27 51.001; enforcement of municipal ordinances, V.T.C.A., Local Government Code, ch. 54.

28 **Sec. 3. Style of ordinances.**

29 The style of all ordinances of the city shall be:

30 “Be it ordained by the Council of the City of Navasota,”

31 but the same shall be omitted when the ordinances of the city are codified and published in book or
32 pamphlet form by the city or under the authority of its governing body.

33 **Sec. 4. Real estate, etc., owned by the city.**

34 All real estate owned in fee simple title, or held by lease, sufferance, easement or otherwise; all
35 public buildings, fire stations, parks, streets, alleys, and all property, whether real or personal, or

1 whatever kind, character or description now owned or controlled by the city shall vest in, inure to,
2 remain and be the property of said city under this Charter; and all causes of action, rights or
3 privileges of every kind and character and all property of whatsoever character or description
4 which may have been held, and is now held, controlled or used by said city for public uses or in
5 trust for the public, shall vest in and remain and inure to the city under this Charter and all suits
6 and pending actions to which the city heretofore was or now is a part, plaintiff or defendant, shall
7 in no wise be affected or terminated by the adoption of this Charter, but shall continue unabated.

8 **Sec. 5. Acquisition of property.**

9 The city shall have the power and authority to acquire by purchase, gift, devise, deed,
10 condemnation or otherwise any character ~~of~~ property, within or ~~without~~outside its municipal
11 boundaries, including any charitable or trust funds, or trust property.

12 *State law reference*—Authority relating to property, V.T.C.A., Local Government Code, sec. 51.076.

13 **Sec. 6. Public property exempt from execution.**

14 No public property, or any other character or property, owned or held by the city, shall be subject
15 to any execution of any kind or nature.

16 *State law reference*—Authority relating to property, V.T.C.A., Local Government Code, sec. 51.076.

17 **Sec. 7. City funds not subject to garnishment.**

18 No funds of the city shall be subject to garnishment and the city shall never be required to answer
19 in any garnishment proceedings.

20 *State law reference*—Authority to provide that municipal funds not subject to garnishment, V.T.C.A., Local Government Code, sec.
21 101.023.

22 **Sec. 8. Liability for damages.**

23 (a) The city shall not be liable to any person for damages caused from streets, ways, crossings,
24 bridges, culverts, or sidewalks being out of repair, because of the negligence of said city, unless the
25 same shall have remained in such state of disrepair for ten (10) days after special notice in writing
26 of said state of disrepair is given the city manager of said city.

27 (b) The city shall not be liable to any person for injuries received in any park, playground or
28 public building belonging to said city or because of any apparatus, furnishings, fixtures or
29 improvements thereon being defective or out of repair, because of the negligence of said city, unless
30 the same shall have remained in such state of disrepair for ten (10) days after special notice in writing
31 of said state of disrepair is given to the city ~~manger~~manager of said city.

Commented [CB2]: This Section needs to be revised and updated

1 (c) Before the city shall be liable for damages for personal injuries of any kind, or for injuries to
2 or destruction or damage to property of any kind, the person injured or the owner of the property so
3 injured, damaged or destroyed, must give written notice to the mayor and council of said city of said
4 injury, damage or destruction, duly verified, within one hundred and eighty (180) days after the
5 same has been sustained, stating in such written notice when, where and how the injury, damage or
6 destruction occurred, the apparent extent thereof, the amount of damages sustained, the amount for
7 which the claimant will settle, the street and residence number of the claimant at the time and date
8 such claim was for was presented, ~~and~~ the actual residence of such claimant for the six (6) months
9 immediately preceding the occurrence of such injuries, damage or destruction, and the names and
10 addresses of the witnesses upon whom the claimant relies to establish this claim, and a failure to so
11 notify the mayor and council within the time and the manner provided herein shall exonerate, excuse
12 and exempt the city from any liability whatsoever. This notice shall be filed with the city manager
13 of said city and the filing therewith shall constitute such notice.

14 **State law references**—Texas Tort Claims Act, V.T.C.A., Civil Practice and Remedies Code, ch. 101; notice of procedures, V.T.C.A.,
15 Civil Practice and Remedies Code, sec. 101.101.

16 **Sec. 9. City not required to give bond.**

17 It shall not be necessary in any suit or proceeding in which the city is a party, for any bond,
18 undertaking or other security to be demanded or executed by or on behalf of the city in any of the
19 state courts, but all such actions, suits, appeals or proceedings shall be conducted in the same
20 manner as if such bond had been given and the city shall be liable as if the security or bond had
21 been duly executed.

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

23 **Sec. 10. Right to eminent domain.**

24 The city shall have the right of eminent domain for public purposes whenever the governing
25 authority council shall deem it necessary, as granted under the constitution and statutes of the State
26 of Texas and all the amendments thereto. The exercise of the power of eminent domain shall be
27 controlled by the procedure under the constitution and statutes of the State of Texas and all the
28 amendments thereto.

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

31 **Sec. 11. Street improvements.**

32 (a) The city shall have the power to improve any street or highway within its limits by filling,
33 grading, raising, paving or repaving the same in a permanent manner, or by the construction or
34 reconstruction of sidewalks, curbs and gutters or necessary appurtenances thereto, including sewer
35 and drains. In the event there shall be a conflict between the method of improving the streets and
36 other public areas, as provided for by the statutes of the State of Texas as amended, and in the

1 provisions of this Charter, the council may elect to follow either the provisions of this Charter or the
2 provisions of said statutes.

3 (b) All contracts, assessments and other proceedings heretofore taken under previously existing
4 Charter powers of the city shall continue in full force and effect, and the rights of all parties in
5 connection with the collection of street improvements, assessments or liens on property previously
6 made are to be in no wise affected or damaged.

7 **State law references**—Authority of municipality over and under public highways, streets and alleys, V.T.C.A., Transportation Code,
8 sec. 311.001; franchise to use streets in municipality, V.T.C.A., Transportation Code, sec. 311.071 et seq.; municipal home-rule
9 powers to regulate public utilities and franchises using streets, etc., V.A.C.S., art. 1175.

10 **Sec. 12. Zoning.**

11 The council shall have full power and authority to zone the city and pass any necessary
12 ordinances, rules, regulations, or restrictions under the authority of Chapter 211, Texas Local
13 Government Code, and all the amendments thereto.

14 The planning and zoning commission, which is to be appointed by the council, is to contain not
15 more than seven (7) members. ~~No two (2) members of the planning and zoning commission are to~~
16 ~~have the same or similar occupation.~~ Each person serving on the commission shall comply with all
17 applicable state statutes governing conflicts of interest of local public officials. No person shall be
18 appointed for a term to exceed (2) years, and said terms shall be staggered by ordinance.

Commented [CB3]: Very restrictive provision

19 **State law reference**—Municipal zoning authority, V.T.C.A., Local Government Code, ch. 211.

20 **Sec. 13. Power to compromise and settle claims and lawsuits.**

21 The council shall have the power and authority to compromise and settle any and all claims and
22 lawsuits of every kind and character, in favor of or against the said city, including suits by said city
23 to recover delinquent taxes.

24 **State law reference**—Authority relating to lawsuits, V.T.C.A., Local Government Code, sec. 51.075.

25 **Sec. 14. Underground construction.**

26 The council may require the placing of all wires or overhead construction of public utilities, or
27 such part thereof as may be deemed best, from time to time, under the surface of the ground, under
28 such regulations as may be prescribed by the council from time to time; and may provide for such
29 construction and change thereof in any franchise hereafter granted.

30 **Sec. 15. Fires.**

31 The council shall have power by ordinance or otherwise to provide means for protection against
32 conflagrations and for the establishment, maintenance, support and regulation of a fire department
33 and for the guarding against fires. It may prescribe fire limits, stipulate and provide for minimum

1 requirements for construction of buildings within such fire limits, regulate or prohibit the erection,
2 building, replacing or repairing of wooden buildings within such limits; and may prescribe that the
3 buildings within such fire limits be made or constructed of fire resisting material; and may prohibit
4 the repairing of wooden buildings within such limits when the same have been damaged to within
5 fifty (50) per cent of the value thereof; and may declare all dilapidated buildings to be nuisances
6 and direct the same to be repaired, removed or abated in such manner as the council may
7 prescribe; and may further prescribe limits within which only fireproof roofing may be used, it
8 may also by ordinance regulate, prescribe, govern or forbid the storage of lumber, building
9 materials of any kind, or inflammable or explosive goods, wares and merchandise or any kind and
10 every kind, within certain limits, and prescribe limits within which such materials may be stored,
11 housed or carried.

12 **ARTICLE IV. CITY COUNCIL**

13 **Sec. 1. Governing body.**

14 The governing and lawmaking body of the city council shall consist of five (5) council members,
15 one of whom shall be the mayor, and said body shall be known as the “city council.”

16 **State law references**—Form of government, V.T.C.A., Local Government Code, sec. 26.021; references to municipal governing body
17 and to members of municipal governing body, V.T.C.A., Local Government Code, sec. 21.002.



18 **Sec. 2. Elective officers.**

19 The members of the council as provided for in this Charter shall be the only elective officers of the
20 city; and they shall be elected and hold office and be compensated as herein provided. All council
21 members shall be elected from the city at large; and shall elect one of their members to act as
22 mayor. All individuals seeking election to serve as council member must indicate the place
23 number they desire to run for on the prescribed candidate application.

24   **Sec. 3. Conduct of elections; election laws control.**

25 The provisions of the general election laws of the State of Texas shall apply to elections held
26 under this Charter. All elections provided for by the Charter shall be conducted by the election
27 authorities established by law. Candidates shall run for office without party designation and in
28 compliance with filing procedures prescribed by the general election laws of the State of Texas.

29 All elections shall be conducted and the result canvassed and announced by the election authorities
30 as prescribed by the general laws of the State of Texas, which shall control in all municipal
31 elections of the City of Navasota, except as otherwise provided herein.

32   **Sec. 4. Official ballot.**

33 The full name of each candidate for council as herein provided, except if such candidate has
34 withdrawn, dies or become ineligible, shall be printed on the official ballot without party

1 designations. If two (2) or more persons with the same surnames, or with names so similar as to
2 likely cause confusion, are candidates for city council, their names shall be placed on the ballot in
3 accordance with the general election laws of the State of Texas. All names of candidates shall be
4 placed on the official ballot and shall be arranged in accordance with a ballot drawing which will
5 be held as prescribed by general election laws of the State of Texas.

6 **State law reference**—Ballot form, content and preparation, V.T.C.A., Election Code, ch. 52.

7   **Sec. 5. ~~Plurality~~ Majority vote required.**

8 Each candidate for the office of council member who receives ~~the largest number~~ a majority of all
9 votes cast ~~for the office that person seeks~~ in such election shall be declared elected to the council
10 place for which the person was a candidate.

11 **State law reference**—Election by plurality, V.T.C.A., Election Code, sec. 2.001 et seq.

12   **Sec. 5A. ~~Tie vote~~ Runoff elections.**

13 ~~In the event of a tie vote, the same shall be resolved by lot in the following manner: Two (2) slips~~
14 ~~of paper, of uniform size, one in blank and the other containing the figure “1,” shall be securely~~
15 ~~folded and placed in a receptacle and each candidate having received a tie vote shall draw a slip~~
16 ~~from the receptacle, and the candidate drawing the slip with the figure “1” thereon shall be~~
17 ~~declared elected. In the event any candidate for the office of council member fails to receive, at any~~
18 ~~regular or special election, a majority of all votes cast for that particular office, the mayor or, if the~~
19 ~~mayor fails to do so, the council shall no later than the fifth day following the official canvass of the~~
20 ~~election order a runoff election to be held within thirty (30) days of said canvass.~~

21 ~~At said runoff election the two (2) candidates that received the highest number of votes cast for~~
22 ~~such particular office in the first election, at which no one was elected to such office by receiving a~~
23 ~~majority of all votes cast for all candidates for such particular office, shall be voted on again.~~

24 ~~The candidate who receives the majority of the votes cast for the particular office in the runoff~~
25 ~~election shall be elected to such office and shall take office as soon thereafter as he/she is~~
26 ~~qualified.~~

27 **State law reference**—Tie vote resolution by lots, V.T.C.A., Election Code, sec. 2.002(f).

28   **Sec. 6. Notice of election.**

29 In accordance with the general election laws of the State of Texas, the council members shall order
30 the election, in which order the offices to be filled shall be named, and the voting places and the
31 names of the presiding judges of such election shall be sent out. Notice of such election shall be
32 given as provided for in the general election laws of the State of Texas.

33 **State law reference**—Notice of elections, V.T.C.A., Election Code, ch. 4.

Commented [CB4]: If the term of office for councilmembers is more than 2 years, then a councilmember is required

1   **Sec. 7. Time of election and staggered terms.**

2 The regular general election of city council members shall be held each year on the ~~second~~first
3 Saturday of May, or on any other date authorized by applicable law.

4 The city council members shall be elected to Places 1 through 5. Council members elected to
5 Places 1 and 2 through 3 shall be elected in even-numbered years. Council members
6 elected to Places 3 and 4 shall be elected in odd-numbered years. and Council members elected to Place 5
7 shall be elected in odd-numbered years.

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

Commented [CB5]: This verbiage needs additional drafting work to address the transition to 3-year staggered terms of office.

10   **Sec. 8. Regular term of office.**

11 The regular term of office for council member shall be ~~two (2)~~three (3) years, or until a successor
12 is qualified, in the event of a vacancy, except as otherwise provided herein.

13   **Sec. 9. Officers, oath and bond of.**

14 All officers of the city, whether elective or appointive, shall qualify by taking the oath prescribed
15 by the constitution of Texas, and by executing such bond as may be required under the provisions
16 of this Charter and the ordinances and resolutions of the city.



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

18 **State law reference**—Official bonds, V.T.C.A., Government Code, ch. 604.



19   **Sec. 10. Qualifications.**

20 Members of the council shall be resident qualified voters of the city and shall have been a resident
21 citizen of the City of Navasota for twelve (12) months immediately preceding such election and
22 shall not hold any other public office except that of notary public or as otherwise provided by law.
23 Any member ceasing to have any of these qualifications, or who shall be convicted of a felony
24 while in office, shall forfeit his office immediately.



25 **State law references**—Eligibility for public office, V.T.C.A., Election Code, sec. 141.001 et seq.; age and residence requirements for
26 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.

27   **Sec. 11. Removal.**

28 Any member of the council who knowingly permits any provision of this Charter to be violated
29 without exercising his power as a council member to prevent it shall be subject to removal from
30 office and prosecuted in the manner provided by law.

1   **Sec. 12. Vacancy.**

2 ~~If a vacancy should occur in the council, the remaining members of the council by a majority vote~~
3 ~~shall: 1) appoint a qualified resident voter to fill such vacancy for the remainder of the term, 2)~~
4 ~~provide for a special election to fill said vacancy consistent with the general election laws of the~~
5 ~~State of Texas, or 3) allow said vacancy to remain open until such time at which the vacancy may~~
6 ~~be filled at the next regular general city election.~~ Vacancies in the city council arising from
7 resignation, forfeiture, removal, recall, death, or any other cause shall be filled by majority vote of
8 the qualified voters at a special election called for such purpose within one hundred and twenty
9 (120) days after such vacancy or vacancies occur. If any such vacancy shall occur within one
10 hundred twenty (120) days preceding a regular election, then the special election to fill the
11 vacancy for the unexpired term shall be held on the same date as the next regular election.
12 Additionally, if the remaining unexpired term of the vacant council position is twelve (12) months
13 or less, then no special election to fill the vacancy shall be held and the vacant Council position
14 shall be filled by appointment by the remaining council members, and the appointed council
15 member shall serve until the next regular city election for the vacant council position. Appointed
16 council members are required have the same qualifications as an elected council member.

17   **Sec. 13. Mayor.**

18 The council members shall elect one of their members as ~~chairman~~ mayor at the first regular
19 meeting following the regular general election each May. ~~He~~ The ~~shall be called~~ mayor, ~~and~~ shall
20 be the presiding officer of the council. ~~He~~ The mayor shall vote as a member of the council on all
21 matters coming before the body; sign all bonds, warrants, and other official documents; be the
22 official head of the city; and exercise all power and perform all duties imposed upon him by this
23 Charter and by the ordinances of the city and resolutions of the council.

24   **Sec. 14. Mayor pro-tem.**

25 The mayor pro-tem shall be elected from among the members of the council at the first regular
26 meeting following the regular general election each May, and shall perform all the duties of the
27 mayor in the event of the mayor's absence or disability.

28   **Sec. 15. Compensation.**



29 The mayor and each council member shall serve on the city council without compensation;
30 however, the mayor and council members shall be entitled to reimbursement for any expenses
31 approved and provided for by the city budget and incurred in the performance of their official
32 duties as a member of the city council.

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

34   **Sec. 16. Conflict of interest.**

1 Except as otherwise allowed by law, no member of the council shall, during his term of office,
2 hold any other public office or employment, compensation for which is paid out of public funds.
3 Nor shall any member of said council, appointive officer, ~~for~~ or employee of the city be
4 pecuniarily interested, directly or indirectly, in any contract let by the city not in accordance with
5 applicable provisions of State Law and Chapter 171 of the Texas Local Government Code
6 governing conflicts of interest of local public officials.

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

9   **Sec. 17. Legislative body.**

10 The council shall constitute the legislative and governing body of the city, and shall have and
11 exercise all the powers and authority herein granted. It shall pass and adopt all needed ordinances
12 and resolutions, and adopt necessary regulations to govern the different departments of the city.
13 Said ordinances, resolutions and regulations shall be consistent with the provisions of this Charter
14 and the constitution and general laws of the State of Texas.

15 **State law references**—Powers of home-rule municipality, V.T.C.S. art. 1175; general powers of home-rule municipality, V.T.C.A.,
16 Local Government Code, sec. 51.071 et seq.; authority of local self-government, V.T.C.A., Local Government Code, sec. 51.072.

17   **Sec. 18. Meetings of the council.**

18 The council shall hold at least one regular meeting in each month at a time to be fixed by it for
19 such regular meetings; and may hold as many additional meetings during the month as may be
20 necessary for the transaction of the business of the city and its citizens.

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

22   **Sec. 19. Special meetings of the council.**

23 Special meetings shall be called by the city secretary upon the request of the mayor, mayor pro-
24 tem, the city manager, or any two (2) members of the council, and may be held at any time in
25 accordance with the provisions of state law. Notice of special meetings shall be provided in
26 accordance with Chapter 551 of the Texas Government Code and all amendments thereto.

27   **Sec. 20. Meetings open to the public.**

28 All meetings of the council and committees thereof shall be open to the public, except as provided
29 in Chapter 551, Texas Government Code, and all amendments thereto. Any ~~inhabitants of the~~
30 ~~city~~ **member of the public** shall have a reasonable opportunity to be heard at any meeting of the
31 council on any matter.


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

Commented [CB6]: Required by change in state law



1   **Sec. 21. Canvass returns and declare results of elections.**

2 The council shall, within the period of time after each regular and special election as provided for
3 by state law, or as soon thereafter as practicable, canvass the returns and declare the result of such
4 election.

5 *State law reference*—Canvassing elections, V.T.C.A., Election Code, ch. 67

6   **Sec. 22. Time for qualification and assumption of duties.**

7 As soon as practicable, but not earlier than the date for canvassing the election results as provided
8 by law. The council shall meet in the council chamber of the city hall or a location suitable for
9 such meeting, at which time the council shall qualify and assume the duties of their offices.

10   **Sec. 23. Council to be judge of election and qualification of its members.**

11 The council shall be the judge of the election and qualification of its own members.



12   **Sec. 24. Rules of the council.**

13 The council shall determine its own rules of procedure, and shall compel the attendance of its
14 members.

15   **Sec. 25. Legislative procedure.**



16 Three (3) members of the council shall constitute a quorum to do business. The affirmative vote of
17 a majority of the five-member council present and voting shall be necessary to adopt any
18 ordinance or resolution, except as otherwise provided herein. Minutes of all proceedings shall be
19 kept to which any citizen may have access at all reasonable times and which shall constitute one of
20 the archives of the city. The vote upon the passage of all ordinances and resolutions shall be taken
21 by the “ayes” and “nays” and entered upon the minutes, and every ordinance or resolution, upon
22 its final passage shall be recorded in a bound record kept for that purpose, and shall be
23 authenticated by the signature of the presiding officer and the person performing the duties of city
24 ~~clerk or~~ secretary.

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

26   **Sec. 26. City secretary.**

27 The council shall choose a city secretary who shall keep the records of the council and perform
28 such other duties as may be required by this Charter, ~~or the council~~ or the city manager.

Commented [CB7]: Question raised by council – should the city manager appoint the secretary?

29   **Sec. 27. Ordinances and resolutions, enactment of.**

1 Each proposed ordinance or resolution shall be introduced in written or printed form, and shall
2 contain not more than one subject, which shall be clearly expressed in the title, except ordinances
3 or resolutions making appropriations or authorizing the contract of indebtedness or issuance of
4 bonds or other evidence of indebtedness. ~~No An ordinance, unless it is declared an emergency~~
5 ~~measure, shall~~ may be passed finally on the date it is introduced, ~~but instead must be~~ passed, read
6 and voted upon at ~~two (2) separate~~ one (1) meetings of the council.

7   **Sec. 28. ~~Emergency measures, defined~~ [RESERVED].**

8 ~~An emergency measure is an ordinance or resolution for the immediate preservation of the public~~
9 ~~business, property, health or safety, or providing for the usual daily operation of a municipal~~
10 ~~department in which the emergency is set forth in such ordinance or resolution. Ordinances or~~
11 ~~resolutions appropriating money to defray current or other expenses of the city may be passed as~~
12 ~~emergency measures, but no ordinance or resolution making a grant, renewal or extension of a~~
13 ~~franchise or other special privilege, or regulating the rate or rates to be charged for service~~
14 ~~furnished the public generally by any public utility shall ever be passed as an emergency measure.~~

15   **Sec. 29. Ordinances, when and how published.**



16 Every ordinance imposing any penalty, fine or forfeiture shall, after passage thereof, be published
17 in one (1) issue of the official paper and in accordance with state law; however, the city may
18 publish a caption of an adopted ordinance that summarizes the purpose of the ordinance and any
19 penalty for violating the ordinance in lieu of the requirement that the full text of the ordinance be
20 published. Proof of such publication shall be made by the printer or publisher of such paper,
21 making affidavit before some officer authorized by law to administer oaths, and filed with the
22 person performing the duties of city secretary and shall be prima facie evidence of such
23 publication and promulgation of such ordinance in all courts of the state; and such ordinance so
24 published shall take effect, and be in force, from and after five (5) days after publication thereof,
25 unless otherwise expressly provided. Ordinances not required to be published shall take effect, and
26 be in force, from and after passage, unless otherwise provided.

27 *State law reference*—Publication of ordinances, V.T.C.A., Local Government Code, sec. 52.013.

28   **Sec. 30. [RESERVED]**

29   **Sec. 31. Ordinances and resolutions, admissibility as evidence.**

30 Any ordinance or resolution appearing of record in the book mentioned in [section 25](#) of this
31 article, or a copy thereof duly certified by the person performing the duties of city secretary under
32 the seal of said city, and all the ordinances or resolutions of the city, published in book, compact
33 disc (CD) or pamphlet form and purporting to be published or created “By the authority of the
34 council of the City of Navasota,” shall be received by all courts of this state as prima facie
35 evidence of the due passage and publication of such ordinance or resolution.

1   **Sec. 32. Contracts for personal services, supplies, etc.**

2 (a) No contract shall ever be made which binds the city for personal services to be rendered for
3 any stated period of time, but all appointive officers and employees shall be subject to preemptory
4 discharge and when discharged shall only be entitled to compensation up to and including the date
5 of their discharge; however, notwithstanding this or any other provision of the charter, the city may
6 enter into an agreement with the city manager regarding personal services to be rendered to the city
7 and containing any additional terms and conditions mutually acceptable to the city council and the
8 city manager.



9 (b) Nor shall the city or any agent of the city acting for it make any contract for goods, materials,
10 services or supplies for the current use of any department of the municipality for more than one (1)
11 year, except as in this Charter provided, unless said contract and the cost thereof has been included
12 in the annual budget of the city and unless an appropriation has been made therefore, and no contract
13 or purchase shall exceed the amount appropriated. All contracts, except for professional services,
14 shall be made upon specifications, and no contract shall be binding until it has been signed by a
15 designated representative of the city. Whenever the costs of any contracts charged to any
16 appropriation equal the amount of such appropriation, no person representing the city shall sign or
17 make any additional contracts chargeable to such appropriation. Any contract for current
18 expenditures exceeding the amount set up in the budget or the appropriation therefore shall be void.

19 (c) Notwithstanding any provision of this charter that relates to the notice of contracts,
20 advertisement of the notice, requirements for the taking of sealed bids based on specifications for
21 public improvements or purchases, the manner of publicly opening bids or reading them aloud, the
22 authority for utilizing alternative project delivery methods, or the manner of or authority for making
23 purchases and letting contracts, the city council may elect to expend city funds and enter into
24 contracts pursuant to and in accordance with the laws of the State of Texas, as hereafter amended.
25 The city council may elect to have said state laws related to contracting and purchasing supersede
26 any conflicting provision of this charter.


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

28   **Sec. 33. Departments may be consolidated, etc.**

29 The council may abolish or consolidate such offices and departments as it may deem to the best
30 interest of the city, and may divide the administration of any such department as it may deem
31 advisable, create new departments and may discontinue any offices or departments of [at] its
32 discretion, except as to the office of city manager.



33   **Sec. 34. Compensation of appointive officers and employees.**

34 The ~~council~~city manager may fix and determine the salaries and wages of all appointive officers
35 and employees of the city.

1   **Sec. 35. Payment of claims.**

2 No warrant for the payment of any claim shall be issued by the city unless such claim shall be
3 evidenced by an invoice or itemized account, and approved by the city manager and audited and
4 approved by such manager and all warrants shall be signed by the city manager.

Commented [CB8]: This section should be updated

5   **Sec. 36. Nepotism.**

6 Except as provided by Chapter 573 of the Texas Government Code, and any amendments thereto,
7 no person related within the second degree by affinity, or within the third degree by consanguinity,
8 to the mayor or any other member of the council, or the city manager, shall be appointed to any
9 office, position or clerkship or other service of the city.

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

11   **ARTICLE V. CITY MANAGER.**

12   **Sec. 1. Qualification, term, removal, compensation, absence or inability to perform
13 duties.**

14 (a) The council shall employ a city manager who shall be the chief executive officer of the city,
15 and he shall devote all of his time to the performance of his official duties. He shall be employed
16 solely on the basis of his fitness for the position. The city manager shall be appointed for an indefinite
17 term and may be removed by a majority vote of the members of the council. Except as may otherwise
18 be provided in a personal services agreement between the city and the city manager, removal may
19 not become effective until thirty (30) days after the manager shall have been notified in writing of
20 the council's intention to remove him, and until after a public hearing on the question of the
21 manager's removal shall have been held, if such hearing is requested of the council in writing by the
22 manager.

23 (b) The city manager shall receive compensation in the amount and manner provided by the
24 council.

25 (c) In the absence or inability of the city manager to perform his duties the council by a majority
26 vote may designate a qualified administrative officer to perform the duties of city manager during
27 such absence or disability.

28   **Sec. 2. Powers and duties.**

29 (a) The city manager shall be responsible to the council for the efficient and economical
30 administration of the city government. He shall have the power to appoint for an indefinite term and
31 to remove one or more assistant city managers and all department heads. He shall have the power to
32 appoint for an indefinite term and to remove all other employees in the administrative service of the

1 city. He may authorize the head of a department to appoint and remove subordinates in his respective
2 department.

3 Except of the purpose of inquiry, the council and its members shall deal with the administrative
4 service solely through the city manager. They shall not in any manner take part in the appointment
5 or removal of any person subordinate to the city manager, nor shall they give any instructions to
6 any subordinate of the city manager.

7 (b) He shall exercise supervision and control over all departments created by this Charter or that
8 may hereafter be created by the council.

9 (c) He shall attend all meetings of the council with the right to take part in the discussion, but
10 having no vote; and he shall be notified of all special meetings of said council in the time and manner
11 this Charter requires such notice to be given to the members of said council.

12 (d) He shall see that all terms and conditions imposed in favor of the city or its inhabitants in any
13 public utility franchise are faithfully kept and performed, and upon knowledge of any violation
14 thereof to call the same to the attention of the council.

15 (e) He shall act as budget officer and as such to prepare and submit to the council prior to the
16 beginning of each fiscal year a budget of proposed expenditures for the ensuing year, showing in as
17 much detail as practicable the estimated amounts required by months for the efficient operation of
18 each department of the city government and the reasons for such estimated expenditures.

19 (f) He shall make a full written report to the council as soon after the close of each month's
20 accounts as possible, showing the operation and expenditures of each department of the city
21 government for the preceding month, and a comparison of such monthly expenditures, by
22 departments, with the monthly allowances made for such departments in the annual budget, and to
23 keep said council fully advised at all times as to the financial condition and needs of the city.

24 (g) He shall act as purchasing agent for the city and purchase all merchandise, material and
25 supplies needed by the city and may establish, if needed, a suitable storehouse where such supplies
26 shall be kept and from which same shall be issued as needed; and to adopt such rules and regulations
27 governing requisition and the transaction of business between himself as such purchasing agent and
28 the heads of departments, officers and employees of the city as the council may approve.

29 (h) He shall recommend to the council the salaries to be paid each appointed officer and
30 subordinate employee of the city, and it shall be the duty of said council to pass ordinances or
31 resolutions, from time to time, fixing rates of compensation.

32 (i) He shall recommend to the council, in writing, from time to time, for adoption, such measures,
33 as he may deem necessary or expedient.

(j) He shall do and perform such other duties as may be prescribed by this Charter or be required of him by the ordinances and resolutions of the council.

ARTICLE VI. TAXATION

Sec. 1. Levy of annual ad valorem tax.

The council shall have the power and it is hereby authorized to levy annually and collect an ad valorem tax on all real, personal and other property within the corporate limits of the city, not exempt from taxation by the constitution and laws of the State of Texas.

State law references—Property taxes authorized, V.T.C.A., Tax Code, sec. 302.001; tax collection powers, V.T.C.A, Tax Code, sec. 302.102.

Sec. 2. Powers of council generally.

The council shall have the power to establish by ordinance: The form and content of future ordinances establishing the tax rate; the procedure to be used in issuing refunds on tax payments; a delinquent tax policy in regard to partial payments before and after judgment, before and after filing suit; the affixing of a tax lien in favor of the city for all taxes levied against all real, personal, and other property; and to enact ordinances in other such instances as may be necessary.

State law references—Tax liens and personal liability, V.T.C.A., Tax Code, ch. 32; local taxation, V.T.C.A., Tax Code, ch. 301 et seq.; tax collection powers, V.T.C.A, Tax Code, sec. 302.102.

Sec. 3. Compliance with tax code.

The City of Navasota shall comply with all provisions of the Tax Code of the State of Texas, as same now exists or as same may hereafter be amended, in the operation and administration of the city tax office.

Sec. 4. Occupation taxes.

The council shall have the power to levy and collect an occupation tax on all occupations, callings, businesses and provisions, ~~taxes~~ ~~taxed~~ taxed by the State of Texas from time to time, to the amount of one-half of the amount of occupation tax levied by the state and shall have the power by ordinance to provide adequate means for enforcing the collection of the same.



State law reference—Occupation taxes, V.T.C.A., Tax Code, sec. 302.101.

ARTICLE VII. Municipal Court, City Attorney and Other Legal Counsel

Sec. 1. Municipal court created.

1 There shall be a court for the trial of misdemeanor offenses known as the “municipal court,” with
2 such powers and duties as are defined and described in applicable state statutes and as thereafter
3 amended and in the Texas Code of Criminal Procedure and as thereafter amended.



4 **State law reference**—Municipal courts, generally, V.T.C.A., Government Code, sec. 29.001 et seq.

5   **Sec. 2. Judge.**

6 The council shall appoint a citizen of the City of Navasota to be judge of said court, whose title
7 shall be “municipal judge,” and who must meet the following qualifications:

- 8 (1) shall have been a resident citizen of ~~the City of Navasota~~ Grimes County, Texas for
9 a period of one year immediately preceding such appointment;
- 10 (2) ~~shall not hold any other public office except that of notary public;~~
- 11 ~~(3)~~ shall have paid up to date all outstanding city taxes and utilities; and
- 12 ~~(4)~~ shall not have been convicted of a felony or any crime involving moral turpitude.

13 **State law reference**—Municipal court judges, V.T.C.A., Government Code, sec. 29.004.

14   **Sec. 3. Term of office.**

15 The term of office of the municipal judge shall be filled by appointment by said council for a term
16 of two (2) years; however, the municipal judge may be removed from office by the council at any
17 time at its discretion.



18 In the event the appointed municipal judge is removed from office, is unable to serve due to death,
19 illness, or tenders a written letter of resignation to the city council, such vacancy in the position of
20 the judge shall be filled by a vote from a majority of the members of the city council. Such
21 appointment shall be for the remainder of the existing term or for a full two (2) year term, as
22 applicable.

23 **State law reference**—Term of municipal court judge, V.T.C.A., Government Code, sec. 29.005.

24   **Sec. 4. Jurisdiction.**



25 Said municipal court shall have jurisdiction as provided under Article 4.14, Texas Code of
26 Criminal Procedure and all amendments thereto.

27 **State law reference**—Jurisdiction of municipal courts, V.T.C.A., Government Code, sec. 29.003.

28   **Sec. 5. Clerk.**

1 The municipal judge shall be ex officio clerk of said municipal court, unless the city council has
2 provided for the appointment of a municipal court clerk.

3 **State law reference**—Municipal court clerk generally, V.T.C.A., Government Code, sec. 29.010.

4   **Sec. 6. Duties of clerk.**

5 It shall be the duty of said clerk to keep a minute of the proceedings of said court; to issue all
6 processes, and generally, to do and perform all the duties of a clerk of a court as prescribed by law
7 for the clerk of the county court, in so far as said provisions may be applicable.

8   **Sec. 7. Right of trial before jury.**

9 Every person brought before the judge to be tried for an offense for which the penalty may be a
10 fine shall be entitled, if he shall demand it to be tried by a jury of six (6) legal voters of the city,
11 who shall be summoned, ~~empaneled~~ empaneled and qualified as jurors in justice courts under the
12 laws of the State of Texas.

13 **State law references**—Right to trial by jury inviolate, Tex. Code Crim. Proc. art. 1.12; trial before the jury, Tex. Code Crim. Proc. ch.
14 36.

15   **Sec. 8. Rules of pleading, practice and procedure.**

16 All rules of pleadings, practice and procedure now established in Chapter 45, Texas Code of
17 Criminal Procedure, as may be amended, and as otherwise provided by applicable law, shall apply
18 in said municipal court. Complaints before said court may be sworn to before the judge, clerk or
19 said court, his deputy, or the city attorney; and each and all of which officers for that purpose shall
20 have the power to administer oaths; or it may be sworn to before any other officer authorized by
21 law to administer oaths.

22 **State law reference**—Procedures for processing cases within criminal jurisdiction of municipal court, Tex. Code Crim. Proc. ch. 45.

23   **Sec. 9. Seal of municipal court.**

24 The said municipal court shall have a seal having engraved thereon a star of five (5) points in the
25 center and words “Municipal Court, in Navasota, Texas,” the impress of which shall be attached to
26 all proceedings, except subpoenas, issued out of said court, and shall be used to authenticate the
27 official acts of the judge where he is authorized or required to use the seal of office.

28 **State law reference**—Municipal court seal, Tex. Code Crim. Proc. art. 45.012(g).

29   **Sec. 10. Complaint, how commenced and concluded.**

30 In all prosecutions in said court, whether under an ordinance or under the provision of the Penal
31 Code of this state, the complaint shall commence: “In the Name and by the Authority of the State

1 of Texas” and shall conclude: “Against the Peace and Dignity of the State,” and where the offense
2 is covered by ordinance, the complaint may also conclude “Contrary to the City Ordinance”; and
3 all prosecutions in said court shall be conducted by the city attorney or by his deputy; but the
4 county attorney of Grimes County, if he so desires, shall also represent the State of Texas in such
5 prosecution, but in all such cases the said county attorney shall not be entitled to receive any fees
6 or other compensation, whatever, for said services, and in case shall the said county attorney have
7 the power to dismiss any prosecution pending in said court, unless for reasons filed and approved
8 by the judge of said court.

9 **State law reference**—Requisites of complaint, Tex. Code Crim. Proc. art. 45.019.

10   **Sec. 11. Council to prescribe rules for collecting fees and costs, etc.**

11 The council shall from time to time by ordinances or resolutions, prescribe such rules, not
12 inconsistent with the provisions of this Charter nor the laws of this state, as in the discretion of the
13 council may be proper to enforce against the property of the defendant, or imprisonment of the
14 defendant for the collection of all costs and fines imposed by said court; and shall also have the
15 power to adopt such rules and regulations concerning practice and procedure in said court as said
16 council may deem proper not inconsistent, however, with the provisions of this Charter nor the
17 general laws of this state.

18 **State law reference**—Municipal court fines, costs and special expenses, Tex. Code Crim. Proc. art. 45.203.

19   **Sec. 12. Fines and costs to be paid into the city depository.**

20 All costs and fines imposed by said in prosecution therein, shall be paid into the city depository in
21 the general fund of the City of Navasota for the use and benefit of said city, or as otherwise
22 required by state law.

23   **Sec. 13. Costs to be collected.**

24 There shall be taxed against and collected of such defendant, in case of his conviction before said
25 court, such costs as are prescribed by law to be collected of defendants convicted in municipal
26 court.

27 **State law references**—Court costs on conviction, V.T.C.A., Government Code, sec. 102.021; additional court costs on conviction in
28 municipal court, V.T.C.A., Government Code, sec. 102.121.

29   **Sec. 14. Jury and witness fees, etc.**

30 The provisions of the Code of Criminal Procedure of the State of Texas regulating the amount and
31 collection of jury and witness fees, and for enforcing the attendance of witnesses in criminal cases
32 tried before a municipal court judge shall, in so far as practicable, govern and be applicable to the
33 trial of cases before the municipal court herein created and established.

1 **State law reference**–Witness fees paid by defendant, Tex. Code Crim. Proc. art. 102.002.



2   **Sec. 15. Powers available to judge.**

3 The judge of said court shall have the power to punish for contempt as provided by applicable law.
4 The judge shall have power to take recognizance, admit to bail, and forfeit recognizance and bail
5 bonds, under such rules and regulations as now govern the taking and forfeiture of the same as
6 provided by state law.



7   **Sec. 16. Processes, how served.**

8 All processes issued out of said municipal court shall be served by the officer performing the
9 duties of the chief of police, or any police officer of the city, under the same rules and regulations
10 as are now provided by law so far as the same are applicable; but each defendant shall be entitled
11 to at least one day's notice before any trial of any complaint against him if such time be demanded
12 or as applicable under the Texas Code of Criminal Procedure.

13 **State law reference**–Service of process, Tex. Code Crim. Proc. sec. 45.202.



14   **Sec. 17. Writs of judge.**

15 Writs issued by the municipal judge of said court for offenses against the laws of this state may be
16 executed and the accused person or persons arrested by the chief of police or any police officer of
17 the City of Navasota anywhere within Grimes County or as otherwise provided under Article
18 15.06 and 15.07 of the Code of Criminal Procedure of the State of Texas and all amendments
19 thereto.

20   **Sec. 18. Appeals.**



21 All appeals from judgments rendered in said court shall be to the county court in and for Grimes
22 County, to be perfected in the manner and within the time prescribed by the applicable provisions
23 of the Texas Code of Criminal Procedure; and in all such appeals, the trial in the county court shall
24 be de novo, the same as if the prosecution had been originally commenced in that court.

25 **State law reference**–Appeal procedures, bond, etc., Tex. Code Crim. Proc. art. 45.042 et seq.

26   **Sec. 19. City attorney; qualifications, powers and duties.**



27 The city attorney shall be appointed by the city council and shall hold office during the time he
28 shall perform the duties of his office to the satisfaction of the council, and may be removed at any
29 time by the council, where it appears for the best interest of the city that his services be dispensed
30 with. He shall be a resident citizen of the State of Texas and shall be a qualified voter thereof, and
31 shall be a regularly licensed and practicing attorney. He shall serve as the chief legal advisor to the
32 council, the city manager and all city departments, offices and agencies. He shall have the

1 authority to take complaints or violations of the ordinances of the city and violations of the laws of
2 the State of Texas committed within the jurisdiction of the municipal court, and to prosecute said
3 violations, unless such prosecutorial duties are vested in another pursuant to the city's appointment
4 of a city prosecutor. He shall represent the city in all legal proceedings, unless otherwise directed
5 by the council and shall receive such compensation as may be provided by the council.

6   **Sec. 20. Temporary or additional counsel authorized.**



7 In the event of a vacancy in the office of city attorney, making it advisable for the city and its
8 officers to have legal advice, then the council may employ a legal advisor, with as good
9 qualifications as required of the city attorney and allow him the same compensation as allowable
10 to the city attorney; and when in the judgment of the city council legal questions or litigation of
11 more than usual importance to the interests of the city and its citizens, arising, making it advisable
12 in the judgment of the council, to employ additional counsel and to allow reasonable compensation
13 for the services thereof.

14   **ARTICLE VIII. CITY FINANCES**

15   **Sec. 1. Fiscal year.**



16 The fiscal year of the city government shall be for the period beginning October first and ending
17 September thirtieth of each year.

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



20   **Sec. 2. Budget.**

21 The city manager shall prepare and submit to the council an annual budget on or before August
22 thirty-first of each calendar year or as set by ordinance in accordance with applicable provisions of
23 state law. The budget shall be prepared on the basis of estimates, expenses and incomes of the
24 various departments of the city. These departmental estimates showing the anticipated expenses
25 and income of the departments as well as the expenses and income of the preceding reconciled
26 with actual expenditures and income, shall indicate wherein increases or diminutions are
27 recommended for the ensuing budget year, and notice shall be published in accordance with the
28 applicable provisions of state law, stating that the annual budget has been prepared and printed,
29 and that copies of the estimates shall be available to any person upon request. Due notice shall be
30 made of the time when the budget is to be discussed by the council members, and copies of the
31 budget shall be available to any person in accordance with the applicable provisions of state law.
32 The discussion shall be given in open meeting and adequate time shall be given in said open
33 meeting to hearing protests and objections, if any, to any items in the budget or to omissions
34 therefrom.

1 **State law references**—Budget officer, V.T.C.A., Local Government Code, sec. 102.001; annual budget required, V.T.C.A., Local
2 Government Code, sec. 102.002; itemized budget and contents, V.T.C.A., Local Government Code, sec. 102.003; information
3 furnished by municipal officers and boards, V.T.C.A., Local Government Code, sec. 102.004; proposed budget filed with municipal
4 clerk and public inspection, V.T.C.A., Local Government Code, sec. 102.005; public hearing on proposed budget, V.T.C.A., Local
5 Government Code, sec. 102.006; special notice by publication for budget hearing, V.T.C.A., Local Government Code, sec. 102.0065.

6   **Sec. 3. Expenditures.**



7 All expenditures of the city shall be made in accordance with budgeted appropriations.

8   **Sec. 4. Bookkeeping.**

9 The city's accounts shall be kept in such a manner as to show fully at all times the financial
10 condition of the city, and the books shall at all times be open to the public inspection. The council
11 shall see that accounts are kept in the most approved fashion, including all necessary balance
12 sheets in detail and in summary, revenue and expense statements, treasury statements, store
13 accounts, operating statistics, and other reports necessary to show completely each month the state
14 of the city finances.

15   **Sec. 5. Monthly reports.**

16 The city manager shall make to the council, if desired by it, a monthly report in writing showing in
17 detail the receipts and disbursement for the preceding month and fiscal year to date. These reports
18 of the city manager, after having been first approved by the council, may be published in a
19 newspaper.



20   **Sec. 6. Annual audit.**

21 The council shall request an independent audit to be prepared annually by a certified public
22 accountant covering all of the city's financial affairs, including operating results for the year and
23 financial statement at the close of the fiscal year. This audit shall be made as soon as practicable
24 after the close of the fiscal year, but not later than one hundred eighty (180) days past the end of
25 the fiscal year.

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

27   **Sec. 7. Temporary borrowing.**

28 The council is authorized to borrow money, for not longer than the end of the current fiscal year,
29 by issuance of deficiency warrants in amounts no greater than necessary to supplement the
30 revenues of the city in paying current expenses. The same shall become due not later than the end
31 of the fiscal year.

32   **Sec. 8. Depository.**

1 The council shall designate one or more depository banking institutions in which all city funds
2 shall be deposited. The designated depository shall be required to pledge as securities only as
3 allowed by applicable law and the amount of securities to be pledged shall equal the city funds on
4 deposit in the depository bank. Should the securities pledged by the depository bank to secure city
5 funds at any time be in excess of the amount on deposit, the council shall permit the release of
6 such excess by written permission; and should the city funds deposited at any time increase
7 beyond the amount of securities pledged, then the depository bank shall immediately pledge
8 additional securities with the city's governing body or pledge bank, so that the securities pledged
9 shall at no time be of a value less than the total amount of city funds on deposit in said depository
10 bank. The determination of such value shall be in the discretion of the city council whose decision
11 shall be final and binding upon such depository. The right of substitution of securities shall be
12 granted to depositories, provided the securities are authorized by applicable law.

13 State law shall govern in the selection of the city depository, provided, however, that a prospective
14 depository bank shall not be excluded from selection because a council member, appointive
15 officer, or employee of the city owns stock in said bank or serves on the bank board, so long as the
16 said council member, appointive officer, or employee does not take part in the selection of said
17 depository. It shall not be considered a conflict of interest as the same is defined in this Charter for
18 a council member, appointive officer, or employee to own stock in or be on the board of directors
19 of a depository bank.

20   **Sec. 9. Funds.**

21 All moneys arising from the collection of taxes by the city shall be divided into two (2) funds, and
22 designated as “general funds” and “interest and sinking fund.”

23   **ARTICLE IX. FRANCHISES AND PUBLIC UTILITIES***

24   **Sec. 1. Powers of council.**

25 The council shall have power by ordinance to grant, renew and extend all franchises, and to
26 regulate all public utilities of every character within the city and for such purposes is granted full
27 power:

- 28 1. To prohibit the occupancy and use of any street, alley, or other public place in the
29 city, either on, in, over or under the same, by any telegraph or telephone line; system or
30 exchange, electric light and power line, plant or system, street railway, interurban railway,
31 steam railway, bus line or system, gas works and system, or any other character of public
32 utility, without a franchise, and upon payment of such compensation as may be lawfully
33 prescribed. Any occupancy and use of any street, alley, or other public place in the city
34 shall be subject to lawful regulation by the council;

1 2. To prescribe and enforce all rules and regulations necessary or expedient for securing
2 safe, efficient, faithful and continuous service to the public from such public utilities, and
3 to prescribe and regulate the character, quality, and efficiency and manner of service to be
4 rendered, given, performed, and furnished to the public, and to change such character,
5 quality, and efficiency and manner of services from time to time upon reasonable notice,
6 as conditions require.

7 3. To determine, fix and regulate the charges, fares and rates to be paid by the public
8 for the services and commodities of any such utilities after reasonable notice, and to
9 change such requirements and regulations from time to time upon reasonable notice, as
10 conditions require.

11 4. To inspect the books and other records and papers of the public utility furnishing
12 such service and compel the production of such books, papers and records and the
13 attendance of witnesses for the purpose of making such investigation into the charge, fares
14 and rates to be paid by the public;

15 5. To require the holder of any franchise now or hereafter granted, at the holders' own
16 expense, to furnish the city a correct complete map or plat, within thirty (30) days of a
17 written request from the city, showing the location, extent and such other general
18 information as may be desired of all improvements and equipment of whatever nature
19 located on, in or under the streets, avenues, alleys or public grounds of said city;

20 6. To prescribe the forms of accounts kept by each such utility, where a public utility
21 keeps its accounts and books, according to a system prescribed by federal or state authority
22 or commission; the keeping of such accounts and books in the manner so prescribed shall
23 be deemed a compliance with the foregoing provisions of this subsection six (6); and at
24 any time to examine and audit the accounts and other records including reports on local
25 operations by each such utility;

26 7. To repeal any franchise by ordinance at any time for the failure to begin construction
27 or operation within the time prescribed or to cause prosecution of proceedings for judicial
28 forfeiture for failure to otherwise comply with the terms of the franchise;

29 8. To enforce by appropriate penalties all requirements and rules lawfully enacted by
30 the city for the regulation of public utilities, or for carrying into effect and forcing any
31 other powers over public utilities herein granted to the city.

32   **Sect. 2. Period of franchise, etc.**

33 No franchise of any kind shall ever be granted by the council for a longer period than thirty (30)
34 years, and shall provide that such franchise may be reviewed on a periodic basis not to exceed
35 once every three (3) years wherein revisions may be made in the franchise regarding rates and
36 other matters coming before the attention of the council. No determinate franchise shall ever be

1 granted except upon the condition that the city shall have the right to purchase property of the
2 franchise holder either at the expiration of the franchise period or upon termination of the
3 franchise, nor shall any franchise ever be exclusive. No franchise shall be transferable, except with
4 the approval of the council expressed by ordinance.



5   **Sect. 3. Franchise ordinances.**

6 All ordinances granting, renewing or extending franchises for public utilities shall be read at three
7 (3) separate regular meetings of the council, and shall not be finally passed until thirty (30) days
8 after the first reading; and no such ordinance shall take effect until sixty (60) days after its final
9 passage; and pending such time, the full text of such ordinance shall be published once each week
10 for three (3) consecutive weeks in a newspaper published in the city and in compliance with any
11 other requirements of state law, and the expense of such publication shall be borne by the
12 proponent of the franchise, provided however that in lieu of publishing the entire ordinance, the
13 city may choose to publish the caption of the ordinance as allowed by State law.



14 If, at any time before any such ordinance takes effect, a petition shall be submitted to the council,
15 signed by the required number of qualified voters of the city as provided by Chapter 311 of the
16 Texas Transportation Code, the council shall submit the question, of granting, renewing or
17 extending such franchise to a vote of the qualified voters of the city at the next succeeding general
18 election to be held therein, in accordance with the general election laws of the State and said
19 chapter of the Transportation Code; and notice of such election shall be published in a newspaper
20 in accordance with Chapter 311 of the Transportation Code before election day, which notice shall
21 contain a full copy of said ordinance; and the expense of such publication shall be borne by the
22 proponent of the franchise.

23 If within ten (10) years prior to the expiration of any franchise period, the franchise holder has
24 applied for a new franchise, and such application is refused by the council, and a petition,
25 complying with the foregoing provisions of this section is presented to the council, then the
26 council shall submit the question of granting of the franchise to the qualified voters in the same
27 manner as provided in this section. The failure or refusal of the council to act upon the application
28 for a franchise within four (4) months after the same is filed with the council shall be construed as
29 a refusal.

30 The ballot used at said election shall briefly describe the franchise to be voted on and the terms
31 thereof, and shall contain the words, "For the Granting of the Franchise" and "Against the
32 Granting of the Franchise" as provided by said Chapter of the Texas Transportation Code and any
33 subsequent amendments. If a majority of those voting at such election shall vote in favor of
34 granting the franchise, the council, upon canvassing the returns, shall so declare, and said franchise
35 shall take effect in accordance with its terms; but no franchise shall extend beyond the period fixed
36 for its expiration.

37   **Sec. 4. Public record.**



1 The city shall compile and maintain a bound public record of all public utility franchises, renewals
2 and extensions thereof.

3   **Sec. 5. Extensions**

4 All service extension of public utilities within the city limits shall become a part of the aggregate
5 property of the public utility, shall be operated as such and shall be subject to all the obligations
6 and reserved rights contained in this Charter and in any original grant hereafter made. The right to
7 use or maintain any extension shall expire with the original grant, and shall be terminable as
8 provided in subsection seven (7) of [section 1](#) of this [Article IX](#).

9 In the event of an extension of a public utility operated under a franchise hereafter granted such
10 right shall be terminable at the same time and under the same time and under the same conditions
11 as the original grant.

12   **ARTICLE X. BONDS AND WARRANTS***



13   **Sec. 1. Powers of council; proposition of issuance.**

14 The council shall have the power to issue and sell negotiable bonds of the City of Navasota for all
15 permanent public improvements and for all public and municipal purposes as now, or as may be,
16 permitted by the constitution and any and all laws of the State of Texas, and to refund same where
17 appropriate.

18 The proposition of the issuance of bonds pledging the proceeds of taxes of the City of Navasota
19 for any permanent public improvement, public utility, or municipal purpose (except revenue bonds
20 and bonds to refund indebtedness of the city as herein above provided) shall be submitted to the
21 qualified voters of the city at an election to be held for that purpose. The time, place and manner of
22 calling, providing notice, canvassing and declaring the results thereof, shall be prescribed by
23 ordinance adopted by the council at any legally convened meeting thereof; provided that all
24 requirements of such election, shall be consistent with, and conformable to, the requirements of
25 the constitution and general election laws of the State of Texas applicable thereto. Unless a
26 majority of the qualified voters of the city, voting at such election on the proposition of the
27 issuance of the bonds, vote in favor thereof, the same shall not be issued.

28 The council shall have full power and authority after such bonds have been approved by the
29 qualified voters, to issue and sell the same, at one time, or from time to time, as the necessities of
30 the city require, and as provided by the existing laws of the State of Texas or as the same may
31 hereafter be amended.

32 **State law references**—Bond elections generally, V.T.C.A., Government Code, ch. 1251; authority of municipality to issue bonds for
33 public improvements, V.T.C.A., Government Code, sec. 1331.052.

34   **Sec. 2. Execution of Bonds**

1 All bonds shall be issued in the name of the City of Navasota and shall be executed on its behalf
2 by the mayor thereof, and shall be attested by the city secretary under the corporate seal of said
3 city, and the bonds shall not be invalid notwithstanding the fact that any official or officials whose
4 signature appears upon said bonds or whose facsimile signature appears upon any interest coupons
5 appertaining thereto shall have ceased to be such officers prior to the date said bonds are delivered
6 to the purchaser thereof. The execution of bonds shall be in compliance with the existing laws of
7 the State of Texas relating to the issuance of bonds as may hereafter be amended and such laws of
8 the State of Texas shall govern where any conflict may exist between such laws and the provisions
9 hereof.

10   **Sec. 3. Tax levy for payment of bonds.**

11 At or before the time of the issuance and delivery of any bonds hereunder, it shall be the duty of
12 the council, in the ordinance authorizing said bonds, to levy for each year that said bonds will be
13 outstanding an ad valorem tax on all taxable property in said city to create a sinking and interest
14 fund for each issue of said bonds sufficient to pay the interest thereon and principal thereof as
15 same shall respectively become due and mature, which such tax shall be levied each year so long
16 as said bonds are outstanding and unpaid.

17   **Sec. 4. Investment of sinking funds.**

18 The council shall supervise and be charged with the responsibility for all investments made with
19 the money and assets of any sinking fund or funds established under this Charter, or heretofore so
20 established. The money and assets of the sinking fund or funds shall only be invested or reinvested
21 in bonds of the United States government, or of U.S. Government agencies having the full faith
22 and credit of the U. S. Government.

23   **Sec. 5. Ceiling on bonded indebtedness.**



24 The net bonded indebtedness of the city, excluding revenue bonds, shall at no time exceed the
25 limits set by the State of Texas as they now exist or as same may hereafter be amended.

26   **Sec. 6. Revenue bonds.**



27 The council shall have the power to issue negotiable revenue bonds of the City of Navasota,
28 payable from the revenues and income of any public utility or utilities acquired, condemned or
29 owned by said city under the provisions of this Charter, or other specific sources of income as they
30 may be provided by ordinance.

31 All such revenue bonds may be, at the option of the council, additionally secured by a mortgage
32 upon the property or properties so to be acquired, owned or operated, provided that no such
33 revenue bond shall ever be a debt of the City of Navasota, but shall constitute solely a charge upon
34 the property or properties so encumbered or upon such sources of revenue that may be pledged

1 thereto and shall never be reckoned in determining the power of the city to issue any bonds for any
2 purpose authorized by the constitution and laws of the State of Texas or by this Charter, and every
3 such revenue bond shall carry a recital that “the holder hereof shall never have the right to demand
4 payment of this obligation out of any funds raised or to be raised by taxation.”



5   **Sect. 7. Purpose of issuance of revenue bonds.**

6 Such revenue bonds may be issued for any of the purposes set forth in the constitution and laws of
7 the State of Texas as now or as may hereafter be amended.

8   **Sect. 8. Power to re-fund revenue bonds.**

9 The council shall have the power and is hereby authorized to re-fund the City of Navasota, and
10 such re-funding revenue bonds shall be authorized by ordinances of the council, and it shall not be
11 required under this Charter to submit the proposition of the issue thereof to the legal voters of said
12 city for their approval, unless such is required by the general laws of the State of Texas.

13 *State law reference—Refunding bonds, V.T.C.A., Government Code, ch. 1207.*

14   **Sect. 9. Procedure for issuance of revenue bonds.**

15 The council shall, by ordinance, provide for the issue of all revenue bonds hereunder, which shall
16 be conformable to all requirements of the constitution and general laws of the State of Texas, and
17 which shall specify the purpose or purpose for which they are issued.

18 Such revenue bonds shall be executed by the same officials and in like manner as provided in
19 Section 2 of this article, and approved in the manner provided by law.

20   **Sec. 10. Investment of certain funds.**

21 The council shall have power to make such provisions for the investment of the monies in any
22 fund created or established under the provisions of this Charter for the security, payment and
23 retirement or redemption of revenue bonds issued hereunder upon such terms, conditions and
24 limitations as may be fixed in the proceedings authorized and creating the issue of such bonds.

25   **Sec. 11. Diversion of funds prohibited.**

26 The cash and securities to the credit of any sinking fund herein provided for shall be kept in the
27 city depository and shall be kept separate from the cash and securities of any other city funds. Any
28 officer or employee of the city who shall divert or use the cash, and securities of any sinking fund
29 for any purpose other than the purpose for which the sinking fund was created shall be deemed
30 guilty of a felony and subject to prosecution under the laws of the State of Texas. When an issue of
31 bonds has been retired in full, its respective sinking fund shall be abolished and any remaining
32 balance shall be applied to any lawful purpose.

1   **ARTICLE XI. ELECTIONS***

2   **Sec. 1. Time of holding.**

3 The regular municipal election of the City of Navasota shall be held on the ~~second~~first Saturday of
4 May of each year, as herein provided and required by the laws of the State, or on any other date
5 authorized by applicable law.

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

8   **Sec. 2. Election laws control.**

9 All elections provided for in this chapter, except the regular elections to be held on the ~~second~~first
10 Saturday of May, or on any other date authorized by applicable law. ~~of~~ each year shall be called
11 special elections; and all elections shall be conducted and the result canvassed and announced by
12 the election authorities as prescribed by the general laws of the State of Texas; and said general
13 election laws shall control in all municipal elections of the City of Navasota, except as otherwise
14 provided herein.

15 *State law reference*—Applicability of Election Code, V.T.C.A., Election Code, sec. 1.002.

16   **ARTICLE XII. AMENDMENTS AND SAVING CLAUSES**

17   **Sec. 1. Amending charter.**



18 This Charter, after its adoption by the qualified voters of the City of Navasota, may be altered or
19 amended in accordance with the constitution and laws of the State of Texas in effect at the time
20 and applicable to cities containing more than five thousand (5,000) inhabitants.

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



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

23   **Sec. 2. Ordinances and resolutions continued in force.**

24 All ordinances and resolutions in force at time of taking effect of this Charter, not inconsistent
25 with its provisions, shall continue in full force and effect until amended or repealed.

26   **Sec. 3. Continuance of present officers.**

27 All present officers of the City of Navasota, whether elective or appointive, shall continue in office
28 until their successors shall have been elected or appointed, as the case may be, under the provision
29 of this Charter, and shall have qualified under the terms of this Charter.

1   **Sec. 4. Continuance of contracts and vested rights.**

2 All vested rights of the city shall continue to be vested and shall not in any manner be affected by
3 the adoption of this Charter, unless otherwise herein expressly provided to the contrary. All
4 contracts entered into by the city or for its benefit prior to the taking effect of this charter shall
5 continue in full force and effect. All public work begun prior to the taking effect of this Charter
6 shall be continued and perfected hereunder. Public improvements for which legislative steps shall
7 be taken under the laws in force at the time this Charter takes effect may be carried to completion
8 in accordance with the provisions of such laws.

9   **Sec. 5. Continuation of powers; conflict of laws; severability; repealer.**

10 All powers granted heretofore to cities are hereby preserved. In case of an irreconcilable conflict
11 between the provisions of this Charter and any superior law, the powers of the city and its officers
12 shall be as defined in such superior laws. In case of any insufficiency or omission in this Charter
13 which insufficiency or omission may be supplied by reference to its former Charter powers or the
14 general laws, such provisions of such Charter and general laws are hereby adopted, and the city
15 shall have and exercise all of the powers that it could have acquired by expressly adopting and
16 incorporating into the Charter all of the provisions of such superior and general laws and Charter
17 provisions referred to in this section, it being the intent of this Charter that no lawful power of the
18 city shall fail because of any omission, insufficiency or inconsistency in this Charter appearing.
19 The insufficiency or invalidity of any portion of this charter shall not in any way affect the
20 remaining portions of the charter but the same shall be construed as if adopted without such
21 portions so found invalid or impotent. All Charter provisions, laws and parts of laws in conflict
22 with the provisions of this Charter and not saved by express reference to same herein, are hereby
23 repealed.

24   **Sect. 6. Conflicts.**

25 In reading the provisions contained in the entire Charter, where references are made to state laws,
26 the reader must consult the state law to determine if the state laws controls, and where there is a
27 conflict in the state statues and the provisions of this Charter, it is to be understood that the
28 provisions contained in the statues shall in fact, control over the provisions shown in the Charter.

29   **Sec. 7. Meanings of certain words.**

30 Unless some other meaning is manifest, the word “city” shall be construed to mean “City of
31 Navasota, Texas;” the word “council” shall be construed to mean “the city council of the City of
32 Navasota, Texas;” and the word “and” may be read “or” and the word “or” may be read “and” if
33 the sense requires it; words in the present tense include future tense, except when a more restricted
34 meaning is manifest.

35   **Sec. 8. Gender.**

1 | Throughout this Charter words used expressing masculine gender shall be construed to include the
2 | feminine.

3

DRAFT