

ORDINANCE NO. 2022-0218-001

**ORDINANCE OF THE CITY OF PRAIRIE VIEW, TEXAS
ORDERING A SPECIAL ELECTION ON PROPOSED
AMENDMENTS TO THE HOME CHARTER**

WHEREAS, the City Council of the City of Prairie View created a Charter Review Commission for the purpose of reviewing the City of Prairie View Charter; and

WHEREAS, the Charter Review Commission, upon review and discussion, recommended proposed amendments to the City's Charter to the City Council; and

WHEREAS, in accordance with Texas Local Government Code, Chapter 9 the City Council finds it appropriate to submit additional proposed charter amendments on its own motion to the qualified voters of the City of Prairie View for their consideration.

NOW THEREFORE,

BE IT ORDAINED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF PRAIRIE VIEW, TEXAS, THAT:

1. A special election shall be held for the City of Prairie View, Texas (the "City") on the 7th day of May 2022, between the hours of 7:00 a.m. and 7:00 p.m. to consider amendments to the City's Home Rule Charter.
2. Beginning Monday April 25, 2022, and ending on May 3, 2022, early voting by personal appearance shall take place at the following locations between the hours of 7:00 a.m. and 7:00 p.m.,
 - a. Waller County Annex, Road and Bridge, 775 Business 290, Hempstead, Tx
 - b. Waller County Community Center, FM 1098, Prairie View, Tx
 - c. Waller ISD Admin Bldg., 2214 Waller St., Waller, Tx
 - d. Brookshire Convention Center, 4027 5th St., Brookshire, Tx

In additional beginning on Monday April 25, 2022, and ending on April 26, 2022, early voting by personal appearance shall take place at the Prairie View A&M University Campus-Student Center between the hours of 7:00 am and 7:00 pm.

3. Applications for ballot by mail or Federal Post Card Application shall be mailed to Christy A. Eason, Elections Administrator, Waller County, 816 St. Hempstead, Texas 77445 and must be received by end of business on Tuesday, April 26, 2022.

4. At the election, the Measures listed on Exhibit "A" shall be submitted to the voters in the form of the Propositions listed on Exhibit "B".
5. The City Secretary is authorized to give or cause to be given notices required for the election, and to take such other and further action as is required to conduct the election in compliance with the Texas law and City's Charter.

PASSED, APPROVED and ADOPTED on this 18th day of February, 2022.

By: 

Brian Rowland, Mayor

ATTEST:



Terrilyn J. May, City Secretary



EXHIBIT A

MEASURE A

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ARTICLE XII

Sec. 7.01. General Authority.

- (a) Initiative. The qualified voters of the City shall have power to propose ordinances to the City Council. If the City Council fails to adopt an ordinance so proposed without any change in substance, the qualified voters shall have the power to adopt or reject it at a City election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of City officers or employees.
- (b) Referendum. The qualified voters of the City shall have power to require reconsideration by the City Council of any adopted ordinance. If the City Council fails to repeal an ordinance so reconsidered, the qualified voters shall have the power to approve or reject it at a City election, provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money or levy of taxes.

Sec. 7.02. Commencement of Proceedings; Petitioners' Committee; Affidavit.

Any five qualified voters may commence initiative or referendum proceedings by filing with the City Secretary an affidavit stating they will constitute the petitioners' committee and will circulate the petition and file it in proper form stating their names and addresses and specifying the address to which all notices to the committee are to be sent and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. Promptly after the affidavit of the petitioners' committee is filed, the City Secretary shall issue the appropriate petition blanks to the petitioners' committee.

Sec. 7.03. Petitions.

- (a) Number of Signatures. Initiative and referendum petitions must be signed by qualified voters of the City equal in number to at least five percent (5%) of the number of voters registered to vote at the last general City election.
- (b) Form and Content. All pages of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. For a petition signature to be valid, the petition must:
 - (1) contain in addition to the signature:
 - (A) the signor's printed name; and
 - (B) the signor's
 - (i) date of birth; or
 - (ii) voter registration number and the County of voter registration; and

EXHIBIT A

(C) the signor's residence address (including street address and County of voter registration); and

(2) comply with any other applicable requirements prescribed by State law.

Petitions shall contain or have attached thereto throughout their circulation the full text of the proposed ordinance or other subject matter of the petition.

(c) Affidavit of Circulator. Each page of a petition shall have attached to it when filed the following notarized affidavit, with all blanks properly completed:

"STATE OF TEXAS §

CITY OF PRAIRIE VIEW §

I, _____, being first duly sworn, on oath confirm that (i) I am one of the signers of the above petition, (ii) I personally circulated the foregoing page of said petition, (iii) there are _____ signatures on such page, (iv) each of the signatures appearing on such page was signed in my presence on the day and date it purports to have been signed, (v) the same are the genuine signatures of the persons whose names they purport to be, and (vi) each signer had an opportunity to read the full text of the ordinance or other subject matter of the petition.

Sworn and subscribed to before me, this the _____ day of _____, 20__.

Signed and Sealed by a Notary Public in and for State of Texas"

(d) Filing Referendum Petitions. Referendum petitions must be filed within sixty days after adoption by the City Council of the ordinance sought to be reconsidered.

Sec. 7.04. Procedure After Filing.

(a) Certificate of City Secretary; Amendment. Within twenty business days after the petition is filed, the City Secretary shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the City Secretary within two days after receiving the copy of his or her certificate and files a supplementary petition upon additional papers within ten days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of Section 10.03, and within five days after it is filed, the City Secretary shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request City Council to review under subsection (b) of this Section within the time required, the City Secretary shall promptly present his or her certificate to the City Council and the certificate shall then be a final determination as to the sufficiency of the petition.

(b) City Council Review. If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been

EXHIBIT A

1 certified insufficient, the committee may, within two days after receiving the copy of such
2 certificate, file a request that it be reviewed by the City Council. The City Council shall
3 review the certificate at its next meeting following the filing of such request and approve
4 or disapprove it, and the City Council's determination shall then be a final determination
5 as to the sufficiency of the petition.

6 (c) Court Review; New Petition. A final determination as to the sufficiency of a petition shall
7 be subject to court review. A final determination of insufficiency, even if sustained upon
8 court review, shall not prejudice the filing of a new petition for the same purpose.

9

10 **Sec. 7.05. Referendum Petitions; Suspension of Effect of Ordinance.**

11 When a referendum petition complying with all the provisions of Sections 7.03 and 7.04 is filed
12 with the City Secretary the ordinance sought to be reconsidered shall be suspended from taking
13 effect. Such suspension shall terminate when:

14 (a) there is a final determination of insufficiency of the petition, or

15 (b) the petitioner's committee withdraws the petition, or

16 (c) the City Council repeals the ordinance, or

17 (d) voters sustain the ordinance in an election.

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19 **Sec. 7.06. Action on Petitions.**

20 (a) Action by City Council. When an initiative or referendum petition has been fully determined
21 sufficient, the City Council shall promptly consider' the proposed initiative ordinance in the
22 manner provided in Article IV or reconsider the referred ordinance by voting its repeal. If the
23 City Council fails to adopt a proposed initiative ordinance without any change in substance
24 within sixty days or fails to repeal the referred ordinance within thirty days after the date the
25 petition was finally determined sufficient, it shall submit the proposed or referred ordinance
26 to the voters of the City at a special election.

27 (b) Submission to voters. The special election on a proposed or referred ordinance shall be held
28 on the earliest date permitted by State and federal law after the date of the final City Council
29 vote thereon. Copies of the proposed or referred ordinance shall be made available at the
30 polls.

31 **Sec. 7.07. Results of Election.**

32 (a) Initiative. If a majority of the qualified voters voting on a proposed initiative ordinance vote
33 in its favor, it shall be considered adopted upon certification of the election results and shall
34 be treated in all respects in the same manner as ordinances of the same kind adopted by the
35 City Council. If conflicting ordinances are approved at the same election, the one receiving
36 the greatest number of affirmative votes shall prevail to the extent of such conflict.

37 (b) Referendum. If a majority of the qualified voters voting on a referred ordinance vote against
38 it, it shall be considered repealed upon certification of the election results.

EXHIBIT A

1 **Sec. 7.08. Ordinances Passed by Petition, Repeal or Amendment.**

2 No ordinance which may have been passed by the City Council upon a petition or adopted by
3 popular vote under the provisions of this Article may be repealed or amended by the City Council
4 for a period of three (3) years from the date said ordinance became effective and then only upon
5 an affirmative vote of two-thirds (2/3s) of the City Council.

EXHIBIT A

MEASURE B

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ARTICLE V

Section 2. DEPARTMENT OF LAW

City Attorney - There shall be a City Attorney, who shall be appointed by the Mayor, with City Council approval and may be removed 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 3. 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 and may be removed by the Mayor with City Council approval. 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.

Section 4. 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 and the City Secretary and any such assistants may be removed by the Mayor with City Council approval. 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.

EXHIBIT A

1 Section 5. POLICE DEPARTMENT

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3 There shall be established a Department of Police to preserve order within the City and to
4 secure the residents of said City from violence and the property therein from injury or loss.

5 **Chief of Police.** The Chief of Police shall be appointed by the Mayor, with the Approval of
6 City Council and may be removed by the Mayor with City Council approval. The Chief of Police
7 shall be the Chief Administrative Officer of the Department of Police. He/She shall be responsible
8 to the Mayor for the administration of the Department and the carrying out of directives of the City
9 Council.

10
11 **Should this Proposition B and Proposition C both be adopted then the amendments shown**
12 **in this Proposition B, Sections 4 and 5 shall be void and of no effect.**

13 14 MEASURE C

15 16 ARTICLE I INCORPORATION

17 Section 2. FORM OF GOVERNMENT

18
19 The Municipal Government provided by this Charter shall be known as the ~~Mayor- City~~
20 Council – City Manager Council ~~Council~~ form of Government and shall be described elsewhere in this
21 Charter.

22 23 24 ~~ARTICLE III THE MAYOR~~

25 ~~Section 1. OFFICE CREATED: QUALIFICATIONS: TERM~~

26
27 ~~There is hereby established the Office of Mayor of the City, the incumbent of which shall be a~~
28 ~~citizen of the United States, at least eighteen (18) years of age, a qualified voter, residing within~~
29 ~~the City for at least twelve (12) months prior to his election. The Mayor shall be elected from~~
30 ~~the City at large; he/she shall hold his office for two (2) years and/or until his/hersuccessor is~~
31 ~~elected and qualified, unless sooner removed as provided by this Article. The Mayor shall be~~
32 ~~elected in even numbered years. The City, as referred to herein, shall be deemed to include the~~
33 ~~City and any and all territory at any time annexed to the City of Prairie View..~~

34 ~~a. Head of City Government – The Mayor shall be the Chief Administrative and~~

EXHIBIT A

1 Executive Officer of the City. The Mayor shall devote his/her best efforts to and shall
2 be responsible for the proper administration of its affairs. The Mayor shall preside at
3 all meetings of the Council and shall be recognized as the head of the City
4 Government for all ceremonial purposes, for the purpose of receiving civil process,
5 for emergency purposes, and for military purposes.

6 b. ~~Disability of the Mayor~~ If for any reason the Mayor fails, is unable or refuses to
7 perform the duties of his office, the Mayor Pro Tem shall act as Mayor during such
8 absence or disability, shall possess all of the powers and perform all of the duties of
9 the Mayor and is entitled to receive the fees and compensation prescribed for the
10 Mayor.

11 ~~Section 2. MAYOR PRO TEM~~

12
13 Each year, at the first regular meeting of the City Council after the newly elected Officials have
14 been inducted into office, or as soon as practicable thereafter, the City Council shall select one
15 of the Councilmembers who shall be known and designated as "Mayor Pro Tem," and shall
16 continue to hold the title and the office until a successor is appointed, but shall receive no extra
17 pay by reason of being or acting Mayor Pro Tem. In case of the death, resignation, or for any
18 other reason the Mayor Pro Tem is unable to serve, causing a vacancy to occur, then the City
19 Council shall select one of the Councilmembers who shall be known and designated as "Mayor
20 Pro Tem," and shall continue to hold the title and the office until a successor is appointed, but
21 shall receive no extra pay by reason of being or acting Mayor Pro Tem.

22 ~~Section 3. ACTING MAYOR~~

23
24 In the event of the absence, refusal to act, disability, or disqualification of both the Mayor and
25 Mayor Pro Tem at any particular meeting of the Council, the remaining members of the Council
26 shall by election designate one of their members as Acting Mayor and he/she shall act as Mayor
27 for such particular meeting and shall have power to perform every act except the power to
28 remove or suspend officers and employees.

29 ~~Section 4. FORFEITURE~~

30
31 If the Mayor is absent for three (3) consecutive regular meetings of the Council, without being
32 sick or first having obtained a leave of absence at a regular meeting, the office is declared

EXHIBIT A

1 ~~vacated.~~

2 ~~Section 5. VACANCY~~

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

11 ~~Section 6. POWERS OF THE MAYOR~~

12
13 ~~a. General Powers of the Mayor — The Mayor shall have and exercise such powers,~~
14 ~~prerogatives and authority, acting independently of or in concert with the City~~
15 ~~Council, as are conferred by the provisions of this Article or as may be conferred~~
16 ~~upon him by the City Council, not inconsistent with the general purposes and~~
17 ~~provisions of the Charter, and shall have the power to administer oaths. Subject to~~
18 ~~the confirmation of the Council, he/she shall have the power to appoint all boards~~
19 ~~and commissions.~~

20 ~~b. Additional Powers and Duties — All the Administrative work of the City~~
21 ~~Government shall be under the control of the Mayor. Among others, the powers and~~
22 ~~duties of the Mayor shall be as follows:~~

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

24
25 ~~2. To exercise administrative control over all departments of the City.~~

26
27 ~~3. To make from time to time such recommendations to the Council as the~~
28 ~~Mayor may deem to be for the welfare of the City, and each year to submit~~
29 ~~to the Council the annual budget of the current and projected expenses of the~~
30 ~~City in accordance with the requirements of the State law applicable to cities~~
31 ~~and towns.~~

32 ~~4. To keep the Council at all times fully advised as to the financial conditions~~

EXHIBIT A

1 and needs of the City.

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

8 ~~Section 7. PRIVILEGE OF VOTE~~

9
10 ~~The Mayor shall not be entitled to vote upon matters considered by the Council, except in the~~
11 ~~event of a tie Council vote, and the Mayor may, in his/her sole discretion fail or refuse to vote~~
12 ~~and such vote shall not be recorded as a negative or affirmative vote.~~

13 ~~Section 8. OTHER POWERS AND DUTIES~~

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16 ~~The Mayor shall have the authority to delegate such duties as he/she shall deem necessary to a~~
17 ~~department head and the power to perform such other duties as may be prescribed by this~~
18 ~~Charter; and the power to perform such other duties as may be required of him/her by the~~
19 ~~Council, not inconsistent with this Charter.~~

20 ~~Section 9. COMPENSATION OF MAYOR~~

21
22 ~~From and after the effective date of this Charter, the annual salary of the Mayor shall be~~
23 ~~determined by the Council.~~

24 ~~Section 10. SAVING CLAUSE~~

25
26 ~~If any section, subsection, clause, sentence, or phrase of this Article is for any reason held to be~~
27 ~~unconstitutional or invalid, such decision shall not affect the validity of this Article, or any~~
28 ~~remaining portions of this Article.~~

29 ARTICLE III CITY MANAGER

30 Section 1. APPOINTMENT AND QUALIFICATIONS

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34 a. The City Council shall appoint a City Manager who shall be the chief administrative

EXHIBIT A

1 and executive officer of the City and shall be responsible to the City Council for the
2 administration of all the affairs of the City. The City Manager shall be chosen by the
3 City Council based solely on the City Manager's executive and administrative training,
4 experience and ability.

5 b. The City Manager shall be appointed for a definite term upon the affirmative vote of
6 two-thirds (2/3) of the Councilmembers, and may be removed at the discretion of the
7 City Council by an affirmative vote of two-thirds (2/3) of the Councilmembers. The
8 action of the City Council in suspending or removing the City Manager shall be final,
9 it being the intention of this Charter to vest all authority and fix all responsibility for
10 such suspension or removal in the City Council. The City Manager shall receive
11 compensation as may be fixed by an affirmative vote of two-thirds (2/3) of the
12 Councilmembers.

13 c. The City Manager shall have the following powers and duties:

- 14 1. The City Manager shall appoint and, when the City Manager deems it necessary for
15 the good of the City, may suspend or remove any City employee except as
16 otherwise provided by law or this Charter. The City Manager may authorize any
17 employee who is subject to the City Manager's direction and supervision to exercise
18 these powers with respect to subordinates in that employee's department, office or
19 agency;
- 20 2. The City Manager shall direct and supervise the administration of all departments,
21 offices, and agencies of the City, except as otherwise provided by this Charter;
- 22 3. The City Manager shall attend all City Council meetings, except when excused by
23 the Mayor or Mayor Pro-Tem, and shall have the right to take part in discussion but
24 may not vote;
- 25 4. The City Manager shall see that all laws, provisions of this Charter and acts of the
26 City Council, subject to enforcement by the City Manager or by those subject to
27 the City Manager's direction and supervision, are faithfully executed;
- 28 5. The City Manager shall make such reports as the City Council may require

EXHIBIT A

1 concerning the operations of the City departments, offices and agencies subject to
2 the City Manager's direction and supervision;

3 6. The City Manager shall keep the City Council fully advised as to the financial
4 condition and future needs of the City and make such recommendations to the City
5 Council concerning the affairs of the City as the City Manager deems desirable;

6 7. The City Manager shall have the authority to execute on behalf of the City, standard
7 form documents, including but not limited to deeds, releases of liens, rental
8 agreements, easements, right- of-way agreements, joint use agreements, and other
9 similar documents, under the following conditions:

10 i. The execution of the document is necessary to carry out a public works
11 project; utilize, maintain or improve a City facility, street, right-of-way,
12 easement, park or other City property, or to implement other City policies;
13 provided that such project, program or policy has been approved by the City
14 Council;

15 ii. That all blanks are filled in on any document correctly and that such
16 document is consistent with the objectives approved by the City Council;
17 and

18 iii. That the form of such document shall be approved by the City Attorney.

19 8. The City Manager shall perform such other duties as are specified in this Charter
20 or may be required by the City Council.

21 d. The City Council shall perform a review of the City Manager's performance at least
22 annually, but no more than twice in any fiscal year.

23 e. By letter filed with the City Secretary, the City Manager shall designate, subject to
24 approval of the City Council, a qualified employee to exercise the powers and perform
25 the duties of City Manager during the City Manager's temporary absence or disability.
26 The City Council may revoke such designation at any time and appoint another
27 individual to serve until the City Manager shall return or his/her disability shall cease.

EXHIBIT A

ARTICLE IV THE COUNCIL AND MAYOR

Section 1. OFFICES CREATED: QUALIFICATIONS

There is hereby established a City 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. Theis City Council shall consist of five (5) Councilmembers and a Mayor ("Council" or "City Council" or "Members of City Council") elected from the City At large. Three (3) Councilmembers shall be elected in odd numbered years and two (2) Councilmembers and the Mayor shall be elected in even numbered years. A candidate for Members of City Council Councilmember shall reside within the City during their terms of office. The A candidate for City Councilmember must be a citizen of the United States; be at least eighteen (18) years of age or older on the first day of the term to be filled at the election or on the date of appointment, as applicable; and be a qualified registered voter having resided continuously residing within the City for at least twelve (12) months immediately preceding the date of the regular filing deadline for a candidate's application for a place on the ballot prior to his/her election.~~

Section 2. Mayor

- a. The Mayor shall be the presiding officer of the City Council and shall be recognized as the head of the City government for all ceremonial purposes, for emergency management purposes, and by the governor for purposes of military law.
- b. The Mayor may debate and discuss any matters before the City Council and shall vote only in the case of a tie.
- c. The Mayor shall, when authorized by the City Council, sign all official documents.
- d. If for any reason the Mayor fails, is unable or refuses to perform the duties of the 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 but shall not lose their right to vote.

Section 3. MAYOR PRO TEM

Each year, at the first regular meeting of the City Council after the newly elected Officials have

EXHIBIT A

1 been inducted into office, or as soon as practicable thereafter, the City Council shall select one
2 of the Councilmembers who shall be known and designated as "Mayor Pro Tem," and shall
3 continue to hold the title and the office until a successor is appointed but shall receive no extra
4 pay by reason of being or acting Mayor Pro Tem. In case of the death, resignation, or for any
5 other reason the Mayor Pro Tem is unable to serve, causing a vacancy to occur, then the City
6 Council shall select one of the Councilmembers who shall be known and designated as "Mayor
7 Pro Tem," and shall continue to hold the title and the office until a successor is appointed, but
8 shall receive no extra pay by reason of being or acting Mayor Pro Tem.

9 **Section 4. ACTING MAYOR**

10
11 In the event of the absence, refusal to act, disability, or disqualification of both the Mayor and
12 Mayor Pro Tem at any meeting of the Council, the remaining members of the Council shall by
13 election designate one of their members as Acting Mayor and he/she shall act as Mayor for such
14 particular meeting.

15 16 **Section 5. TERMS**

17
18 The term of the Councilmembers and the Mayor shall be two (2) years.

- 19
20 a. ~~The Councilmembers elected in the year 2015 shall serve two-year terms. All~~
21 ~~successive Councilmembers shall be elected for a term of two (2) years.~~

22 23 **Section 6. FORFEITURE**

24
25 If a Member of the City Council ~~Councilmember~~ is absent for three (3) consecutive regular
26 meetings of the Council, without being sick or first having obtained a leave of absence at a
27 regular meeting, the office shall be automatically is-declared vacated with no further action by
28 City Council required and the vacancy shall be filled pursuant to this Charter and state law.

29 **Section 7. VACANCY**

30
31 When a single vacancy occurs in the City Council a majority of the Councilmembers remaining
32 members, excluding the mayor, may fill the vacancy by appointment. The Mayor may vote on
33 the appointment only if there is a tie. In the case of a vacancy in the office of Mayor a
34 Councilmember may be appointed to fill the vacancy but may not vote on their own

EXHIBIT A

1 appointment. The person appointed to fill the vacancy serves until the next regular municipal
2 election. In lieu of appointing a person to fill a vacancy on the governing body, a special election
3 may be ordered to elect a person to fill the vacancy. If two (2) or more vacancies on the
4 governing body exist at the same time, a special election shall be ordered to fill the vacancies.

5 **Section 8. MEETINGS OF THE COUNCIL**

- 6
- 7 a. The City Council shall meet at the time and place determined by a resolution
8 adopted by the City Council.
- 9 b. The Mayor may call a special meeting on the Mayor's own motion or on the
10 application of three (3) members of Council. Each member of the Council, the
11 City Secretary, and the City Attorney must be notified in writing, which may
12 be by electronic mail, of the special meeting. ~~The notice may be given personally~~
13 ~~or left at the person's usual place of residence.~~
- 14 c. The City Council shall determine the rules of its proceedings and may compel
15 the attendance of absent members and punish them for disorderly conduct.
- 16 d. Quorum – A majority of the ~~members of the Council~~ members established by
17 ~~Section 1 of this Article~~ shall constitute a quorum to conduct business.
- 18 e. A majority of those present and voting shall be necessary to adopt any measure.
19 However, at a called meeting or a meeting to consider the imposition of taxes,
20 a two-thirds (2/3) vote of the ~~mMembers~~ Members of the City Council established by
21 ~~Section 1 of this Article~~ shall be necessary for adoption; ~~provided, however, in~~
22 ~~the event of a tie vote then the Mayor shall be entitled to vote and break the said~~
23 ~~tie.~~

24 **Section 9. ORDINANCES**

25
26 The Council shall legislate, by ordinance, and the enacting clause of every ordinance shall be
27 "Be It Ordained by the City Council of the City of Prairie View." All ordinances, unless
28 otherwise provided by law or this Charter or by the terms of such ordinances, shall take effect
29 immediately upon the final passage thereof.

30 **Section 10. DUTIES OF THE COUNCIL**

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EXHIBIT A

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

- 5 a. Adopt the budget of the City;
- 6
- 7 b. Authorize the issuance of bonds by a bond ordinance;
- 8
- 9 c. Adopt and modify the zoning plan and the building codes of the City;
- 10
- 11 d. Adopt and modify the Official Map of the City;
- 12
- 13 e. Regulate, license and fix the charges or fares made by any person, firm or
14 corporation owning, operating or controlling any vehicle of any character used
15 for the carrying of passengers for hire or the transportation of freight for hire
16 on the public streets and alleys of the City;
- 17 f. Provide for establishment and designation of fire limits, prescribe the kind and
18 character of buildings or structures or improvements to be erected therein,
19 provide for the erection of fireproof buildings within such buildings within said
20 limits, provide for the condemnation of dangerous structures or buildings or
21 dilapidated buildings or buildings calculated to increase fire hazard, and
22 prescribe the manner of their removal or destruction within said limits;
- 23 g. Fix the salaries and compensation of City Officials and employees;
- 24
- 25 h. Provide for a sanitary sewer and water system and require property owners to
26 connect their premises with said sewer and water systems and provide for
27 penalties for failure to make sanitary sewer connections;
- 28 i. Provide for water, sanitary sewer, and garbage disposal, set fees and charges
29 therefor, and provide penalties for failure to pay such fees and charges;
- 30
- 31 j. Exercise exclusive dominion, control, and jurisdiction over, including the right
32 to close and abandon, streets and alleys, highways, boulevards, and public
33 grounds of the City, and provide for the improvement of same;
- 34 k. Compromise and settle any and all claims and lawsuits of every kind and

EXHIBIT A

1 character in favor of or against the City; and

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

5 m. All powers of this Charter are vested in the City Council. No member of the
6 Council shall have any power to act or make appointments without the specific
7 authorization of the Council in a meeting.

8 **Section 11. CREATE BOARDS**

9
10 The City Council may create boards, commissions or committees. The members of any such
11 boards, commissions or committees shall be appointed by the Council upon the recommendation
12 of the Mayor.

13 ~~Section 12. EMERGENCY POWERS~~

14
15 ~~The Council may enter upon cooperative agreements with the proper authorities of State, Federal~~
16 ~~or County Governments, or other Municipalities, for mutual assistance within the area of an~~
17 ~~existing or threatened emergency.~~

18
19 **Section 12. Judge of Qualifications**

20
21 The City Council is the final judge of all elections and the qualifications of its members.

22
23
24 **ARTICLE V DEPARTMENTS**

25 **Section 1. CREATION OF DEPARTMENTS**

26
27 After consultation with the City Manager the City Council may continue or establish City
28 Departments, offices, or agencies in addition to those created by this charter and may prescribe
29 the functions of the departments, offices and agencies.

30 **Section 2. DEPARTMENT OF LAW**

31
32 **City Attorney** - There shall be a City Attorney, who shall be appointed by the Mayor,

EXHIBIT A

1 with City Council approval. The City Attorney shall be the legal advisor of, and attorney for, all
2 of the officers and departments of the City and shall represent the City in all litigation and legal
3 proceedings. The City Attorney shall draft, approve, or file written legal objections to every
4 ordinance before it is acted upon by the Council and shall pass upon all documents, contracts,
5 and legal instruments in which the City may be required to perform any act, or pay any sum of
6 money.

7 **Section 3. MUNICIPAL COURT**

8
9 There shall be a Court known as the Municipal Court of the City, with such jurisdiction, powers,
10 and duties as are given and prescribed by the Laws of the State of Texas.

11 **b. Judge of the Municipal Court** - The Municipal Court shall be presided over
12 by a magistrate who shall be known as the Judge of the Municipal Court. The Judge
13 shall be appointed by the Mayor with the approval of Council, for a two-year term.
14 In the event the Judge of the Municipal Court is unable to act for any reason, the
15 Mayor, with the approval of Council, shall appoint a competent person possessing
16 the qualifications listed above to act in his/her place. The Municipal Judge, or anyone
17 acting in his/her place, shall receive compensation as may be set by Council.

18 ~~Additional Municipal Courts~~ - The Mayor, with the approval of Council, shall have
19 the power to create and establish additional Municipal Courts, and the Mayor, with
20 the approval of Council, shall appoint a Judge of each Municipal Court, each of
21 whom shall be required to possess the qualifications and shall serve the same term
22 as outlined in subsection a. of this Section.

23 **c. Clerk of the Municipal Court** - There shall be a Clerk of the Municipal Court
24 who shall be appointed by the City Manager ~~Mayor~~, with ~~City Council approval~~.
25 The Clerk shall have the power to administer oaths and affidavits, make certificates,
26 affix the seal of the Court thereto, and otherwise perform any and all acts necessary
27 in issuing process of such Court and conducting the business thereof.

28 ~~d. Deputy Clerks~~ - There shall be such deputy Clerks of the Municipal Court as
29 may be authorized by the Mayor, with approval of Council, who shall have authority
30 to act for and on behalf of the Clerk of the Municipal Court, and who shall be

EXHIBIT A

1 ~~appointed by the Mayor, with the approval of Council.~~

2 **Section 4. CITY SECRETARY**

3
4 The ~~City Manager~~ Mayor, with City Council approval, shall appoint a competent person as City
5 Secretary and such assistants as the City Council shall deem advisable. The Office of the City
6 Secretary shall give notice of Council meetings, shall keep the minutes of the proceedings of
7 such meetings, and shall authenticate by his/her signature and record in full in a book kept and
8 indexed for the purpose, all ordinances and resolutions, and shall perform such other duties as
9 the ~~Mayor~~ City Manager shall assign to him/her, and those elsewhere provided in this Charter
10 and the Laws of the State of Texas.

11 **Section 5. POLICE DEPARTMENT**

12
13 There shall be established a Department of Police to preserve order within the City and to secure
14 the residents of said City from violence and the property therein from injury or loss.

15 **Chief of Police.** The Chief of Police shall be appointed by the ~~City Manager~~ Mayor,
16 with the Approval of City Council. The Chief of Police shall be the Chief
17 Administrative Officer of the Department of Police. ~~He/She~~ The Chief of Police shall
18 be responsible to the ~~City Manager~~ Mayor for the administration of the Department
19 and the carrying out of directives of the City Council.

20 **Section 6. PUBLIC WORKS and UTILITIES**

21
22 There shall be established such offices, agencies or departments as deemed appropriate for the
23 administration of water, wastewater and sanitary sewer services; and for the maintenance of
24 streets, parks, buildings and grounds, and such other activities as may be assigned by the City
25 Manager ~~Mayor~~.

26 27 **Section 7. PERSONNEL RULES**

28
29 The ~~City Manager~~ Mayor shall be responsible for personnel rules, which rules shall be submitted
30 to the City Council. The City Council may accept and adopt such rules as proposed or may adopt
31 them with such amendments as the City Council deems necessary or may reject them in their
32 entirety and direct the ~~City Manager~~ Mayor to present new proposals at a subsequent meeting.

EXHIBIT A

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2

3 **ARTICLE VI ELECTIONS**

4 **Section 1. ELECTIONS**

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

EXHIBIT B

PROPOSITION A

Shall the Prairie View City Charter be amended to allow for Citizen initiated referendum and initiative?

For _____ Against _____

PROPOSITION B

Shall the Prairie View City Charter be amended to require City Council approval of the removal of those officers who require City Council approval for appointment?

For _____ Against _____

PROPOSITION C

Shall the Prairie View City Charter be amended to create the position of City Manager who shall be responsible to the City Council to run the day-to-day operations of the City?

For _____ Against _____