

HOME RULE CHARTER

ARTICLE I

INCORPORATION

Section 1. CORPORATE POWERS

- a. **Corporate Name** - The inhabitants of the City of Hempstead, Waller County, Texas, 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 HEMPSTEAD," 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 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 Hempstead filed in the Office of the City Secretary.

- 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, 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. 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.

Section 2. FORM OF GOVERNMENT

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

ARTICLE II

POWERS OF THE CITY

Section 1. GENERAL

The City may use a corporate seal; may sue; may contract and be contracted with; may implead 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, 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; 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 violation of any ordinance enacted by the City and, except as prohibited by the Constitution and Laws of this State, 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.

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.

ARTICLE III

THE MAYOR

Section 1. OFFICE CREATED: QUALIFICATIONS: TERM

There is hereby established the Office of Mayor of the City, the incumbent of which shall be a citizen of the United States, at least eighteen (18) years of age, a qualified voter, residing within the City for at least twelve (12) months prior to his election. The Mayor shall be elected from the City at large; he/she shall hold his office for two (2) years and/or until his/her successor is elected and qualified, unless sooner removed as provided by this Article. The Mayor shall be elected in even numbered years. The City, as referred to herein, shall be deemed to include the City and any and all territory at any time annexed to the City of Hempstead.

a. **Head of City Government** - The Mayor shall be the Chief Administrative and Executive Officer of the City. The Mayor shall devote his/her 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. **Disability of the Mayor** - If for any reason the Mayor fails, is unable or refuses to perform the duties of his office, the Mayor Pro Tem shall act as Mayor during such absence or disability shall possess all of the powers and perform all of the duties of the Mayor and is entitled to receive the fees and compensation prescribed for 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, or as soon as practicable thereafter, the Mayor shall select 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 a 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 select 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 a successor is appointed, but shall receive no extra pay by reason of being or acting Mayor Pro Tem.

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/she 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 the Mayor could perform if present.

Section 4. FORFEITURE

If the Mayor is absent for three (3) consecutive regular meetings of the Council, without being sick or first having obtained a leave of absence at a regular meeting, the office is declared vacated.

Section 5. VACANCY

In case of the death, resignation, or permanent disability of the Mayor, or if she/he ceases to possess any of the qualifications listed in Section 1 of this Article, or if he/she 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.

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 and commissions.

b. Additional Powers and Duties - 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. To exercise administrative control over all departments of the City.
3. To make from time to time 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 law applicable to cities and towns.
4. To keep the Council at all times fully advised as to the financial conditions and needs of the City.
5. 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.

Section 7. PRIVILEGE OF VOTE

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/her sole discretion fail or refuse to vote and such vote shall not be recorded as a negative or affirmative vote.

Section 8. OTHER POWERS AND DUTIES

The Mayor shall have the authority to delegate such duties as she/he shall deem necessary to a department head 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/her by the Council, not inconsistent with this Charter.

Section 9. COMPENSATION OF MAYOR

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

Section 10. 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. The City, as referred to herein, shall be deemed to include the City, and any and all territory at any time annexed to the City. This Council shall consist of five (5) Councilmembers elected from the City At large. Three (3) Councilmembers shall be elected in odd numbered years and two (2) Councilmembers shall be elected in even numbered years. A candidate for Councilmember shall reside within the City. The candidate for Councilmember must be a citizen of the United States, at least eighteen (18) years of age, a qualified voter residing within the City for at least twelve (12) months prior to his/her election.

Section 2. TERM

- a. The term of the Councilmembers shall be two (2) years.
- b. The Councilmembers elected in the year 2013 shall serve two-year terms. All successive Councilmembers shall be elected for a term of two (2) years.

Section 3. FORFEITURE

If a Councilmember is absent for three (3) consecutive regular meetings of the Council, without being sick or first having obtained a leave of absence at a regular meeting, the office is declared vacated.

Section 4. VACANCY

When a single vacancy occurs in the City Council a majority of the remaining members, excluding the mayor, may fill the vacancy by appointment. The Mayor may vote on the appointment only if there is a tie. The person appointed to fill the vacancy serves until the next regular municipal election. In lieu of appointing a person to fill a vacancy on the governing body, a special election may be ordered to elect a person to fill the vacancy. If two (2) or more vacancies on the governing body exist at the same time, a special election shall be ordered to fill the vacancies.

Section 5. MEETINGS OF THE COUNCIL

- a. The City Council shall meet at the time and place determined by a resolution adopted by the City Council.
- b. The Mayor may call a special meeting on the Mayor's own motion or on the application of three (3) members of Council. Each member of the Council, the City Secretary, and the City Attorney must be notified of the special meeting. The notice may be given personally or left at the person's usual place of residence.
- c. The City Council shall determine the rules of its proceedings and may compel the attendance of absent members and punish them for disorderly conduct.
- d. Quorum – A majority of the members of the Council established by Section 1 of this Article shall constitute a quorum to conduct business. However, at a called meeting or a meeting to consider the imposition of taxes, a two-thirds (2/3) vote of the members of the Council established by Section 1 of this Article shall be necessary for adoption; provided, however, in the event of a tie vote then the Mayor shall be entitled to vote and break the said tie.

Section 8. ORDINANCES

The Council shall legislate, by ordinance, and the enacting clause of every ordinance shall be "Be It Ordained by the City Council of the City of Hempstead." 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.

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 hereof. 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 establishment and designation of fire limits, prescribe the kind and character of buildings or structures or improvements to be erected therein, provide for the erection of fireproof buildings within such buildings within said limits, 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 City Officials and employees.
- h. Provide for a sanitary sewer and water system and require property owners to connect their premises with said sewer system and provide for penalties for failure to make sanitary sewer connections;
- i. Provide for sanitary garbage disposal, set fees and charges therefor, and provide penalties for failure to pay such fees and charges;
- j. Exercise exclusive dominion, control, and jurisdiction over, 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;
- k. Compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the City; and
- l. Shall have such other and further powers as have been or may be from time to time hereafter 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. 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 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.

Section 11. 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 12. 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

DEPARTMENTS

Section 1. DEPARTMENT OF LAW

City Attorney - There shall be a City Attorney, who shall be appointed by the Mayor, with City Council approval. 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.

Section 2. MUNICIPAL COURT

There shall be a Court known as the Municipal Court of the City, 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. The Judge shall be appointed by the Mayor with the approval of Council, for a two-year term. 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/her place. The Municipal Judge, or anyone acting in his/her 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 City Council approval. 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.

Section 3. CITY SECRETARY

The Mayor, with City Council approval, 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/her 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/her, and those elsewhere provided in this Charter and the Laws of the State of Texas.

ARTICLE VI

ELECTIONS

Section 1. ELECTIONS

Elections for Mayor and City Councilmembers shall be held in accordance with the laws of the State of Texas. The election for Mayor, Councilmember Place 1 and Councilmember Place 2 shall be held in even numbered years. The election for Councilmember Place 3, Councilmember Place 4 and Councilmember Place 5 shall be held in odd numbered years.

Section 2. PLURALITY VOTE REQUIRED FOR ELECTION OF MAYOR OR COUNCILMEMBER

To be elected to an office of the City, a person must receive more votes than any other person for office.

