

HOME RULE CHARTER^[1]

Footnotes:

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Editor's note— The Home Rule Charter was amended at an election held Apr. 5, 1986, called by Ord. No. 86-12, adopted Feb. 25, 1986. Amendment No. 1 specified that all pertinent sections be amended to make nouns and pronouns neuter in gender and replacing "Councilman" with "Councilmember." This has been done throughout the Charter without further reference to Ord. No. 86-12, Amend. No. 1. Other sections which have been amended by Ord. No. 86-12 (and future ordinances) will be accompanied by a history note giving the amendment number.

PREAMBLE

We, the Citizens of Georgetown, Texas, dedicated to the principle of local self-government, under law, as interpreted by the light of reason, and administered to secure justice, do invoke the guidance of God in establishing a municipal government, and do hereby ordain and establish this Home Rule Charter in accordance with the statutes of the State of Texas; and do hereby declare the residents of the City of Georgetown, in Williamson County, Texas, living within the legally established boundaries of the said City, to be a political subdivision of the State of Texas incorporated forever under the name and style of the "City of Georgetown" with such powers, rights and duties as are herein provided.

ARTICLE I. - INCORPORATION, FORM OF GOVERNMENT AND POWERS

Sec. 1.01. - Incorporation.

The inhabitants of the City of Georgetown, Williamson 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 Georgetown," hereinafter referred to as the "City" with such powers, privileges, rights, duties and immunities as are herein provided.

Sec. 1.02. - General powers.

The City shall have all the powers granted to cities by the Constitution and laws of the State of Texas together with all of the implied powers necessary to carry into execution such granted powers. The City may use a corporate seal; may sue and be sued; may contract and be contracted with; may cooperate with the government of the State of Texas or any agency or any political subdivision thereof; or with the federal government or any agency thereof, to accomplish any lawful purpose for the advancement of the interest, welfare, health, morals, comfort, safety, and convenience of the City and its inhabitants; may acquire property within or without its corporate limits for any municipal purpose in fee simple, in or any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and, subject to the provisions of this Charter, may sell, lease, mortgage, hold, manage, improve, and control such property as may now or hereafter be owned by it; may pass ordinances and enact such regulations as may be expedient for the maintenance of good government, order and peace of the City and the welfare, health, morals, comfort, safety, and convenience of its inhabitants. The powers hereby conferred upon the City shall include, but are not restricted to, the powers conferred expressly and permissively by Chapter 147, Page 307, of the Acts of the 33rd. Legislature, Regular Session enacted in 1913 pursuant to the Home Rule Amendment of the Constitution of Texas, known as the Enabling Act and including Articles 1175, 1176, 1177, 1178, 1180, of Vernon's Annotated Civil Statutes of Texas, as now or hereafter amended, all of which are hereby adopted. In addition to the powers enumerated herein, and subject only to the limitations imposed by the State Constitution, the State laws, and this Charter, the City shall have, without the necessity of express enumeration in this Charter, each and every power which, by virtue of Article XI, Section 5 of the Constitution of Texas, the people of the City are empowered by election to grant to or confer upon the City by expressly and specifically granting and enumerating the same herein. All such powers, whether

expressed or implied, shall be exercised and enforced in the manner prescribed in this Charter; or when not prescribed herein, in such manner as shall be provided by ordinance or the Council.

Sec. 1.03. - Form of government.

The municipal government provided by this Charter shall be, and shall be known as "Council-Manager Government." Pursuant to the provisions of and subject only to the limitations imposed by the State Constitution, the State laws, and this Charter, all powers of the City shall be vested in and exercised by an elective Council, hereinafter referred to as "the City Council" which shall enact legislation, adopt budgets, determine policies, and appoint the City Manager who shall execute the laws and administer the government of the City.

Sec. 1.04. - Streets and public property.

The City shall have exclusive dominion, control and jurisdiction in, upon, over and under the public streets, sidewalks, alleys, highways, public squares and public ways (except those under State control if required by State law) that are within the corporate limits of the city, and in, upon, over, and under all public property of the City. With respect to each and every public street, sidewalk, alley, highway, public square, public park or other public way (except those under State Control if required by State law) that are within the corporate limits of the City, the City shall have the power to establish, maintain, improve, alter, abandon, or vacate the same; to regulate the use thereof including but not limited to the right to erect traffic signals, lights and signs thereon; and to abate and remove in a summary manner any encroachment thereon.

(Res. No. 050603-B, 5-3-03)

Sec. 1.05. - Street development and improvements.

The City shall have the power to develop and improve, or cause to be developed and improved, any and all public streets or ways (except those under State control and if required by State law) within the corporate limits of the City by laying out, opening, narrowing, widening, straightening, extending, lighting, and establishing building lines along the same, by purchasing condemning, and taking property therefor; by filling, grading, raising, lowering, paving, repaving, and repairing, in a permanent manner, the same; and by constructing, reconstructing, altering, repairing, and realigning curbs, gutters, drains, sidewalks, culverts, and other appurtenances and incidentals in connection with such development and improvement authorized hereinabove, or any combination or parts thereof. The cost of such development and improvement may be paid partly or entirely by assessments levied as a lien against the property abutting thereon and against the owners thereof, and such assessments may be levied in any amounts and under any procedure not prohibited by State law; provided, that no assessment shall be made against such land or owners in excess of the enhancement in value of such property occasioned by such improvement.

If improvements be ordered constructed in any part of any such area used or occupied by the tracks or facilities or any railroad or public utility, then the City Council shall have power to assess the whole cost of improvements in such area and the added costs of improvements in areas adjacent thereto made necessary by such use or occupancy against such railway or utility, and shall have power, by ordinance, to provide for the enforcement of such assessment.

As an alternate and cumulative method of developing, improving, and paving any and all public streets, sidewalks, alleys, highways, and other public ways (except those under State control if required by State law) within its corporate limits, the City shall have the power and authority to proceed in accordance with Chapter 106, Page 489, Acts 1927, Fortieth Legislature, First Called Session, as now or hereafter amended, the same being Article 1105b of the Vernon's Annotated Civil Statutes of Texas.

(Res. No. 050603-B, 5-3-03)

Sec. 1.06. - Annexation and disannexation of territory.

- (1) Annexation. The City Council may fix the boundary limits of the City by any of the following methods:
 - (a) Upon the introduction and passage of the ordinance in compliance with all requirements of this Charter and State law, with or without the consent of the voters and/or landowners in the area to be annexed; or
 - (b) Upon the request by written petition of a majority of qualified voters and landowners in the area requesting annexation subject to procedural rules as provided by State law and the passage of an annexation ordinance in response to the petition procedure; or
 - (c) By election, in accordance with applicable State law.
- (2) Annexed Territory. The inhabitants of annexed territory are entitled to all the rights and privileges of city citizenship, and are bound by all such duties of citizenship. The inhabitants of any annexed territory are bound by all the acts, resolutions, ordinances, and regulations of the City.
- (3) Disannexation. The City Council may detach and disannex any territory within the city limits by any of the following methods:
 - (a) Upon the introduction and passage of the ordinance in compliance with all requirements of State law, with or without the consent of the voters and/or landowners in the area disannexed;
 - (b) Upon the request by written petition of a majority of qualified voters and landowners in the area proposed for disannexation in compliance this Charter, State law, and the passage of an ordinance in response to the petition procedure.

(Res. No. 050603-B, 5-3-03; Ord. No. 86-12, Amend. No. 2, 2-25-86)

Sec. 1.06A. - Plats and blocks.

An owner of any property within the City limits or within the extraterritorial jurisdiction of the City which is platted into blocks and lots shall comply with all requirements of Chapter 231, Page 342, Acts of the 40th Legislature, 1927, as amended (Article 974a, Vernon's Annotated Civil Statutes) and all other applicable laws, ordinances and charter provisions as amended.

(Ord. No. 86-12, Amend. No. 2, 2-25-86)

Sec. 1.07. - Urban development, redevelopment and renewal.

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

Sec. 1.08. - Comprehensive plan.

- (1) Purpose and Intent. It is the purpose and intent of this Article that the City Council establish comprehensive planning as a continuous and ongoing governmental function in order to promote and strengthen the existing role, processes and powers of the City of Georgetown to prepare, adopt and implement a comprehensive plan to guide, regulate, and manage the future development within the corporate limits and extraterritorial jurisdiction of the City to assure the most appropriate and beneficial use of land, water and other natural resources, consistent with the public interest. Through the process of comprehensive planning and the preparation, adoption and implementation of a comprehensive plan, the City intends to preserve, promote, protect and improve the public health, safety, comfort, order, appearance, convenience and general welfare; prevent the overcrowding of land and avoid undue concentration or diffusion of population or land uses; facilitate the adequate

and efficient provision of transportation, water, wastewater, schools, parks, recreational facilities, housing and other facilities and services; and conserve, develop, utilize and protect natural resources.

It is further the intent of this Article that the adopted comprehensive plan shall have the legal status set forth herein, and that all public and private development should be in conformity with such adopted comprehensive plan or element or portion thereof.

- (2) The Comprehensive Plan. The Council shall adopt by ordinance a revised comprehensive plan within two (2) years from the date the amended Charter is adopted, which shall constitute the master and general plan. The comprehensive plan shall contain the Council's policies for growth, development and beautification of the land within the corporate limits and the extraterritorial jurisdiction of the City, or for geographic portions thereof including neighborhood, community or area-wide plans. The comprehensive plan should include but not be limited to:
- (a) A future land-use element;
 - (b) A traffic circulation and public transit element;
 - (c) A wastewater, electric, solid waste, drainage and potable water element;
 - (d) A conservation and environmental resources element;
 - (e) A recreation and open space element;
 - (f) A housing element;
 - (g) A public services and facilities element, which shall include but not be limited to a capital improvement program;
 - (h) A public buildings and related facilities element;
 - (i) An economic element for commercial and industrial development and redevelopment;
 - (j) Health and human service element;
 - (k) Historic preservation element;
 - (l) Citizen participation element; and
 - (m) Urban design element.
 - (n) Public safety element.

The several elements of the comprehensive plan should be coordinated and be internally consistent. Each element should include policy recommendations for its implementation and should be implemented, in part, by the adoption and enforcement of appropriate land development regulations. The comprehensive plan shall be amended only once per year and revised not more than once every five (5) years unless such amendment or revision is adopted by a majority plus one of the City Council. An amendment is defined as a minor change in the plan. A revision is defined as a substantial change to the plan.

- (3) Legal Effect of Comprehensive Plan. Upon adoption of a comprehensive plan or element or portion thereof by the City Council, all land development regulations, including zoning and map, subdivision regulations, roadway plan, all public improvements, public facilities, public utilities projects and all city regulatory actions relating to land use, subdivision and development approval, should be consistent with the adopted comprehensive plan, element or portion thereof.
- (4) Legal Effect of Prior Comprehensive Plan. Any comprehensive plan or element or portion thereof adopted pursuant to law, but prior to the effective date of this Charter shall continue to have such force and effect as it had at the date of its adoption, until further action pursuant to this section is taken by the City Council.

(Res. No. 050603-B, 5-3-03; Amended by voters in the May 1994 General Election; Ord. No. 880170, Amend. No. 1, 5-10-88; Ord. No. 86-12, Amend. No. 3, 2-25-86)

Sec. 1.09. - The Planning and Zoning Commission.

There shall be established by ordinance a Planning and Zoning Commission composed of at least five (5) citizens of the City of Georgetown who must be registered voters in the City of Georgetown and must have resided within the city for one (1) year next preceding their appointment. The Mayor and Council shall be responsible for appointing a Commission which is broadly representative as a whole. Members shall be drawn, for example, from different residential areas, different racial and ethnic groups, different occupations and professions, different interest groups. The Commission shall be responsible to and act as an advisory body to the Council and shall perform such additional duties and exercise such additional powers as may be prescribed by ordinance of the Council not inconsistent with the provisions of this Charter.

(Ord. No. 880170, Amend. No. 2, 5-10-88; Ord. No. 86-12, Amend. No. 4, 2-25-86)

ARTICLE II. - THE COUNCIL

Sec. 2.01. - Number, selection, and term of office.

The Council shall be composed of seven (7) Councilmembers elected from single-member districts and a Mayor elected at-large, each of whom unless sooner removed under the provisions of the Charter, shall serve for three-year terms, from the first meeting of the Council following the Councilmember's election until the first meeting of the Council following the election two (2) years later, or until the councilmember's successor has been elected and duly qualified.

Four (4) members of the Council shall be elected each odd-numbered year and three (3) members and a Mayor each even-numbered year.

Councilmembers must reside in the districts from which they are elected except that Councilmembers may complete the terms to which they were elected if district boundaries are changed during their terms causing their residences no longer to be within the districts from which they were elected.

The authority to adopt council district boundaries shall reside in the council. The council may revise district boundaries from time to time and shall adopt district boundaries within one year after the publication of each United States decennial census.

Councilmembers and Mayor shall be elected for three-year terms, which shall begin with the general election to be held in 1995, and the terms shall be staggered such that three Council members are elected in one year, the Mayor and two Council members are elected in the following year and two Councilmembers are elected the last year. For the staggering of the initial three-year terms, the following procedure shall apply:

- (1) In 1995, Councilmembers shall be elected for Districts 1, 3, 4 and 5. Following the election, the Councilmembers shall draw lots to serve either a three-year term (2 members) or a two-year term (2 members).
- (2) In 1996, the Mayor shall be elected for a three-year term, and Councilmembers shall be elected for Districts 2, 6 and 7. Following the election, the Councilmembers shall draw lots to serve either a three-year term (2 members) or a two-year term (1 member).
- (3) In 1997, the two Districts whose Councilmembers serve two-year terms shall elect Councilmembers for three-year terms. All succeeding elections shall be to elect Councilmembers for three-year terms in compliance with this Charter.

1994	M, 2, 6, 7
1995	1, 3, 4, 5-draw straws as to terms: 3 yr. terms (2), 2 yr. terms (2)
1996	M, 2, 6, 7 - Mayor = 3 yrs.; draw straws as to terms; 3 yr. terms (2), 2 yr. terms (1)
1997	1995 2 yr. terms (2)
1998	1995 3 yr. terms (2) 1996 2 yr. terms (1)
1999	Mayor 1996 3 yr. terms (2)
2000	1996 3 yr. terms (2)

(Amended by voters in May 1994 General Election; Ord. No. 880170, Amend. No. 3, 5-10-88)

Sec. 2.02. - Qualifications.

At the time of election to office, each Councilmember and the Mayor shall be at least twenty-one (21) years of age, shall be a citizen and qualified voter of the State of Texas and the City of Georgetown and a resident of the Council District the member would be representing for a period of twelve (12) months as of the last legal date for filing. No member of the Council shall hold any other office or employment under the City Government while a member of said Council, nor hold any paid employment under the City Government within two (2) years thereafter. A member of the Council ceasing to reside in the City shall immediately forfeit that office.

(Amended by voters in the May 1994 General Election; Ord. No. 86-12, Amend. No. 5, 2-25-86)

Sec. 2.03. - Vacancies.

When a vacancy occurs in the Council, the vacancy shall be filled at a special election called for this purpose within one hundred and twenty (120) days after the vacancy or vacancies occur in compliance with Article XI, Section 11 of the Texas Constitution and other applicable State laws.

(Res. No. 050603-B, 5-3-03)

Sec. 2.04. - Powers of the Council.

All powers and authority which are expressly or impliedly conferred on or possessed by the City shall be vested in and exercised by the Council; provided, that the Council shall have no power to exercise those powers which are expressly conferred upon City officers by this Charter or under the laws of the State of Texas. The compensation of all appointive officers and employees shall be fixed by the City Council, who may increase or diminish such compensation at will or abolish, except those required by this Charter or the laws of the State of Texas, and create any appointive office at any time.

(Ord. No. 86-12, Amend. No. 6, 2-25-86)

Sec. 2.05. - Investigative body.

The Council shall have the power to inquire into the official conduct of any division department, agency, office, officer, or employee of the City, and for that purpose shall have the power to administer oaths, subpoena witnesses, compelling the production of books, papers, and other evidence material to the inquiry. The Council shall provide by ordinance, penalties for contempt in failing or refusing to obey any such subpoena or to produce any such books, papers or other evidence, and shall have the power to punish any such contempt in the manner provided by such ordinance.

(Ord. No. 86-12, Amend. No. 7, 2-25-86)

Sec. 2.06. - Mayor and Mayor Pro Tem.

The Mayor shall preside at all meetings of the Council and shall be recognized as head of the City government for all ceremonial purposes, for the purpose of receiving services of civil process, for emergency purposes, and for military purposes; but the Mayor shall have no regular administrative duties. The Mayor, as a member of the Council, shall be entitled to vote only in case of a tie upon all affairs considered by the Council and shall have no veto power. At its first meeting following each regular election of Councilmembers, the Council shall, by election, designate one of its number as Mayor Pro Tem, who shall serve in such capacity during the pleasure of the Council. The Mayor Pro Tem shall act as Mayor during the absence or disability of the Mayor, and shall have power to perform every act the Mayor could perform if present; provided, however, that in all cases the Mayor Pro Tem shall be entitled to vote.

(Ord. No. 86-12, Amend. No. 8, 2-25-86)

Sec. 2.07. - City Secretary.

The Council shall appoint the City Secretary, who shall serve at the pleasure of the Council. The City Secretary shall keep the records of the Council, and shall have such other duties and responsibilities as may be assigned by this Charter and the Council. The City Secretary shall appoint such assistants as may be authorized by the Council.

Sec. 2.08. - Meetings of Council.

There shall be regular meetings of the City Council which shall be held at such times and places as shall be prescribed by ordinance or resolution. Special meetings may be called at any time by the City Secretary upon the request of the Mayor, the City Manager, or three (3) Councilmembers. Notice of special meetings shall be given to all members of the Council who are not absent from the City; provided, however, that any member of the Council who did not receive notice of a special meeting may, either before or after such special meeting is held, waive such notice. It shall not be necessary to give notice to a Councilmember of a special meeting held at a time when such Councilmember is absent from the City, and it shall not be necessary for such absent Councilmember to waive such notice.

Sec. 2.09. - Rules of procedure.

The Council shall by ordinance determine its own rules and order of business. The Mayor and a majority of the members of Council shall constitute a quorum, and in the Mayor's absence, a majority plus one of the members of Council shall constitute a quorum. Legislation may not be enacted unless it is adopted by a vote of not less than a majority of the members of the Council. Should the Council be reduced to less than a majority plus one of the members of Council by death, resignation, nonresidence or for any other reason, the remaining members of the Council shall constitute a quorum for the purpose of filling vacancies. Should the Council be reduced to less than a majority plus one of the members of

Council by death, resignation, nonresidence, or for any other reason, the remaining members of the Council shall constitute a quorum for the purpose of filling vacancies and for the purpose of taking an emergency action to protect the life, health, safety, property and welfare of the public. Such emergency action shall take effect only upon the unanimous approval of the then remaining members of the Council. The Council may adopt such rules, and prescribe such penalties as it may see fit to enforce the attendance of its members at all regular and called meetings of the Council or its committees. Minutes of all meetings of the Council shall be taken and recorded in the form and manner required by state law, and such minutes shall constitute a public record.

(Res. No. 050603-B, 5-3-03; Ord. No. 880170 § 5 (part), 5-10-88; Ord. No. 86-12, Amend. No. 10, 2-25-86)

Sec. 2.10. - Procedure to enact legislation.

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 Georgetown." The City Attorney shall approve all ordinances adopted by the Council, as to the legality thereof, or shall file with the City Secretary written legal objections thereto. Evidence of approval of an ordinance by the City Attorney may be by notation on the ordinance itself, or by separate paper or instrument. Every ordinance enacted by the Council shall be signed by the Mayor, Mayor Pro Tem, or by two (2) Councilmembers and shall be filed with and recorded by the City Secretary. All ordinances shall be read in open meeting of the Council at two (2) open meetings of the Council on two (2) separate days; the second such reading shall occur not less than ten (10) days following the first such reading; provided, that the secondary reading required herein shall be sufficient if read by descriptive caption only. The actual reading of the ordinance on first reading may be handled by the reading of the caption if the following provisions of the Charter have preceded the first reading.

1. The caption of the proposed ordinance has been published in a newspaper of general circulation within the City for a minimum of seventy-two (72) hours prior to the meeting; and
2. The proposed ordinance is filed with the City Secretary at least seven (7) days prior to the meeting.

The City Council may require a full reading of the proposed ordinance prior to adoption by a vote of the majority of the Councilmembers present at the meeting. All ordinances, unless otherwise provided by law or by the terms of such ordinance, shall take effect immediately upon final passage thereof. The requirements for reading ordinances on two separate days may be dispensed with where an ordinance relating to the immediate preservation of the public peace, health, safety or welfare is adopted by the favorable vote of not less than a majority, plus one, of all the Councilmembers qualified and serving, and contains a statement of the nature of the emergency.

(Amended by voters in the May 1994 General Election; Ord. No. 880170 § 5 (part), 5-10-88; Ord. No. 86-12, Amend. No. 11, 2-25-86)

Sec. 2.11. - Publication of ordinance.

Except as otherwise provided by law or this Charter, the City Secretary shall give notice of the enactment of every ordinance imposing any penalty, fine, or forfeiture for any violation of any of its provisions, and of every other ordinance required by law or this Charter to be published, by causing the said ordinance, or its caption and penalty, to be published at least one (1) time within ten (10) days after final passage thereof or as soon thereafter as possible in a newspaper of general circulation within the City. The affidavit of such publication by the publisher of such newspaper taken before any officer authorized to administer oaths and filed with the City Secretary shall be conclusive proof of the legal publication and promulgation of such ordinance in all courts. Such ordinance shall take effect ten (10)

days after the date of such publication, provided that any penal ordinance passed as an emergency measure under Section 2.10 of this Article shall take effect immediately on its publication.

(Ord. No. 86-12, Amend. No. 12, 2-25-86)

Sec. 2.12. - Code of ordinances.

The Council shall have the power to cause all general ordinances of the City to be compiled and printed in code form. Every general ordinance enacted subsequent to such codification shall be enacted as an amendment to this code. The Council shall cause all general ordinances to be codified, recodified and reprinted whenever in its discretion such is deemed desirable, or when such codification or recodification is required by law. When adopted by the Council, the printed codes of general ordinances contemplated by this section shall be in full force and effect without the necessity of such code or any part thereof being published in any newspaper. The caption, descriptive clause, and other formal parts of the ordinances of the City may be omitted without affecting the validity of such ordinances when they are published as a code.

Sec. 2.13. - Emergency powers of mayor.

The Mayor of the City of Georgetown shall have such emergency powers as are provided by this Charter's provisions, all applicable ordinances, and all other laws of the State of Texas.

(Res. No. 050603-B, 5-3-03)

Sec. 2.14. - Boards, Commissions and Committees.

The Council shall have the power to establish boards, commissions and committees to assist it in carrying out its duties in accordance with State law.

Members of such bodies shall be recommended by the Mayor and appointed by a vote of the majority of the Council in open meeting unless otherwise provided by law. Should the Mayor fail to recommend and/or the Council fail to appoint the member(s) recommended by the Mayor, a majority of the Council plus one may make the appointment(s) without a recommendation of the Mayor.

(Ord. No. 880170, Amend. No. 4, 5-10-88; Ord. No. 86-12, Amend. No. 13, 2-25-86)

Sec. 2.15. - Remuneration to Mayor and Council.

The Mayor shall name a committee, composed of qualified voters, whose responsibility will be to review, at least every two (2) years, the salaries of the Mayor and Councilmembers, and make recommendations regarding those salaries. The report of the committee shall be made at a regular Council meeting and shall require an official act by Council to either enact, alter or reject the recommendations. In all cases where action alters existing salaries for Mayor and Councilmembers, the changes in salaries will begin immediately following the next election of City officials.

(Ord. No. 86-12, Amend. No. 14, 2-25-86)

Sec. 2.16. - Personnel policy.

The Council shall establish by ordinance a personnel policy which shall include, but shall not be limited to, the following provisions. That:

- (a) All employees of the City are employees at will, unless otherwise provided by the terms of a written contract between the employee and the City, which has been formally approved by the Council.
- (b) Before disciplinary action may be taken as a result of a complaint against a City employee, the complaint must be reduced to written form and a copy of the written complaint must be provided to the affected employee.
- (c) In the event of a suspension, demotion or termination of a City employee, the affected employee shall be afforded the due process provided by the Personnel Policies of the City.

(Res. No. 050603-B, 5-3-03)

Editor's note— An amendment of May 3, 2003, amended § 2.16 in its entirety to read as herein set out. Formerly, § 2.16 pertained to the council to establish personnel policy and derived from Ord. No. 86-12, Amend. No. 36A, adopted February 25, 1986.

ARTICLE III. - ELECTIONS

Sec. 3.01. - General election.

The regular City election shall be held annually on the first Saturday in May or on such date as is otherwise required by State law, at which time officers shall be elected to fill those offices which become vacant that year. Said election shall be ordered by the Mayor, and in case of the Mayor's failure to order the same, the Council of the City shall make such order. In the case of the inability of the Mayor and the Council to act, the election may be called by the City Secretary, and in case of the City Secretary's inability to act, by the County Judge of Williamson County, Texas, and in case of the County Judge's inability to act, by the Governor of the State of Texas. The Mayor of the City shall give notice of such election in the manner required by law.

(Res. No. 050603-B, 5-3-03; Amended by voters in the May 1994 General Election; Ord. No. 86-12, Amend. No. 15, 2-25-86)

Sec. 3.02. - Regulation of elections.

All elections shall be held in accordance with the laws of the State of Texas regulating the holding of municipal elections and/or in accordance with the ordinances adopted by the Council for the conduct of election. The Council shall appoint the election judges and other election officials and shall provide for the compensation of all election officials in the City elections and for all other expenses of holding such elections.

Sec. 3.03. - Filing of candidates.

Any qualified person who desires to become a candidate for election to City office shall file application of candidacy with the City Secretary, in accordance with State law. Such application shall contain a sworn statement by the candidate that the candidate is fully qualified to hold the office under the provisions of this Charter and State law.

(Res. No. 050603-B, 5-3-03; Ord. No. 86-12, Amend. No. 16, 2-25-86)

Sec. 3.04. - Canvassing election and declaring results.

The returns of every municipal election shall be delivered forthwith by the Election Judges to the Mayor and City Secretary. The Council shall canvass the returns, investigate the qualifications of the candidates, and declare the official results of the election not later than the first regular meeting following the delivery of the returns to the Mayor. The returns of every municipal election shall be recorded in the minutes of the Council.

In every election for the office of Councilmember and for the office of Mayor, each qualified voter shall vote for not more than one candidate for the district in which the voter and the candidate reside and for not more than one candidate for the office of Mayor.

Where in an election for any office no candidate receives a majority of all the votes cast for such office at such election, the Council shall, immediately upon declaring the official results to the election, issue a call for a runoff election for every office to which no one was elected. Such runoff election shall be held on a date set by the Council not earlier than the twentieth day or later than the thirtieth day after the date of the final canvass of the main election is completed. In such runoff election the two candidates who received in the preceding election the highest number of votes for each office to which no one was elected shall be voted on again, and the candidate who receives the majority of the votes cast for each such office in the runoff election shall be elected to such office.

The decision of the Council as to the qualification of candidates shall be conclusive and final for all purposes.

(Ord. No. 880170, Amend. No. 5, 5-10-88; Ord. No. 86-12, Amend. No. 17, 2-25-86)

Sec. 3.05. - Notification and qualification of City officers.

It shall be the duty of the City Secretary to notify all persons elected or appointed to office of their election or appointment and all the newly elected or appointed officers may enter upon their duties. Any officer elected or appointed must qualify by taking and subscribing the oath of office within thirty (30) days; otherwise the office may be deemed vacant.

Sec. 3.06. - Special elections.

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

ARTICLE IV. - INITIATIVE, REFERENDUM AND RECALL

Sec. 4.01. - Power of initiative.

The people of the City reserve the power of direct legislation by initiative, and in the exercise of such power may propose any ordinance, except ordinances appropriating money or levying taxes, or ordinances repealing ordinances appropriating money or levying taxes, not in conflict with this Charter, the State Constitution, or the State laws. Any initiated ordinance may be submitted to the Council by a petition signed by qualified voters of the City, equal in number to at least fifteen (15) per cent of the qualified voters of the City in the last municipal election, but not less than two hundred fifty (250) qualified voters of the City.

Sec. 4.02. - Power of referendum.

The people reserve the power to approve or reject at the polls any legislation enacted by the Council which is subject to the initiative process under this Charter, except that ordinances authorizing the issuance of bonds (either tax bonds or revenue bonds), whether original or refunding bonds, shall not be subject to such referendum. Prior to or within thirty (30) days after the effective date of any ordinance which is subject to referendum, a petition signed by qualified voters of the City equal in number to at least fifteen (15) per cent of the qualified voters in the last municipal election but not less than two hundred fifty (250) qualified voters of the City may be filed with the City Secretary requesting that any such ordinance be either repealed or submitted to the vote of the people. When such a petition has been certified as sufficient by the City Secretary, the ordinance specified in the petition shall not go into effect, or if it shall have gone into effect, then further action thereunder shall be suspended until and unless it is approved by the voters as herein provided.

(Ord. No. 86-12, Amend. No. 18, 2-25-86)

Sec. 4.03. - Form of petitions.

Initiative petition papers shall contain the full text of the proposed legislation in the form of an ordinance, including a descriptive caption. Referendum petition papers shall contain a sufficient description of the ordinance sought to be referred to identify it, or if the ordinance has been passed by the Council, the full text of the ordinance sought to be referred shall be included in such papers. The signatures to the initiative or referendum petitions need not be all appended to one (1) paper, but each signer shall sign his name in ink or indelible pencil, together with a notation showing the signer's residence address and day, month and year of signing. No signature shall be counted where there is reason to believe it is not the actual signature of the purported signer or that it is a duplication either of name or of handwriting used in any other signature on the petition, and no signature shall be counted unless all required information of the signer is shown, or unless it is signed exactly as the name of the voter appears on the official copy of the current qualified voters list. Before the signatures on any petition paper may be counted one of the signers of such petition paper, a qualified voter shall make oath before the City Secretary, or any other officer competent to administer oaths, that the statements made therein are true, that each signature to the paper appended is the genuine signature of the person whose name purports to be signed thereto, and that such signatures were placed thereon in the person's presence. The petition shall otherwise comply with State law requirements.

(Res. No. 050603-B, 5-3-03)

Sec. 4.04. - Filing, examination and certification of petitions.

Within thirty (30) days after an initiative or referendum petition is filed, the City Secretary shall determine whether the same is properly signed by the requisite number of qualified voters. The City Secretary shall declare void any petition paper which does not have an affidavit attached thereto as required in Section 4.03 of this Article. In examining the petition, the Secretary shall write the letters "D.V." (meaning "Disqualified Voter") in red ink opposite the names of signers found not qualified, pursuant to this Charter and State law. After completing examination of the petition, the Secretary shall certify the result thereof to the Council at its next regular meeting. If the certificate of the City Secretary shall show an initiative or referendum petition to be insufficient, the Secretary shall notify the person filing the petition, and it may be amended within ten (10) days from the date of such notice by filing a supplementary petition upon additional papers signed and filed as provided for in the original petition. Within thirty (30) days after such amendment is filed, the Secretary shall examine the amended petition and certify as to its sufficiency. If the amended petition is then found to be insufficient, no further proceedings shall be had with regard to it.

(Res. No. 050603-B, 5-3-03)

Sec. 4.05. - Council consideration and submission to voters.

When the Council receives an authorized initiative petition certified by the City Secretary to be sufficient, the Council shall either: (a) pass the initiated ordinance without amendment within thirty (30) days after the date of the certification to the Council; or (b) submit said initiated ordinance without amendments to a vote of the qualified voters of the City at a regular or special election to be held on the next uniform election date in order to comply with State election laws; or (c) at such election submit to a vote of the qualified voters of the City said initiated ordinance without amendment, and an alternative ordinance on the same subject proposed by the Council. When the Council receives an authorized referendum petition certified by the City Secretary to be sufficient, the Council shall reconsider the referred ordinance, and if upon such reconsideration such ordinance is not repealed within thirty (30) days, it shall be submitted to the qualified voters of the City at a regular or special election to be held on the next uniform election date in order to comply with State election laws. Special elections on initiated or referred ordinances shall not be held more frequently than once each six (6) months, and no ordinance on the same subject as an initiated ordinance which has been defeated or on the same subject as a referred ordinance which has been approved at any election may be initiated by the voters within two (2) years from the date of such election.

(Amended by voters in the May 1994 General Election)

Sec. 4.06. - Results of referendum elections.

Any number of ordinances may be voted on at the same election in accordance with the provisions of this Article. If a majority of the legal votes cast is in favor of an initiated ordinance, it shall thereupon be effective as an ordinance of the City. A favorable vote of a majority plus one of all Councilmembers qualified and serving be required to repeal or amend an ordinance passed at a referendum election. A referred ordinance which is rejected by a majority of the legal votes cast in a referendum election shall be deemed thereupon repealed.

(Ord. No. 880170 § 5 (part), 5-10-88)

Sec. 4.07. - Recall of City Officials.

The people of the City reserve the power to recall any elected officer of the City of Georgetown, on the grounds of incompetence, misconduct, or malfeasance in office, and may exercise such power by filing a petition, as described herein, with the City Secretary.

A petition to recall the Mayor only shall be, signed by registered voters of the City equal in number to at least fifteen (15) percent of the number of all of the registered voters in the City at the time of the last regular municipal election, demanding the removal of the Mayor. The petition shall be signed and verified as required by this Charter's provisions and State law.

A petition to recall a Council member shall be signed only by the registered voters of the single member council district that the Council member represents, and the signatures must be equal in number to at least fifteen (15) percent of the number of registered voters residing in that council district at the time of the last regular municipal election, demanding the removal of their specific Councilmember. The petition shall be signed and verified as required by this Charter's provisions and State law.

In the case of an election to recall the Mayor, any registered voter residing within the City may cast a ballot on the issue of the Mayor's recall.

In the case of an election to recall a Council member, only registered voters residing within the single member council district represented by the Council member sought to be recalled may cast a ballot on the issue of their Council member's recall.

(Res. No. 050603-B, 5-3-03)

Editor's note— An amendment of May 3, 2003, amended § 4.07 in its entirety to read as herein set out. Formerly, § 4.07 pertained to the power of recall and derived from original codification.

Sec. 4.08. - Recall petition.

The recall petition shall be addressed to the City Council of the City of Georgetown, and shall distinctly and specifically set out the factual basis and circumstances upon which the petition for removal is predicated with sufficient specificity to give the official sought to be removed notice of all matters and things with which the official is charged. If the petition is certified by the City Secretary to be sufficient, the Council shall order and hold an election forthwith to determine whether such officer shall be recalled.

(Res. No. 050603-B, 5-3-03)

Editor's note— An amendment of May 3, 2003, amended § 4.08 in its entirety to read as herein set out. Formerly, § 4.08 pertained to recall elections and derived from original codification.

Sec. 4.09. - Results of recall election.

If the majority of the legal votes cast at a recall election be "in favor of" the recall of the official, a special election for the filling of the vacancy shall be called and held in accordance with State law and with the provisions of this Charter on elections. An officer thus removed shall not be eligible to hold office again in the City of Georgetown within a period of four (4) years from date of that officer's recall.

(Res. No. 050603-B, 5-3-03)

Sec. 4.10. - Limitation on recall.

No recall petition shall be filed against an officer within six (6) months after the officer takes office, and no officer shall be subjected to more than one (1) recall election during a term of office.

Sec. 4.11. - Public hearing to be held.

The officer whose removal is sought may, within five (5) days after such recall petition has been presented to the City Council, request that a public hearing be held to permit the officer to present facts pertinent to the charges specified in the recall petition. In this event, the City Council shall order such public hearing to be held, not less than five (5) days nor more than fifteen (15) days after receiving such request for a public hearing.

Sec. 4.12. - Failure of City Council to call a recall election.

If all of the requirements of this Charter have been met and the Council fails or refuses to receive the recall petition, or order the recall election, or discharge any other duties imposed upon the Council by the provision of this Charter with reference to this recall, then any citizen who is a registered voter of Georgetown may file, with the District Court of Williamson County, Texas, a writ of mandamus seeking to force the City to call the election in accordance with State law.

(Res. No. 050603-B, 5-3-03)

ARTICLE V. - ADMINISTRATIVE ORGANIZATION

Sec. 5.01. - The City Manager.

The Council shall appoint a City Manager who shall be the chief administrative and executive officer of the City. The City Manager shall be chosen by the Council solely on the basis of executive and administrative training, experience and ability, and need not, when appointed, be a resident of the City of Georgetown; however during the tenure of office, the City Manager shall reside within the City.

The City Manager shall not be appointed for a definite term, but may be removed at the will and pleasure of the Council by the vote of a majority of all Councilmembers qualified and serving. The action of the Council in removing the City Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such removal in the Council. The City Manager shall receive such compensation as may be fixed by the Council.

No member of the Council shall, during the time for which the councilmember is elected or for two (2) years thereafter, be chosen as City Manager.

Sec. 5.02. - Powers and duties of the City Manager.

The City Manager shall be responsible to the Council for the proper administration of all the affairs of the City. The powers herein conferred upon the City Manager shall include, but shall not be limited by, the following:

- (a) To appoint and remove any officer or employee of the City except those officers and employees whose appointment or election is otherwise provided for by State law or this Charter;
- (b) To perform such other duties as may be prescribed by this Charter or required by the Council, not inconsistent with the provisions of this Charter.

(Ord. No. 86-12, Amend. No. 19, 2-25-86)

Sec. 5.03. - Administrative divisions and departments.

There shall be such divisions and departments as are established by this Charter and as may be established by ordinance, all of which shall be under the control and direction of the City Manager. The Council may abolish or combine one (1) or more divisions or departments created by it, and may assign or transfer duties of any divisions or departments of the City from one division or department to another by ordinance.

(Ord. No. 86-12, Amend. No. 7, 2-25-86)

Sec. 5.04. - Directors of divisions.

At the head of each division there shall be a director who shall be appointed, and who may be removed, by the City Manager. Such directors shall have supervision and control over their respective divisions, and may head any departments within a division. Two (2) or more departments may be headed by the same individual, and the City Manager may temporarily head one (1) or more divisions.

(Ord. No. 86-12, Amend. No. 7, 2-25-86)

Sec. 5.05. - Divisional and departmental organization.

The work of each division shall be distributed among such departments as may be established by ordinance. Pending passage of ordinances establishing departments or divisions, the City Manager may establish temporary departments.

(Ord. No. 86-12, Amend. No. 7, 2-25-86)

Sec. 5.06. - City Attorney.

The City Council shall appoint a competent attorney who shall have practiced law in the State of Texas for at least two (2) years immediately preceding the appointment. The City Attorney shall be the legal advisor of, and attorney for, all of the offices 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 objections to every ordinance adopted by the Council, and shall pass upon all documents, contracts and legal instruments in which the City may have an interest.

There shall be such assistant City Attorneys as may be authorized by the Council and appointed by the City Attorney with the approval of the City Council, and such assistant City Attorneys shall be authorized to act for and on behalf of the City Attorney. The City Attorney(s) and any assistant City Attorney(s) serve solely at the will of the Council.

(Res. No. 050603-B, 5-3-03)

Sec. 5.07. - Municipal Court.

There shall be a court known as the Municipal Court of the City of Georgetown, which court shall be deemed always open for the trial of causes, with such jurisdiction, powers, and duties as are given and prescribed by the laws of the State of Texas.

(Ord. No. 86-12, Amend. No. 20, 2-25-86)

Sec. 5.08. - 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 Council for a term of two (2) years, from June first in even years until May thirty-first two (2) years later, or for the portion of such term unexpired at the time of his appointment. Except as hereinafter provided, the Judge of the Municipal Court shall be a competent attorney who at the time of the appointment has practiced law for at least two (2) years and who is a resident of the City of Georgetown; if a suitable resident of Georgetown cannot be found, the Council shall have the power to appoint a practicing attorney in the City of Georgetown who resides in the extraterritorial jurisdiction of said City. In the event an attorney with the above qualifications is not available, a citizen of this City considered qualified shall be appointed by the Council as the Judge of the Municipal Court. The Judge of the Municipal Court may be removed in accordance with State law.

In the event the Judge of the Municipal Court is temporarily unable to act for any reason, the Council shall appoint a qualified person to act in the Judge's place. The Judge, or anyone acting in the Judge's place, shall receive such compensation as may be set by the Council.

(Res. No. 050603-B, 5-3-03; Ord. No. 86-12, Amend. No. 20, 2-25-86)

Sec. 5.09. - Clerk of the Court.

The Municipal Judge shall appoint, with the approval of the City Manager, a City employee to serve as Clerk of the Municipal Court. The Clerk of the Municipal Court shall have the power to administer oaths, make certificates, affix the seal of said Court thereto and generally do and perform any and all acts usual and necessary by Clerks of Courts in issuing processes of said Court and conducting the business thereof.

(Ord. No. 86-12, Amend. No. 20, 2-25-86)

Sec. 5.10. - Official bonds for City employees.

The City Manager and the City Secretary and such other officers and employees as the City Council may require, shall, before entering upon the duties of their offices, enter into a good and sufficient fidelity bond in a sum to be determined by the City Council, payable to the City of Georgetown and conditioned upon the faithful discharge of the duties of such persons and upon the faithful accounting for all monies, credits, and things of value coming into the hands of such persons, and such bonds shall be signed as surety by some company authorized to do business under the laws of the State of Texas, and the premium on such bonds shall be paid by the City of Georgetown, and such bonds must be acceptable to the City Council.

ARTICLE VI. - FINANCE

Sec. 6.01. - Fiscal year.

The fiscal year of the City shall begin on the first day of each October and end on the last day of September of the succeeding year. All fiscal transactions of the City shall be accounted for in accordance with generally accepted governmental accounting principles.

(Ord. No. 880170, Amend. No. 6, 5-10-88)

Sec. 6.02. - Budget preparation and adoption.

Budget Workshop(s) shall be held within the City limits of Georgetown in meeting(s) open to the public prior to the adoption of the Budget. At least thirty (30) days prior to the end of each fiscal year the City Manager shall submit to the Council a proposed budget presenting a complete financial plan for the ensuing fiscal year. The budget shall be finally adopted not later than the twenty-seventh day of the last month of the fiscal year. Should the Council take no final action on or prior to such day the budget, as submitted, shall be deemed to have been finally adopted by the Council. No budget shall be adopted or appropriations made unless the total of estimated revenues, income and funds available shall be equal to or in excess of such budget or appropriations, except as otherwise provided in this Article.

(Res. No. 050603-B, 5-3-03)

Sec. 6.03. - Appropriations.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes named therein. Except as provided in this Article no funds of the City shall be expended nor shall any obligation for the expenditure of money be incurred, except pursuant to the annual budget as adopted and as provided by this Article. At the close of each fiscal year, any unencumbered balance of an appropriation shall revert to the fund from which appropriated and become available for reappropriation for the next fiscal year. The Council may transfer any unencumbered appropriation balance or portion thereof from one division, office,

department, or agency to another at any time. The City Manager shall have authority, without Council approval, to transfer appropriation balances from one expenditure account to another within a single division, office, department, or agency of the City.

(Ord. No. 86-12, Amend. No. 7, 2-25-86)

Sec. 6.04. - Budget amendments and emergency appropriations.

The Council may authorize a vote by a majority plus one on an emergency expenditure as an amendment to the original budget only in a case of grave public necessity to meet an unusual and unforeseen condition that could not have been included in the original budget through the use of reasonable diligent thought and attention. Such amendments shall be made by the Council after giving legal notice as specified in Texas State law. If the Council amends the original budget to meet an emergency, the Council shall file a copy of its order or resolution amending the budget with the City Secretary and the Secretary shall attach the copy to the original budget. After the adoption of the budget or a budget amendment, the budget officer shall provide for the filing of a true copy of the approved budget or amendment in the office of the County Clerk of Williamson County.

Should the unappropriated and unencumbered revenues, income and available funds of the City for such fiscal year not be sufficient to meet the expenditures under the appropriations authorized by this section, thereby creating a deficit, it shall be the duty of the Council to include the amount of such deficit in its budget for the following fiscal year, and said deficit shall be paid off and discharged during the said following fiscal year.

(Ord. No. 880170, Amend. No. 7, 5-10-88; Ord. No. 86-12, Amend. No. 21, 2-25-86)

Sec. 6.05. - Borrowing to meet emergency appropriations.

In the absence of unappropriated available revenues or other funds to meet emergency appropriations under the provisions of the next preceding section [6.04], the Council may by resolution, authorize the borrowing of money to meet such deficit by the issuance of notes, each of which shall be designated "Emergency Note" and may be renewed from time to time, but all such notes of any fiscal year and any renewals thereof shall mature and be payable not later than the last day of the current fiscal year in which the emergency appropriation was made, as provided in the last preceding section [6.04].

Sec. 6.06. - Borrowing in anticipation of property taxes.

In any fiscal year, in anticipation of the collection of the ad valorem property tax for such year, whether levied or to be levied in such year, the Council may by resolution authorize the borrowing of money, not to exceed in any fiscal year an amount equal to ten (10) percent of the budget for that fiscal year. Such borrowing shall be by the issuance of negotiable notes of the City, each of which shall be designated, "Tax Anticipation Note for the Year 19" (stating the tax year). Such notes shall mature and be payable not later than the end of the fiscal year in which issued.

Sec. 6.07. - Depository.

All moneys received by any person, department or agency of the City for or in connection with affairs of the City shall be deposited promptly in the City depository or depositories, which shall be designated by the Council in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by ordinance. All checks, vouchers, or warrants for the withdrawal of money from the City depositories shall be signed by the Mayor and countersigned by the City Manager. Provided, that the Council, under such regulations and limitations as it may prescribe, may by ordinance authorize the use of machine-imprinted facsimile signatures of said Mayor and City Manager on such checks, vouchers and warrants.

Sec. 6.08. - General obligation bonds.

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

Sec. 6.09. - Revenue bonds and Obligations.

The City shall have power to borrow money for the purpose of constructing, purchasing, improving, extending or repairing of public utilities, recreational facilities or any other self-liquidating municipal function not prohibited by the Constitution and laws of the State of Texas, and to issue revenue bonds and obligations in accordance with State law. Such bonds and obligations shall be a charge upon and payable solely from the properties, or interest therein, pledged, or the income therefrom, or both, and shall never be a debt of the City. All such debts shall be issued in conformity with the laws of the State of Texas.

(Res. No. 050603-B, 5-3-03)

Editor's note— An amendment of May 3, 2003, amended § 6.09 in its entirety to read as herein set out. Formerly, § 6.09 pertained to revenue bonds and derived from original codification.

Sec. 6.10. - Sale of bonds and Obligations.

All bonds and obligations of the City having been issued and sold in accordance with the terms of this section, and having been delivered to the purchasers thereof, shall thereafter be incontestable, and all bonds issued to refund and in exchange for outstanding bonds previously issued shall, after said exchange, be incontestable.

(Res. No. 050603-B, 5-3-03)

Sec. 6.11. - Purchase procedure.

The Council may, by ordinance, confer upon the City Manager general authority to contract for expenditures without further approval of the Council for all budgeted items that do not exceed the amount which requires compliance with the State competitive bidding/purchasing laws. All contracts for expenditures involving more than the amounts which require compliance with the State competitive bidding/purchasing laws must be expressly approved in advance by the Council.

The Council shall develop and adopt purchasing policies to encourage and utilize local business and service providers insofar as such policies are consistent with state law and prudent expenditures of public funds.

(Res. No. 050603-B, 5-3-03; Amended by voters in the May 1994 General Election: Ord. No. 86-12, Amend. No. 22, 2-25-86)

Sec. 6.12. - Independent audit.

At the close of each fiscal year, and at such other times as it may be deemed necessary, the Council shall cause an independent audit to be made of all accounts of the City by a certified public accountant. The certified public accountant(s) shall be selected by and shall report directly to the Council. Further, the certified public accountant(s) so selected shall have no personal or business interest, directly or indirectly, in the financial affairs of the City or any of its officers or officials, nor shall the selected accountant(s) have any business interest with the City, other than the provision of independent auditing services related to the accounts of the City. Upon completion of the audit, and upon presentation to and acceptance by the Council of the final audit report, the results shall be published as soon as possible in a newspaper of general circulation within the City of Georgetown and copies placed on file in the City Secretary's office as public record.

(Res. No. 050603-B, 5-3-03; Ord. No. 86-12, Amend. No. 23, 2-25-86)

ARTICLE VII. - TAXATION²

Footnotes:

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Editor's note— Amendment No. 24 of Ord. No. 86-12, adopted Feb. 25, 1986, amended Art. VII to read as set out in §§ 7.01—7.05. The article formerly consisted of §§ 7.01—7.08.

Sec. 7.01. - Taxation.

The Council shall establish a taxation process to assess and collect City taxes. The City Manager shall recommend and the Council shall appoint a person or entity to act as the City's Tax Assessor-Collector. The City's appointed Tax Assessor-Collector shall give a surety bond for the faithful performance of all responsibilities and duties of the office, as prescribed by the City Council and State law.

(Res. No. 050603-B, 5-3-03)

Editor's note— An amendment of May 3, 2003, amended § 7.01 in its entirety to read as herein set out. Formerly, § 7.01 pertained to the taxation department and derived from Ord. No. 86-12, Amend. No. 24, adopted February 25, 1986.

Sec. 7.02. - Taxation powers.

The City Council may levy, assess, and collect taxes of any type or character not prohibited by the laws of the State of Texas.

(Ord. No. 86-12, Amend. No. 24, 2-25-86)

Sec. 7.03. - Tax appraisal, assessment and collection.

Appraisal, assessment and collection of taxes shall be according to the requirements of the Texas Property Tax Code or other law.

(Ord. No. 86-12, Amend. No. 24, 2-25-86)

Sec. 7.04. - Tax payments due.

All City taxes are due and payable on or before the first day of February at the office of the Tax Assessor-Collector. Taxes may be paid at any time after the tax rolls for the year have been completed and approved. Taxes paid after February 1 are delinquent and subject to penalties and interest. The City Council may, by city ordinance, provide for payment of taxes by installments. The Tax Assessor-Collector's failure to levy or assess taxes does not relieve any owner from tax liability on taxable property.

(Ord. No. 86-12, Amend. No. 24, 2-25-86)

Sec. 7.05. - Tax liens.

All taxes levied by the City are a lien, charge, and encumbrance on the taxpayer's property as of the first day of January in the year the tax is due. The City may enforce and foreclose, in any court of proper jurisdiction, a lien on the property, regardless of the legal residency of the property owner.

(Ord. No. 86-12, Amend. No. 24, 2-25-86)

ARTICLE VIII. - FRANCHISE AND PUBLIC UTILITY

Sec. 8.01. - Powers of the City.

In addition to the City's power to buy, construct, lease, maintain, operate and regulate public utilities and to manufacture, distribute and sell the output of such utility operations, the City shall have further powers as may now or hereafter be granted under the Constitution and laws of the State of Texas.

Prior to the consideration of a sale of the City's community-owned electric utility, the City Council shall hold a public hearing during which the City's financial advisor shall present a report to the City Council concerning the revenue that has been earned by the City's community-owned electric utility throughout the City's ownership thereof, and an analysis of the revenue to be lost by the City through the proposed sale of the electric utility.

There shall be two Council votes twelve months apart to call a referendum election concerning the sale of the electric utility. The City shall then hold a referendum election which must be favorably passed by a majority of the voters voting at the election.

(Amended by voters in the May 1994 General Elections)

Sec. 8.02. - Inalienability of control of public property.

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

Sec. 8.03. - Franchise; power of the City Council.

The City Council shall have the power by ordinance to grant, amend, renew and extend, all franchises of all public utilities of every character operating within the City of Georgetown. All ordinances granting, amending, renewing, or extending franchises for public utilities shall be read at two (2) separate regular meetings of the City Council, and shall not be finally passed until thirty (30) days after the first reading; and no such ordinance shall take effect until thirty (30) days after its final passage; and pending such time, the full text of such ordinances shall be published once each week for four (4) consecutive weeks in a newspaper of general circulation published in the City of Georgetown, and the expense of such publication shall be borne by the proponent of the franchise. No public utility franchise shall be granted for a term of more than twenty (20) years; no public utility franchise shall be transferable except with the approval of the City Council expressed by ordinance.

(Ord. No. 86-12, Amend. No. 25, 2-25-86)

Sec. 8.04. - Regulation of franchise.

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

- (1) To forfeit any such franchise by ordinance at any time for failure of the holder thereof to comply with the terms of the franchise. Such power shall be exercised only after written notice to the franchise holder stating wherein the franchise holder has failed to comply with the terms of the franchise and setting a reasonable time for the correction of such failure, and shall be exercised only after hearing and after such reasonable time has expired.
- (2) To impose reasonable regulations to ensure safe, efficient and continuous service to the public.
- (3) To require such expansion, extension, enlargement and improvements of plants and facilities as are necessary to provide adequate service to the public.
- (4) To require every franchise holder to furnish to the City, without cost to the City, full information regarding the location, character, size, length, and terminals of all facilities of such franchise holder, in, over and under the streets, alleys, and other public property of the City, and to regulate and control the location, relocation, and removal of such facilities.
- (5) To collect from every public utility operating in the City such proportion of the expense of excavating, grading, paving, repaving, constructing, reconstructing, draining, repairing, maintaining, lighting, sweeping, and sprinkling the streets, alleys, bridges, culverts, viaducts, and other public places of the City as represents the increased cost of such operations resulting from the occupancy of such public places by such public utilities, and such proportion of the costs of such operations as results from the damage to or disturbance of such public places caused by such public utility; or to compel such public utility to perform at its own expense, such operations as above listed which are made necessary by the occupancy of such public places by such utility or by damage to or disturbance of such public places caused by such public utility.
- (6) To require every franchise holder to allow other public utilities to use its poles and other facilities, including bridges and viaducts, whenever in the judgment of the Council such use shall be in the public interest, provided that in such event a reasonable rental shall be paid such owner of facilities for such use. Provided, further, that inability of such public utilities to agree upon rentals for such facilities shall not be an excuse for failure to comply with such requirements by the Council.
- (7)(a) To require the keeping of accounts in such form as will accurately reflect the value of the property of each franchise holder which is used and useful in rendering its service to the public and the expenses, receipts and profits of all kinds of such franchise holder.

- (b) To examine and audit at any time during business hours the accounts and other records of any franchise holder.
- (c) To require reports on the operations of the utility, which shall be in such form and contain such information as the Council shall prescribe.

Sec. 8.05. - Regulation of rates.

The Council shall have full power after notice and hearing to regulate by ordinance the rates, charges and fares of every public utility franchise holder operating in the City, provided that no such ordinance shall be passed as an emergency measure. Every franchise holder who shall request an increase in rates, charges, or fares, shall have, at the hearing of the Council called to consider such request, the burden of establishing by clear, competent and convincing evidence, the value of its investments properly allocable to serve in the City, and the amount and character of its expenses and revenues connected with the rendering of such service. If, upon such hearing, the Council is not satisfied with the sufficiency of the evidence so furnished, it shall be entitled to call upon such public utility for the furnishing of additional evidence at a subsequent date, to which said hearing may be adjourned. If at the conclusion of said adjourned hearing, the Council is still not satisfied with the sufficiency of the evidence furnished by said utility, the Council shall have the right to select and employ, then and later, rate consultants, auditors and attorneys to conduct investigations, present evidence, advise the Council, and conduct litigation on such requested increase in rates, charges or fares; and said utility shall reimburse the City for its reasonable and necessary expense so incurred to the extent required by State law. Such rate consultants, auditors and attorneys shall be qualified, competent, and of good standing in their professions. No public utility franchise holder shall institute any legal action to contest any rate, charge or fare fixed by the Council until such franchise holder has filed a motion for rehearing with the Council specifically setting out each ground of its complaint against the rate, charge, or fare fixed by the Council, and until the Council shall have acted upon such motion. Such motion shall be deemed overruled unless acted upon by the Council within a reasonable time, not to exceed ninety (90) days from the filing of such motion for rehearing; provided, that the Council may by resolution extend such time limit for acting on said motion for rehearing from ninety (90) days to one hundred eighty (180) days.

(Res. No. 050603-B, 5-3-03)

Sec. 8.06. - Grant not to be exclusive.

No grant or franchise to construct, maintain or operate a public utility and no renewal or extension of such grant shall be exclusive.

ARTICLE IX. - GENERAL PROVISIONS

Sec. 9.01. - Nepotism.

A person who is related within the second degree by affinity or within the third degree by consanguinity to the Mayor or any member of the City Council or City Manager may not be employed or appointed to any office, position, or clerkship of the City. This prohibition does not apply to any person employed by the City at least one (1) year prior to and at the time of the election of the Mayor or Council members, or appointment of the City Manager. This provision does not apply to any unpaid members of City boards, committees, or commissions.

(Res. No. 050603-B, 5-3-03; Ord. No. 86-12, Amend. No. 26, 2-25-86)

Sec. 9.02. - Publicity of records.

All records and accounts of every office, division, department, or agency of the City shall be open to the public as provided by applicable State and Federal law.

(Res. No. 050603-B, 5-3-03; Ord. No. 86-12, Amend. No. 27, 2-25-86)

Sec. 9.03. - Improper acts.

Any person employed by the City or appointed to a City office may contribute to and participate in City elections to the extent allowed by State and Federal law.

(Ord. No. 86-12, Amend. No. 28, 2-25-86)

Sec. 9.04. - Political activity.

A person seeking appointment or promotion in the City administrative services may not, directly or indirectly, give or pay any money, service, or benefit to any person to assist the promotion or appointment.

(Ord. No. 86-12, Amend. No. 29, 2-25-86)

Sec. 9.05. - Officer, employees, and penalties.

Any person who is found to have violated Section 9.03 or Section 9.04 of this Charter and after having received due process of law as provided by ordinance, is ineligible for appointment or election to a position in City government for a period of four (4) years after the violation; and if the person is an office holder or employee of the City at the time of the violations, the person forfeits the office or position held at the time of the violation.

(Ord. No. 86-12, Amend. No. 30, 2-25-86)

Sec. 9.06. - Oath of office.

All officials and officers of the City shall, before entering upon the duties of their respective offices, take and subscribe the official oath prescribed by State law. The oath of office shall be administered by the Mayor, Mayor Pro Tem, City Secretary or any other person authorized by law to administer oaths.

(Res. No. 050603-B, 5-3-03)

Sec. 9.07. - Notice of claims.

Before the City of Georgetown shall be liable for damages for the death or personal injuries of any person or for damage to or destruction of property of any kind, which does not constitute a taking or damaging of property under Article I, Section 17, Constitution of Texas, the person injured, if living; or, if dead, the person's representative; or the owner of the property damaged or destroyed shall give the City Council or City Manager notice in writing of such death, injury, damage or destruction, duly verified by affidavit, within six (6) months after same has been sustained, stating specifically in such written notice when, where and how the death or injury was sustained; the amount of damage sustained to property, and the actual residence of the claimant by street and number at the date the claim is presented; the actual residence of such claimant for six (6) months immediately preceding the occurrence of such death,

injury, damage or destruction, and the names and addresses of all witnesses upon whom it is relied to establish the claim for damages; and the failure to so notify the Council or City Manager within the time and manner specified herein shall exonerate, excuse and exempt the City from any liability whatsoever. No act of any officer or employee of the City shall waive compliance, or estop the City from requiring compliance, with the provisions of this section as to notice, but such provisions may be waived by resolution of the Council, made and passed before the expiration of the six-month period herein provided, and evidenced by minutes of the Council.

(Ord. No. 86-12, Amend. No. 31, 2-25-86)

Sec. 9.08. - Assignment, execution, and garnishment.

The property, real and personal, belonging to the City shall not be liable for sale or appropriation under any writ of execution. The funds belonging to the City, in the hands of any person, firm or corporation, shall not be liable to garnishment, attachment or sequestration; nor shall the City be liable to garnishment on account of any debt it may owe or funds or property it may have on hand or owing to any person. Neither the City nor any of its officers or agents shall be required to answer any such writ of garnishment on any account whatever. The City shall not be obligated to recognize any assignment of wages or funds by its employees, agents or contractors, except as required by law.

(Ord. No. 86-12, Amend. No. 32, 2-25-86)

Sec. 9.09. - Effect of Charter on existing law.

All ordinances, resolutions, rules and regulations now in force under the City government and not in conflict with the provisions of any amendment to this Charter shall remain in force under such amendment until altered, amended or repealed by the Council after such amendment to this Charter takes effect. All rights of the City under existing franchises and contracts and all existing authority for the issuance of bonds, not in conflict with the provisions of any amendment to this Charter, shall be preserved in full force and effect.

Sec. 9.10. - Construction of Charter.

This Charter shall not be construed as a mere grant of enumerated powers, but shall be construed as a general grant of power and as a limitation of power on the government of the City of Georgetown in the same manner as the Constitution of Texas is construed as a limitation on the powers of the Legislature. Except where expressly prohibited by this Charter, each and every power under Article XI, Section 5 of the Constitution of Texas, which it would be competent for the people of the City of Georgetown to expressly grant to the City, shall be construed to be granted to the City by this Charter.

Sec. 9.11. - Applicability of general laws.

The Constitution of the State of Texas, the statutes of said State applicable to home ruled municipal corporations, as now or hereafter enacted, this Charter and ordinances enacted pursuant hereto shall, in the order mentioned, be applicable to the City of Georgetown, but the City shall also have the power to exercise any and all powers conferred by the laws of the State of Texas upon any other kind of city, town or village, not contrary to the provisions of said home rule statutes, charter and ordinances, but the exercise of any such powers by the City of Georgetown shall be optional with it, and it shall not be required to conform to the law governing any other cities, towns or villages unless and until by ordinance it adopts same.

Sec. 9.12. - Judicial notice.

This Charter shall be deemed a public act, may be read in evidence without pleading or proof, and judicial notice shall be taken thereof in all courts and places.

Sec. 9.13. - Severability clause.

If any section or part of a section of this Charter is held to be invalid or unconstitutional by a court of competent jurisdiction, the same shall not invalidate or impair the validity, force or effect of any other section or part of a section of this Charter.

Sec. 9.14. - Amending the Charter.

Amendments to this Charter may be framed and submitted to the voters of the City in the manner provided by law.

(Ord. No. 86-12, Amend. No. 33, 2-25-86)

Sec. 9.15. - Rearrangement and renumbering.^[3]

The Council shall have the power, by ordinance, to renumber and rearrange all articles, sections and paragraphs of this Charter or any amendments thereto, as it shall deem appropriate, and upon the passage of such ordinance, a copy thereof certified by the City Secretary shall be forwarded to the Secretary of State for filing.

(Ord. No. 86-12, Amend. No. 34, 2-25-86)

Footnotes:

--- (3) ---

Editor's note— Amendment No. 34 repealed former § 9.15, "Interim Municipal Government;" renumbered § 9.16 as § 9.15; repealed former § 9.17, "Submission of Charter to Voters;" and specified that former §§ 9.15, 9.17 be retained for historical significance as an addendum to the Charter.

Sec. 9.16. - Ethics review.^[4]

The Council shall adopt an ethics ordinance and provide for an annual review thereof; there shall also be a minimum of one (1) work session per year devoted to the study of ethics statutes.

(Ord. No. 86-12, Amend. No. 35, 2-25-86)

Footnotes:

--- (4) ---

Editor's note— For the former provisions of § 9.16, see the editor's note to § 9.15.

ADDENDUM^[5]

Footnotes:

--- (5) ---

Editor's note— See the editor's note to § 9.15.

Sec. 9.15. - Interim municipal government.

From and after the date of the adoption of this Charter, the persons then filling elective offices which are retained under this Charter will continue to fill those offices for the terms for which they were elected. At the first regular City election after the adoption of this Charter, three (3) councilmembers shall be elected and shall serve terms of two (2) years. Thereafter the City Council shall be elected as provided in Section 3.01 of this Charter. Persons, who on the date this Charter is adopted are filling appointive positions with the City of Georgetown which are retained under this Charter may continue to fill these positions for the terms for which they were appointed.

Sec. 9.17. - Submission of Charter to voters.

The Charter Commission in preparing this Charter finds and decides that it is impracticable to segregate each subject so as to permit a vote of yes or no on the same, for the reason that the Charter is so constructed that in order to enable it to work and function it is necessary that it should be adopted in its entirety. For these reasons, the Charter Commission directs that the said Charter be voted upon as a whole and that it shall be submitted to the qualified voters of the City of Georgetown at an election to be held for that purpose on Saturday, April 4, 1970. Not less than thirty (30) days prior to such election, the City Council shall cause the City Secretary to mail a copy of this Charter to each qualified voter of the City of Georgetown as appears from the latest tax collector's roll. If a majority of the qualified voters voting in such election shall vote in favor of the adoption of this Charter, it shall become the Charter of the City of Georgetown, and after the returns have been canvassed, the same shall be declared adopted and the City Secretary shall file an official copy of the Charter with the records of the City. The secretary shall furnish the Mayor a copy of said Charter, which copy of the Charter so adopted, authenticated and certified by his signature and the seal of the City, shall be forwarded by the Mayor to the Secretary of State of the State of Texas and shall show the approval of such Charter by majority vote of the qualified voters, voting at such election.

Sec. 9.18. - Disaster clause.

In case of disaster when a legal quorum of members of the Council cannot otherwise be assembled due to multiple deaths or injuries, the surviving member(s) of the Council, or the highest surviving City Officer, if no elected official remains, shall within twenty-four (24) hours of the disaster, request the Commissioners Court of Williamson County, to appoint a commission to act during the emergency and within fifteen (15) days of the disaster call a City election for election of member(s) to the Council, if it is known that it is impossible for a quorum of the present Council to meet again.

(Res. No. 050603-B, 5-3-03)

Sec. 9.19. - Nonsubstantive Charter Amendments.

The City Council may, by ordinance, make nonsubstantive amendments to the Charter only for the purpose of correcting grammatical errors, enhancing readability, updating legal citations, and clarifying existing provisions to aid in public understanding.

(Res. No. 050603-B, 5-3-03)

CHARTER COMPARATIVE TABLE - ORDINANCES/RESOLUTIONS

This table shows the location in the sections of the basic Charter of any amendments adopted by ordinances or resolutions thereto.

Resolution/ Ordinance Number	Adopted Date	Election Date	Resolution or Ordinance Section Amendment Number	Section this Charter
86-12(Ord.)		2-25-86	2	1.06
				1.06A.
			3	1.08
			4	1.09
			5	2.02
			6	2.04
			7	2.05
				5.03
				5.04
				6.03
			8	2.06

			10	2.09
			11	2.10
			12	2.11
			13	2.14
			14	2.15
			15	3.01
			16	3.03
			17	3.04
			18	4.02
			19	5.02
			20	5.07
				5.08
				5.09
			21	6.04
			22	6.11
			23	6.12
			24	7.01
				7.02
				7.03
				7.04

				7.05
			25	8.03
			26	9.01
			27	9.02
			28	9.03
			29	9.04
			30	9.05
			31	9.07
			32	9.08
			33	9.14
			34	9.15
			35	9.16
880170(Ord.)	5-10-88		1	1.08
			2	1.09
			4	2.14
			5	3.04
			5(part)	2.09
				2.10
				4.06
			6	6.01

			7	6.04
		5-94		1.08
				2.01
				2.02
				2.10
				3.01
				4.05
				6.11
				8.01
050603-B(Res.)		5- 3-03		1.08(2)n.
				2.16
				4.07, 4.08
				5.06
				6.09—6.11
				9.01
				2.09
				2.13
			Added	9.18, 9.19
				1.06(1)(a—c), (3)(a, b)
				2.03

				1.04, 1.05
				3.01
				3.03
				4.03, 4.04
				4.09
				4.12
				5.08
				6.02
				6.12
				7.01
				8.05
				9.02
				9.06