

CHARTER, CITY OF BAYTOWN, TEXAS⁽¹⁾

Footnotes:

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Editor's note— Printed herein is the Charter of the City of Baytown, as adopted by referendum on January 24, 1948. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity and state law citation corrections and conversions are indicated by brackets. At the direction of the city and to provide gender neutral language, the following terms have been revised throughout the Charter, as indicated in the table below.

Term	Term Change
he	he/she
him	him/her
his	his/her
councilman	council member

State Law reference— Home rule municipality, V.T.C.A., Local Government Code § 5.004.

ARTICLE I. - INCORPORATION; FORM OF GOVERNMENT; CORPORATE AND GENERAL POWERS

- Sec. 1. - Incorporation.
- Sec. 2. - Form of government.
- Sec. 3. - Powers of the city.
- Sec. 4. - Special provision for damage suits.
- Sec. 5. - Eminent domain.
- Sec. 6. - Street powers.
- Sec. 7. - Street improvements.
- Sec. 8. - Extending city limits upon petition.
- Sec. 9. - Extending limits by action of the city council.
- Sec. 10. - Sanitary sewer system.
- Sec. 11. - Garbage disposal.

Sec. 1. - Incorporation.

The inhabitants of the City of Pelly (consolidated town of Tri-Cities), within the corporate limits as now established or as hereafter established in the manner provided by this charter, shall continue to be a municipal body politic and corporate in perpetuity, under the name of the "City of Baytown."

Sec. 2. - Form of government.

The municipal government provided by this charter shall be known as the "council-manager government." Pursuant to its provisions and subject only to the limitations imposed by the state constitution and by this charter, all powers of the city shall be vested in an elective council hereinafter referred to as "the council," which shall enact local legislation, adopt budgets, determine policies, and appoint the city manager, who shall execute the laws and administer the government of the city. All powers of the city shall be exercised in the manner prescribed by this charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

Sec. 3. - Powers of the city.

The city shall have all the powers granted to municipal corporations and to cities by the constitution and laws of the State of Texas together with all the implied powers necessary to carry into execution all the powers granted. The city may:

- a. acquire property within or without its corporate limits for any municipal purpose in fee simple or any lesser interest or estate, by purchase, gift, devise, lease, or condemnation;
- b. may sell, lease, mortgage, hold, manage and control such property as its interests may require;
- c. exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever;
- d. use a corporate seal;
- e. contract and be contracted with;
- f. acquire, conduct, own, levy and collect taxes for general and specific purposes on all the subjects or objects which the city may lawfully tax;

- g. borrow money on the faith and credit of the city by the sale or issue of bonds, warrants, or notes of the city;
- h. appropriate the money of the city for all lawful purposes;
- i. create, provide for, construct, regulate, and maintain public works and improvements;
- j. levy and collect assessments for public improvements;
- k. license any business, occupation, profession or trade;
- l. define, prohibit, abate, suppress, and prevent all things detrimental to the health, morals, comfort, safety, convenience, and welfare of the inhabitants of the city, and all nuisances and causes of nuisances;
- m. regulate the construction, height, maintenance, occupancy, and the material used in all buildings;
- n. regulate and control the use of the streets;
- o. cooperate with the government of the State of Texas or any agency thereof, the Federal Government or any agency thereof, or any political subdivision of the State of Texas, to accomplish any lawful purpose for the advancement of the interest, welfare, health, morals, comfort, safety and convenience of the city or its inhabitants; and
- p. pass ordinances for maintaining and promoting the peace, welfare and government of the city, and for the performance of the functions thereof.

The enumeration of particular powers by this charter shall not be deemed to be exclusive, and in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the City of Baytown shall have, and may exercise, all powers of local self-government, and all powers, not expressly prohibited by the constitution and laws of the State of Texas.

(Ord. No. 13,026 , § 4, 11-16-15)

State Law reference— Home rule powers generally, V.T.C.A., Local Government Code § 51.071 et seq.

Sec. 4. - Special provision for damage suits.

Before the city shall be liable to damage claim or suit for injury, death or damage, the city manager must receive notice in writing from the person who is injured or whose property was damaged or such persons representative within thirty (30) days after the day that the incident giving rise to the claim occurred. The notice must identify the claimant, including the claimant's current address and phone number; describe the alleged injury or damage; state when, where and how the injury or damage occurred; set forth the extent of the injury or damage as accurately as possible, including the amount of damages sustained; and give the names and addresses of all witnesses upon whose testimony such person is relying to establish the injury or damage. No action at law for damages shall be brought against the city for injury, death or damage prior to the expiration of sixty (60) days after the notice hereinbefore described has been filed with the city manager. Nothing in this section shall be construed to waive the city's sovereign immunity in any respect.

(Ord. No. 13,026, § 5, 11-16-15)

State Law reference— Notice of tort claims, V.T.C.A., Civil Practice and Remedies Code § 101.101.

Sec. 5. - Eminent domain.

The city shall have the full right, power and authority to exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred upon it by this charter, or by the constitution or laws of the state of Texas. The city may also exercise the power of eminent domain in any other manner authorized or permitted by the constitution and laws of this state, or in the manner and form that may be provided by ordinance of the governing body of the city. The power of eminent domain hereby conferred shall include the right of the city to take the fee in the lands so condemned, and such power and authority shall include the right to condemn public property for such purposes. The city shall have and possess this power of condemnation for any municipal or public purpose, even though not specifically enumerated herein or in this charter.

(Ord. No. 13,944, § 6, 11-19-18)

State Law reference— Eminent domain, V.T.C.A., Local Government Code § 251.001 et seq.

Sec. 6. - Street powers.

The city shall have the power to control, regulate, lay out, establish, open, alter, widen, narrow, straighten, change, lower, extend, grade, vacate, abandon, discontinue, abolish, close, care for, pave, supervise, maintain and improve streets, alleys, sidewalks, parks, squares, public places and bridges; and regulate the use thereof and remove or require the removal from streets, sidewalks, alleys and other public property or places of all obstructions and encroachments of every nature or character upon any of said streets and sidewalks.

(Ord. No. 13,944, § 7, 11-19-18)

State Law reference— Authority regarding streets, V.T.C.A., Transportation Code § 311.001 et seq.

Sec. 7. - Street improvements.

The city shall have exclusive dominion, control and jurisdiction in, upon, and over and under the public streets, avenues, alleys and highways of the city, and may provide for the improvement thereof by paving, repaving, raising, draining, or otherwise. Such exclusive dominion, control and jurisdiction in, upon, over and under the public streets, avenues, alleys and highways of the city shall also include, but not be limited to, the right to regulate, locate, relocate, remove, or prohibit the location of, all utility pipes, lines, wires, or other property.

(Ord. No. 13,944, § 8, 11-19-18)

State Law reference— Street improvements and assessments, Vernon's Ann. Civ. St. art. 1175.

Sec. 8. - Extending city limits upon petition.

When persons owning a majority of the land in area in territory adjacent to Baytown desire the annexation of such territory to Baytown, they may present a written petition in accordance with law. The city council after the presentation of said petition may grant the petition and by ordinance annex such territory to Baytown in accordance with law and thenceforth the said territory shall be a part of Baytown,

and the inhabitants thereof shall in accordance with law be entitled to all of the rights and privileges of other citizens and shall be bound by the acts, ordinances, resolutions and regulations of said city.

(Ord. No. 13,026, § 6, 11-16-15)

State Law reference— Annexation, V.T.C.A., Local Government Code § 43.001 et seq.

Sec. 9. - Extending limits by action of the city council.

The city council shall have power by ordinance to fix, alter, and extend the boundary limits of the city; and to annex additional territory consistent with state law. Upon the introduction of an annexation ordinance in the city council, a description of the ordinance sufficient to identify the property being annexed shall be published in the official newspaper of the city one time, and the ordinance shall not be finally acted upon until at least ten (10) days have elapsed after the first reading thereof. Upon final passage of an annexation ordinance, the boundaries of the city shall include the territory annexed by ordinance. When the territory is annexed, it shall be a part of the city and bear its pro rata part of the taxes levied by the city and the inhabitants shall be citizens of the city and shall be bound by the acts, ordinances, resolutions and regulations of said city.

(Ord. No. 12,110, § 3, 11-19-12; Ord. No. 13,944, § 9, 11-19-18)

State Law reference— Annexations, V.T.C.A., Local Government Code § 43.001 et seq.

Sec. 10. - Sanitary sewer system.

The city shall have the power to provide for a sanitary sewer system and to require property owners to connect their premises with such sewer system; to provide for fixing penalties for failure to make sanitary sewer connections; and shall further have the right to fix charges and compensation to be charged by the city for sewerage service, providing rules and regulations for the collection thereof.

Sec. 11. - Garbage disposal.

The city council shall have the right by ordinance to adopt and prescribe rules and regulations for the handling and disposition of all garbage, trash and rubbish within the city of Baytown, and shall further have the right to fix charges and compensation to be charged by the city for the removal of garbage, trash and rubbish, providing rules and regulations for the collection thereof.

ARTICLE II. - THE COUNCIL

- Sec. 12. - Number, selection, term.
- Sec. 13. - Qualifications.
- Sec. 14. - Compensation of members of city council.
- Sec. 15. - Presiding officer; mayor.
- Sec. 16. - Vacancies in council.
- Sec. 17. - Powers.
- Sec. 18. - Appointment of city manager.
- Sec. 19. - Removal of city manager.
- Sec. 20. - Council not to interfere in appointments or removal.
- Sec. 21. - Right of the city manager in council.
- Sec. 22. - Administrative departments.
- Sec. 22.1. - Fire department staffing.
- Sec. 23. - City clerk.
- Sec. 24. - Appointment of municipal judge.
- Sec. 25. - Induction of council into office; meetings of council.
- Sec. 26. - Council to be judge of qualifications of its members.
- Sec. 27. - Rules of procedure; journal.
- Sec. 28. - Ordinances.
- Sec. 29. - Procedure for passage of ordinances.
- Sec. 30. - Investigation by council.
- Sec. 31. - Independent audit.

Sec. 12. - Number, selection, term.

- (a) *Number.* The city council shall be composed of a mayor and six council members.
- (b) *Selection.* The mayor shall be elected by the qualified voters from the city at large and the six (6) council members shall be elected from single-member districts by the qualified voters from each of the six (6) districts as provided in subsection (c) hereof.
- (c) *Districts.* The city shall be divided into six (6) city council single-member districts. Each council member shall reside in the district that he/she is elected to represent.
- (d) *Term.* Each member of the city council shall serve for a term of three years or until his/her successor has been elected and inducted.
- (e) *Staggered three-year terms.* Beginning at the regular municipal election in 2007, the council members from single-member district numbers 1, 2, and 3 shall be elected for a term of three years. At the regular municipal election in 2008, the council members from single-member district numbers 4, 5 and 6 shall be elected for a term of three years. At the regular election in 2009, the mayor shall be elected for a term of three years.

(Ord. No. 10,335, § 3, 5-22-06; Res. No. 2159, § 2, 10-11-11; Ord. No. 13,944, § 10, 11-19-18)

Editor's note— Pursuant to article II, section 12 of the Charter of the City of Baytown, Ordinance Number 6046, the Texas Election Code, and the order of the court in *Campos, et al v. City of Baytown, et al*, providing for the manner of election and the term of office of the members of the city council of the City of Baytown, the city council herein establishes election by district effective beginning with the municipal election to be held on May 3, 1997 for districts 1, 2 and 3. Therefore, the reference to election

at large of council members has been editorially deleted. In addition, pursuant to V.T.C.A., Election Code § 41.001, the date of the city election is the first Tuesday in November.

State Law reference— Uniform election dates, V.T.C.A., Election Code § 41.001.

Sec. 13. - Qualifications.

The mayor and each of the six council members shall be a citizen of the United States of America and a qualified voter of the city and shall have resided in the territory from which the office is elected for at least six months immediately preceding the election and throughout the term of office. A member of council who lacks any qualification for the office prescribed by this Charter or by law; or convicted of a felony while in office, shall immediately forfeit the office.

(Ord. No. 13,026, § 7, 11-16-15; Ord. No. 13,944, § 11, 11-19-18)

Case law references— Freeholder requirement, *Hill v. Stone*, 421 U.S. 289, 95 S.Ct. 1637 (1975); requirement regarding candidate not be in arrear on taxes, *Gonzales v. Stinton*, 319 F.Supp. 189 (S.D. Texas 1970).

State Law reference— Residency, V.T.C.A., Election Code § 141.001.

Sec. 14. - Compensation of members of city council.

- (a) The mayor shall receive as compensation for his/her services the sum of one thousand and no/100 dollars (\$1,000.00) per month.
- (b) Each council member shall receive as compensation for his/her services the sum of five hundred and no/100 dollars (\$500.00) per month.
- (c) All members of the city council shall be entitled to all necessary expenses incurred in the performance of their official duties.

(Ord. No. 13,026, § 8, 11-16-15)

Sec. 15. - Presiding officer; mayor.

The mayor shall preside at meetings of the council and shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law, but shall have no regular administrative duties. The mayor shall be entitled to vote upon all matters considered by the council, but he/she shall have no veto power. The council shall elect a mayor pro tem who shall act as mayor during the absence or disability of the mayor and, if a vacancy should occur, shall become mayor until another mayor is appointed or elected in accordance with section 16 to fill the unexpired term.

(Ord. No. 13,026, § 9, 11-16-15)

Sec. 16. - Vacancies in council.

A vacancy in the council shall be filled in accordance with law by a majority vote of the qualified voters from the single-member district or the city at-large, as applicable, except that if the remainder of the unexpired term of the vacated office is twelve (12) months or less, then the council is authorized to fill

the unexpired term by appointment or by holding a special election within one hundred fifty (150) days after such vacancy occurs if no appointment is made within thirty (30) days of the vacancy.

(Ord. No. 10,335, § 4, 5-22-06; Ord. No. 13,026, § 10, 11-16-15)

Sec. 17. - Powers.

All powers of the city and the determination of all matters of policy shall be vested in the city council. Without limitation of the foregoing and among the other powers that may be exercised by the council, the following are hereby enumerated for greater certainty.

- (1) Appoint and remove the city manager.
- (2) Adopt the budget of the city.
- (3) Authorize the issuance of bonds by a bond ordinance.
- (4) Inquire into the conduct of any office, department or agency of the city and make investigations as to municipal affairs.
- (5) Establish boards and commissions as required by law or deemed advisable by the city council and provide the manner for appointment thereto.
- (6) Approve or provide for the approval of subdivision plats.
- (7) Adopt and modify the official map of the city.
- (8) Adopt, modify, and carry out plans for the clearance of slum districts and rehabilitation of blighted areas.
- (9) Adopt, modify and carry out plans for the replanning, improvement and redevelopment of neighborhoods and for the replanning, reconstruction or redevelopment of any area or district which may have been destroyed in whole or in part by disaster.

(Ord. No. 13,026, § 11, 11-16-15)

Sec. 18. - Appointment of city manager.

The council shall appoint an officer of the city who shall have the title of city manager and who shall have the powers and perform the duties in this charter provided. No council member shall receive such appointment during the term for which he/she shall have been elected, nor within one year after the expiration of his/her term.

Sec. 19. - Removal of city manager.

The council shall appoint the city manager for an indefinite term and may remove him/her by a majority vote of its members. At least thirty days before such removal shall become effective, the council shall by a majority vote of its members adopt a preliminary resolution stating the reasons for his/her removal. The manager may reply in writing and may request a public hearing, which shall be held not earlier than twenty days nor later than thirty days after the filing of such request. After such public hearing, if one be requested, and after full consideration, the council by majority vote of its members may adopt a final resolution of removal.

Sec. 20. - Council not to interfere in appointments or removal.

Neither the council nor any of its members shall direct the appointment of any person to, or his/her removal from office, by the city manager or by any of his/her subordinates; provided, however, that the appointment of department heads shall be subject to the approval of the council. Except for the purpose of inquiry the council and its members shall deal with the administrative service solely through the city manager and neither the council nor any member thereof shall give orders to any subordinates of the manager, either publicly or privately.

Sec. 21. - Right of the city manager in council.

The city manager shall have the right to take part in the discussion of all matters coming before the council but shall have no vote therein.

(Ord. No. 13,944, § 12, 11-19-18)

Editor's note— Ord. No. 13,944 , § 12, adopted Nov. 19, 2018 from results of the Nov. 6, 2018 election, changed the title of § 21 from "Right of city manager and other officers in council" to read as herein set out.

Sec. 22. - Administrative departments.

There are hereby created the following administrative departments: Finance, Police, Fire, Law, Public Works/Utilities, Health, City Clerk, Engineering, Human Resources, Information Technology Services, Library, Planning and Development Services, and Parks and Recreation. The council by ordinance may create, consolidate, change, and abolish offices, departments, or agencies other than the offices, departments and agencies established by this charter.

(Ord. No. 13,944, § 13, 11-19-18)

Sec. 22.1. - Fire department staffing.

The fire department of the city shall maintain and operate a minimum of five (5) fire stations. Each fire station shall have in operation at all times a minimum of one (1) fire emergency vehicle, which shall be staffed by a minimum of four (4) personnel, including one (1) officer, one (1) fire equipment operator, and two (2) fire fighters.

(Amd. of 5-4-02)

Sec. 23. - City clerk.

The council shall designate an officer of the city who shall be appointed by the city manager, subject to the approval of the council, to serve as clerk of the council. The city clerk shall give notices of its meetings, shall keep the journal of its proceedings, shall authenticate by his/her signature and record in full in a book kept for the purpose all ordinances and resolutions and shall perform such other duties as the city manager shall assign.

(Ord. No. 13,944, § 14, 11-19-18)

Sec. 24. - Appointment of municipal judge.

A judge shall be appointed by the city council to serve for a term of two years. He/she may be removed for incompetency, misconduct, or malfeasance. He/she shall receive such compensation as may be fixed by the council from time to time. The judge shall be the judge of the municipal court which shall have the jurisdiction and shall be conducted in the manner prescribed and authorized by law. All costs and fines imposed by the municipal court, or by any court in cases appealed from judgments of the municipal court, shall be paid into the city treasury for the use and benefit of the city.

(Ord. No. 13,026, § 12, 11-16-15)

Editor's note— Section 12 of Ord. No. 13,026, adopted Nov. 16, 2015, changed the title of § 24 from "Appointment of municipal judge and clerk" to read as herein set out.

State Law reference— Municipal court, V.T.C.A., Government Code § 29.001 et seq.

Sec. 25. - Induction of council into office; meetings of council.

The regular municipal election shall be held on the applicable uniform election date, unless another date is established by law. After canvassing the results of the election, the council shall meet at the usual place for holding meetings, and the newly-elected members shall qualify and assume the duties of office. Thereafter, the council shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. All meetings of the council shall be open to the public, except as authorized by law; special meetings shall be called by the city clerk upon request of the mayor, city manager or three members of the council.

(Ord. No. 10,335, § 5, 5-22-06; Res. No. 2159, § 2, 10-11-11; Ord. No. 13,026, § 13, 11-16-15)

Editor's note— The election date of the city pursuant to V.T.C.A., Election Code § 41.001 is the first Tuesday in November.

State Law reference— Meetings open to the public, V.T.C.A., Government Code § 551.001 et seq.

Sec. 26. - Council to be judge of qualifications of its members.

The council shall be the judge of the election and qualifications of its members and for such purpose shall have power to subpoena witnesses and require the production of records, but the decision of the council in any such case shall be subject to review by the courts.

Sec. 27. - Rules of procedure; journal.

The council shall determine its own rules and order of business. It shall keep a journal of its proceedings and the journal shall be open to public inspection, except as otherwise required by law.

(Ord. No. 13,944, § 15, 11-19-18)

Sec. 28. - Ordinances.

In addition to such acts of the council as are required by statute or by this charter to be by ordinance, every act of the council establishing a fine or other penalty or providing for the expenditure of funds or

for the contracting of indebtedness, shall be by ordinance. The enacting clause of all ordinances shall be, "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAYTOWN."

Sec. 29. - Procedure for passage of ordinances.

Every ordinance shall be introduced in written or printed form and, upon passage, shall take effect at the time indicated therein; provided that any ordinance imposing a penalty, fine or forfeiture for a violation of its provisions shall become effective not less than ten days from the date of its passage. The city clerk shall give notice of the passage of every ordinance imposing a penalty, fine or forfeiture for a violation of the provisions thereof, by causing the caption or title, including the penalty, of any such ordinance to be published in the official newspaper in the city of Baytown at least twice within ten days after the passage of said ordinance. He shall note on every ordinance, the caption of which is hereby required to be published, and on the record thereof, the fact that same has been published as required by the charter, and the date of such publication, which shall be prima facie evidence of the legal publication and promulgation of such ordinance; provided, that the provisions of this section shall not apply to the correction, amendment, revision and codification of the ordinances of the city for publication in book or pamphlet form. Except as otherwise provided in section 117 of this charter, it shall not be necessary to the validity of any ordinance that it shall be read more than one time or considered at more than one session of the city council. Every ordinance shall be authenticated by the signature of the mayor and city clerk and shall be systematically recorded in an ordinance book in a manner approved by the council. It shall only be necessary to record the caption or title of ordinances in the minutes or journal of council meetings. The city council shall have power to cause the ordinances of the city to be corrected, amended, revised, codified and printed in code form as often as the council deems advisable, and such printed code, when adopted by the council, shall be in full force and effect without the necessity of publishing the same or any part thereof in a newspaper. Such printed code shall be admitted in evidence in all courts and places without further proof.

Sec. 30. - Investigation by council.

The council shall have power to inquire into the conduct of any office, department, agency, or officer of the city and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers and other evidence. Failure to obey such subpoena or to produce books, papers or other evidence as ordered under the provisions of this section shall constitute a misdemeanor and shall be punishable by fine not to exceed one hundred dollars.

Sec. 31. - Independent audit.

The council shall designate a certified public accountant who, shall make an independent audit of accounts and other evidence of financial transactions of the city government in accordance with state law and shall submit his/her report to the council.

(Ord. No. 12,110, § 4, 11-19-12)

ARTICLE III. - THE CITY MANAGER

- Sec. 32. - The city manager; qualifications.
- Sec. 33. - The city manager; power and duties.
- Sec. 34. - Absence of city manager.
- Sec. 35. - Directors of departments.
- Sec. 36. - Departmental divisions.

Sec. 32. - The city manager; qualifications.

The city manager shall be chosen by the council solely on the basis of his/her executive and administrative qualifications with special reference to his/her actual experience in, or his/her knowledge of, accepted practice in respect to the duties of his/her office as hereinafter set forth. At the time of his/her appointment, he/she need not be a resident of the city or state, but during his/her tenure of office he/she shall reside within the city.

Sec. 33. - The city manager; power and duties.

The city manager shall be the chief executive officer and the head of the administrative branch of the city government. He/she shall be responsible to the council for the proper administration of all affairs of the city and to that end, he/she shall have power and shall be required to:

- (1) Appoint and, when necessary for the good of the service, remove all officers and employees of the city except as otherwise provided by this charter and except as he/she may authorize the head of a department to appoint and remove subordinates in such department.
- (2) Prepare the budget annually and submit it to the council and be responsible for its administration after adoption.
- (3) Prepare and submit to the council as of the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year.
- (4) Keep the council advised of the financial condition and future needs of the city and make such recommendations as may seem to him/her desirable.
- (5) Perform such other duties as may be prescribed by this charter or required of him/her by the council, not inconsistent with this charter.

Sec. 34. - Absence of city manager.

To perform his/her duties during his/her temporary absence or disability, the manager may designate by letter filed with the city clerk a qualified administrative officer of the city. In the event of failure of the manager to make such designation, the council may by resolution appoint an officer of the city to perform the duties of the manager until he/she shall return or his/her disability shall cease.

Sec. 35. - Directors of departments.

At the head of each administrative department there shall be a director, who shall be an officer of the city and shall have supervision and control of the department subject to the city manager.

Two or more departments may be headed by the same individual, the manager may head one or more departments, and directors of departments may also serve as chiefs of divisions.

Sec. 36. - Departmental divisions.

The work of each administrative department may be distributed among such divisions thereof as may be established by ordinance upon the recommendation of the manager. Pending the passage of an ordinance or ordinances distributing the work of departments under the supervision and control of the manager among specific divisions thereof, the manager may establish temporary divisions.

ARTICLE IV. - DEPARTMENT OF LAW

Sec. 37. - City attorney; appointment.

Sec. 38. - City attorney; qualifications.

Sec. 39. - City attorney; powers and duties.

Sec. 37. - City attorney; appointment.

There shall be a department of law, the head of which shall be the city attorney, who shall be appointed by the city manager.

Sec. 38. - City attorney; qualifications.

The city attorney shall be a qualified attorney-at-law who is licensed to practice in the state of Texas.

Sec. 39. - City attorney; powers and duties.

The city attorney shall be the chief legal adviser of the council, of all offices, departments and agencies and of all officers and employees in matters relating to their official powers and duties. The city attorney shall represent or supervise the representation of the city in all legal proceedings. It shall be the city attorney's duty to perform all services incident to the position as may be required by statute, by this charter, or by ordinance.

(Ord. No. 13,944, § 16, 11-19-18)

ARTICLE V. - THE BUDGET

- Sec. 40. - Fiscal year.
- Sec. 41. - Preparation and submission of budget.
- Sec. 42. - Budget a public record.
- Sec. 43. - Public hearing and publication of notice.
- Sec. 44. - Reserved.
- Sec. 45. - Vote required for adoption.
- Sec. 46. - Date of final adoption; failure to adopt.
- Sec. 47. - Effective date of budget; certification; copies made available.
- Sec. 48. - Budget establishes appropriations.
- Sec. 49. - Budget establishes amount to be raised by property tax.
- Sec. 50. - Budget message; current operations.
- Sec. 51. - Budget message; supporting schedules.
- Sec. 52. - Budget.
- Secs. 53, 54. - Reserved.
- Sec. 55. - Contingent appropriation

Sec. 40. - Fiscal year.

The fiscal year of the city government shall begin on the first day of October and shall end on the last day of September of each calendar year. Such fiscal year shall also constitute the budget and accounting year. As used in this charter the term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

Sec. 41. - Preparation and submission of budget.

The city manager, at least sixty days prior to the beginning of each budget year, shall submit to the council a proposed budget and an explanatory budget message in the form and with the contents provided by sections 50 and 52. For such purpose, at such date as the city manager shall determine, the city manager, or an officer designated by the city manager, shall obtain from the head of each office, department or agency estimates of revenue and expenditure of that office, department, or agency detailed by organization units and character and object of expenditure, and such other supporting data as may be requested. In preparing the budget, the city manager shall review the estimates, shall conduct meetings with department directors regarding the estimates, and may revise the estimates, as the city manager may deem advisable.

(Ord. No. 13,944, § 17, 11-19-18)

Sec. 42. - Budget a public record.

The budget and budget message and all supporting schedules shall be a public record maintained in the office of the city clerk open to public inspection in accordance with law.

(Ord. No. 13,026, § 14, 11-16-15)

Sec. 43. - Public hearing and publication of notice.

A public hearing on the proposed budget shall be held and published in accordance with law.

(Ord. No. 13,026, § 17, 11-16-15)

Editor's note— Section 17 of Ord. No. 13,026, adopted Nov. 16, 2015, changed the title of § 44 from "Publication of notice of public hearing" to read as herein set out.

Sec. 44. - Reserved.

Editor's note— Section 16 of Ord. No. 13,026, adopted Nov. 16, 2015, repealed former § 44 which pertained to public hearing on budget.

Sec. 45. - Vote required for adoption.

The budget shall be adopted by the favorable votes of at least a majority of all members of the whole council.

Sec. 46. - Date of final adoption; failure to adopt.

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 by the city manager, shall be deemed to have been finally adopted by the council.

Sec. 47. - Effective date of budget; certification; copies made available.

Upon final adoption, the budget shall be in effect for the budget year, unless changed or amended in accordance with law. A copy of the budget, as finally adopted, shall be filed with the city clerk and the county clerks of Harris and Chambers Counties. The final budget shall be a public record maintained in the office of the city clerk.

(Ord. No. 12,110, § 5, 11-19-12)

Sec. 48. - Budget establishes 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 therein named.

Sec. 49. - Budget establishes amount to be raised by property tax.

From the effective date of the budget, the amount stated therein as the amount to be raised by property tax shall constitute a determination of the amount of the levy for the purposes of the city, in the corresponding tax year.

Sec. 50. - Budget message; current operations.

The budget message submitted by the city manager to the council shall be explanatory of the budget, shall contain an outline of the proposed financial policies of the city for the budget year and shall describe in connection therewith the important features of the budget plan. It shall set forth the reasons for salient changes from the previous year in expenditure and revenue items and shall explain any major changes in financial policy.

Sec. 51. - Budget message; supporting schedules.

Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material in respect to both current operations and capital outlays as the city manager shall believe useful to the council.

Sec. 52. - Budget.

The budget shall provide a complete financial plan for the fiscal year and shall contain the contents as required by law.

(Ord. No. 12,110, § 6, 11-19-12)

Secs. 53, 54. - Reserved.

Editor's note— Section 7 of Ord. No. 12,110, adopted Nov. 19, 2012, repealed §§ 53 and 54, which pertained to anticipated revenues compared with other years; and proposed expenditures; comparison with other years; and derived from the Charter adopted Jan. 24, 1948.

Sec. 55. - Contingent appropriation.

Provision shall be made in the annual budget for the appropriation of an amount not more than three per centum of the total general fund expenditure, to be used in the case of unforeseen items of expenditures. Such contingent appropriations shall be under the control of the city manager and distributed by him/her after approval by the city council, and a detailed account of such expenditures shall be recorded and reported.

(Ord. No. 12,110, § 8, 11-19-12)

ARTICLE VI. - BORROWING FOR CAPITAL IMPROVEMENTS

Sec. 56. - Definitions.

Sec. 57. - Power to incur indebtedness by issuing bonds, notes, certificates of obligation, and commercial paper.

Sec. 58. - Debt issuance; vote required.

Secs. 59—63. - Reserved.

Sec. 56. - Definitions.

As used in this charter, "capital project" or "project" means: (a) any physical public betterment or improvement and any preliminary studies and surveys relative thereto; (b) the acquisition of property of a permanent nature; (c) the purchase of equipment for any public betterment or improvement when first erected or acquired.

Sec. 57. - Power to incur indebtedness by issuing bonds, notes, certificates of obligation, and commercial paper.

The city may incur indebtedness by issuing its negotiable bonds, revenue bonds, notes, certificates of obligation and other commercial paper in accordance with state law to finance any capital project which it may lawfully construct or acquire, or for any legitimate public purpose.

(Ord. No. 12,110, § 9, 11-19-12)

Editor's note— Section 9 of Ord. No. 12,110, adopted Nov. 19, 2012, changed the title of § 57 from "Power to incur indebtedness by issuing bonds and notes" to "Power to incur indebtedness by issuing bonds, notes, certificates of obligation, and commercial paper."

Sec. 58. - Debt issuance; vote required.

The city shall authorize the issuance of bonds by a "Bond Ordinance" passed by the affirmative votes of the majority of all members of its council. Revenue bonds may be issued by the council in accordance with law. The issuance of general obligation bonds must be approved by a majority of the qualified voters voting at an election called for that purpose.

(Ord. No. 13,026, § 18, 11-16-15)

Editor's note— Section 18 of Ord. No. 13,026, adopted Nov. 16, 2015, changed the title of § 58 from "Bond ordinance; vote required" to read as herein set out.

Secs. 59—63. - Reserved.

Editor's note— Section 10 of Ord. No. 12,110, adopted Nov. 19, 2012, repealed §§ 59 through 63, which pertained to form and content of bond ordinance; title of bond ordinance; citation; form and content when two or more projects are combined; referendum on bond ordinance; public sale; and derived from the Charter adopted Jan. 24, 1948.

ARTICLE VII. - FINANCE ADMINISTRATION

- Sec. 64. - Director of finance; appointment.
- Sec. 65. - Director of finance; qualifications.
- Sec. 66. - Director of finance; surety bond.
- Sec. 67. - Director of finance; powers and duties.
- Sec. 68. - Transfer of appropriations.
- Sec. 69. - Accounting supervision and control.
- Sec. 70. - Appropriation lapse at end of year.
- Sec. 71. - Fees shall be paid to city government.
- Sec. 72. - Division of purchases.
- Sec. 73. - Sale of city property; procedure.
- Sec. 74. - Purchase procedure.
- Sec. 75. - Reserved.
- Sec. 76. - Accounting control of purchases.
- Sec. 77. - Disbursement of funds.
- Sec. 78. - Anticipation notes.
- Secs. 79, 80. - Reserved.

Sec. 64. - Director of finance; appointment.

There shall be a department of finance, the head of which shall be the city manager or be appointed by him/her.

Sec. 65. - Director of finance; qualifications.

The director of finance shall have knowledge of municipal accounting and taxation and shall have had experience in budgeting and financial control.

Sec. 66. - Director of finance; surety bond.

The director of finance shall provide a bond with such surety and in such amount as the council may require except that such bond shall be in an amount of not less than \$10,000.00.

Sec. 67. - Director of finance; powers and duties.

The director of finance shall have charge of the administration of the financial affairs of the city unless otherwise designated by the council and to that end, the director of finance shall have authority and shall be required to:

- (1) Compile the estimates of revenues and expenditures for the budget as directed by the city manager;
- (2) Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to ensure that budget appropriations are not exceeded;
- (3) Maintain a general accounting system for the city government; keep books for and exercise financial budgetary control; keep separate accounts for the items of appropriation contained in the city budget, each of which accounts shall show the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance; and require

reports of receipts and disbursements from each receiving and spending agency of the city government to be made daily or at such intervals as the director of finance may deem expedient;

- (4) Submit to the council through the city manager monthly statements in sufficient detail to show the exact financial condition of the city;
- (5) Prepare, as of the end of each fiscal year, a complete financial statement and report;
- (6) Collect all taxes, special assessments, license fees and other revenues of the city or for whose collection the city is responsible and receive all money receivable by the city from the state or federal government, or from any court, or from any office, department or agency of the city;
- (7) Serve as ex officio city treasurer and shall have custody of all public funds belonging to or under the control of the city, and deposit all funds coming into the director's hands in such depositories as may be designated by the council, or, if no such resolution be adopted, by the city manager, subject to the requirements of law as to surety and the payment of interest on deposits, but all such interest shall be the property of the city and shall be accounted for and credited to the proper account;
- (8) Have custody of all investments and invested funds of the city government, or in possession of such government in a fiduciary capacity, and have the safe-keeping of all bonds and notes of the city and the receipt and delivery of city bonds and notes for transfer, registration or exchange;
- (9) Supervise and be responsible for implementing a process for the purchase of all supplies, materials, equipment and other articles used by any office, department or agency of the city government; and
- (10) Review and certify that there is an unencumbered appropriation and available funds before an expenditure is made.

(Ord. No. 12,110, § 11, 11-19-12; Ord. No. 13,944, § 18, 11-19-18)

Sec. 68. - Transfer of appropriations.

At the request of the city manager, the council may by resolution transfer any unencumbered appropriation balance or portion thereof from one office, department or agency to another.

(Ord. No. 12,110, § 12, 11-19-12)

Sec. 69. - Accounting supervision and control.

The director of finance shall have power and shall be required to:

- (1) Prescribe the forms of receipts, vouchers, bills or claims to be used by all the offices, departments and agencies of the city government;
- (2) Examine and approve all contracts, orders and other documents by which the city government incurs financial obligations, having previously ascertained that moneys have been appropriated and allotted and will be available when the obligations shall become due and payable;
- (3) Audit and approve before payment all bills, invoices, payrolls and other evidences of claims, demands or charges against the city government and with the advice of the city attorney determine the regularity, legality and correctness of such claims, demands or charges;

- (4) Inspect and audit any accounts or records of financial transactions which may be maintained in any office, department or agency of the city government apart from or subsidiary to the accounts kept in his/her office.

Sec. 70. - Appropriation lapse at end of year.

All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered.

Sec. 71. - Fees shall be paid to city government.

All fees for city services received by any officer or employee shall belong to the city government and shall be paid to the department of finance at such times as required by the director of finance.

Sec. 72. - Division of purchases.

There shall be established in the department of finance, a division of purchases. The division of purchases, pursuant to rules and regulations established by ordinance, shall contract for purchase, store and distribute all supplies, materials and equipment required by any office, department or agency of the city government. The division of purchases shall also have power and shall be required to:

- (1) Establish and enforce specifications with respect to supplies, materials, and equipment required by the city government;
- (2) Inspect or supervise the inspection of all deliveries of supplies, materials, and equipment, and determine their quality, quantity and conformance with specifications;
- (3) Have charge of such general storerooms and warehouses as the council may provide by ordinance;
- (4) Transfer to or between offices, departments or agencies, or with the approval of the council sell surplus, obsolete, or unused supplies, material and equipment.

Sec. 73. - Sale of city property; procedure.

Before the city makes any sale or contract for the sale of any property belonging to the city, either in the form of land, real estate or other properties, opportunity shall be given for competition in compliance with law.

(Ord. No. 13,026, § 19, 11-16-15)

Sec. 74. - Purchase procedure.

Before the city makes any purchase or contract for supplies, materials, equipment, or contractual services, opportunity shall be given for competition in compliance with law. The director of finance shall have authority to make expenditures without the approval of the city council for all budgeted items, except those for which competition is required by law.

(Ord. No. 13,026, § 21, 11-16-15)

Editor's note— Pursuant to V.T.C.A., Local Government Code § 252.002, the city council has by Resolution Number 1193 adopted the limits for competitive bidding as follows: "Section 1: That Chapter

252 of the Local Government Code, as amended by Senate Bill 226, is hereby adopted as the competitive bidding procedure of the City of Baytown for expenditures for insurance of more than \$5,000 and for all other expenditures of more than \$10,000, and thereby such chapter supersedes Article VII, Section 74 of the Charter of the City of Baytown."

Sec. 75. - Reserved.

Editor's note— Section 20 of Ord. No. 13,026, adopted Nov. 16, 2015, repealed former § 75 which pertained to contracts for city improvement.

Sec. 76. - Accounting control of purchases.

All purchases made and contracts executed by the division of purchases shall be pursuant to a written requisition from the head of the office, department or agency whose appropriation will be charged, and no contract or order shall be issued to any vendor unless and until the director of finance certifies that there is to the credit of such office, department or agency a sufficient unencumbered appropriation balance to pay for the supplies, materials, equipment or contractual services for which the contract or order is to be issued.

Sec. 77. - Disbursement of funds.

All checks, vouchers or warrants for the withdrawal of money from the city depository shall be signed by the city treasurer, or his/her deputy, and countersigned by the city manager. In the absence of the city manager, checks may be countersigned by the city clerk.

Sec. 78. - Anticipation notes.

In any budget year, the council may by ordinance authorize the borrowing of money by the issuance of anticipation notes, each of which shall be designated "tax anticipation note for the year 20 ____" (stating the budget year).

(Ord. No. 12,110, § 13, 11-19-12)

Editor's note— Section 13 of Ord. No. 12,110, adopted Nov. 19, 2012, changed the title of § 78 from "Borrowing in anticipation of property taxes" to "Anticipation notes."

State Law reference— Tax anticipation notes, Vernon's Ann. Civ. St. art. 717w.

Secs. 79, 80. - Reserved.

Editor's note— Section 14 of Ord. No. 12,110, adopted Nov. 19, 2012, repealed §§ 79 and 80, which pertained to borrowing in anticipation of other revenues; and sales of notes, report of sale; and derived from the Charter adopted Jan. 24, 1948.

ARTICLE VIII. - TAX ADMINISTRATION^[2]

Footnotes:

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Editor's note— Most of this article is obsolete as superseded by the assessment and collection of ad valorem tax procedures in V.T.C.A., Tax Code § 1.01 et seq.

Sec. 81. - Reserved.

Sec. 82. - Tax rate limitation.

Secs. 83—86. - Reserved.

Sec. 87. - Taxes; when due and payable.

Sec. 88. - Reserved.

Sec. 89. - Tax liens.

Sec. 81. - Reserved.

Editor's note— Section 22 of Ord. No. 13,026, adopted Nov. 16, 2015, repealed former § 81 which pertained to division of taxation.

Sec. 82. - Tax rate limitation.

The ad valorem tax rate for maintenance and operations of the city shall not exceed a total tax of six-tenths (0.6) of one percent. Any levy of taxes to pay principal or interest on any tax bonds or other tax-supported debt of the City shall not be subject to the limitation prescribed in this section.

(Referendum of 1-20-79; Ord. No. 12,110, § 15, 11-19-12)

Editor's note— Section 15 of Ord. No. 12,110, adopted Nov. 19, 2012, changed the title of § 82 from "Property subject to tax; method of assessment" to "Tax rate limitation."

Secs. 83—86. - Reserved.

Editor's note— Section 16 of Ord. No. 12,110, adopted Nov. 19, 2012, repealed §§ 83 through 86, which pertained to board of equalization; appointment; qualification; board of equalization; public hearings; notice to owner; board of equalization; powers and duties; board of equalization; records; approval of rolls; and derived from the Charter adopted Jan. 24, 1948.

Sec. 87. - Taxes; when due and payable.

All taxes due the city are due upon receipt of the tax bill and are delinquent if not paid before February 1 of the year following the year in which the tax was imposed. All taxes not paid prior to such date shall be subject to penalties and interest as prescribed by law.

(Ord. No. 13,026, § 23, 11-16-15)

Sec. 88. - Reserved.

Editor's note— Section 24 of Ord. No. 13,026, adopted Nov. 16, 2015, repealed former § 88 which pertained to seizure and sale of personal property.

Sec. 89. - Tax liens.

The tax levied by the city is hereby declared to be a lien, charge, or encumbrance upon the property upon which the tax is due, which lien, charge, or encumbrance the city is entitled to enforce and foreclose in accordance with law.

(Ord. No. 13,026, § 25, 11-16-15)

ARTICLE IX. - NOMINATIONS AND ELECTIONS

- Sec. 90. - Municipal elections.
- Sec. 91. - Regulation of elections.
- Sec. 92. - How to get name on ballot.
- Sec. 93. - Council ballots.
- Sec. 94. - Election of councilmen by majority.
- Sec. 95. - Laws governing city elections.
- Sec. 96. - Canvassing elections.

Sec. 90. - Municipal elections.

The regular municipal election for the choice of members of the council as provided in Article II, Section 12, shall be held each year on a state uniform election date in accordance with law. The council may order a special election, fix the time for holding same, and provide all means for holding such special elections.

(Res. No. 2159, § 2, 10-11-11; Ord. No. 13,026, § 26, 11-16-15)

Editor's note— The first Tuesday in November is the election date pursuant to V.T.C.A., Election Code § 41.001.

Sec. 91. - Regulation of elections.

The council shall make all regulations which it considers needful or desirable, not inconsistent with this charter or the laws of the state of Texas, for the conduct of municipal elections, for the prevention of fraud in such elections and for the recount of ballots in case of doubt or fraud. Municipal elections shall be conducted by the appointed election authorities, who shall also have power to make such regulations not inconsistent with this charter, with any regulations made by the council or the laws of the state of Texas.

Sec. 92. - How to get name on ballot.

Any qualified voter of the city who is otherwise qualified may have his/her name printed upon the official ballot for the particular office at any election by filing his/her sworn application with the city clerk within the time period provided by law.

(Ord. No. 13,026, § 30, 11-16-15)

Sec. 93. - Council ballots.

The names of all candidates for mayor or the council as hereinbefore provided, except such as may have withdrawn, died or become ineligible, shall be printed on the official ballots without party designations. If two or more candidates for the same office have the same or similar surnames, each of those candidates may have printed on the ballot a brief distinguishing description or title in accordance with law. The order of the names on the ballot shall be determined by lot.

(Ord. No. 13,026, § 31, 11-16-15)

Sec. 94. - Election of council members by majority.

At the regular municipal election the candidates for the office of council member, to the number to be elected, and for the office of mayor, who shall have received the majority of votes cast in such elections shall be declared elected.

Should any candidate fail to receive a majority of votes at the regular election for the office for which he/she is a candidate, the council shall order a special election to be held at the time and manner prescribed by law.

(Ord. No. 13,026, § 27, 11-16-15)

Sec. 95. - Laws governing city elections.

All city elections shall be governed, except as otherwise provided by the charter, by the laws of the state of Texas governing general and municipal elections, so far as same may be applicable thereto; and in event there should be any failure of the general laws or this charter to provide for some feature of the city elections, then the city council shall have the power to provide for such deficiency, and no informalities in conducting a city election shall invalidate the same, if it be conducted fairly and in substantial compliance with the general laws, where applicable, and the charter and ordinances of the city.

Sec. 96. - Canvassing elections.

Returns of the elections, general and special, shall be made by the election officers to the city council and the council shall canvass the returns and declare the results of such election in accordance with law.

(Ord. No. 13,944, § 19, 11-19-18)

Editor's note— The city council canvasses election results in accordance with V.T.C.A., Election Code § 67.003.

ARTICLE X. - INITIATIVE, REFERENDUM AND RECALL

- Sec. 97. - Power of initiative.
- Sec. 98. - Power of referendum.
- Sec. 99. - Form of petitions; committee of petitioners.
- Sec. 100. - Filing, examination and certification of petitions.
- Sec. 101. - Amendments of petitions.
- Sec. 102. - Effect of certification of referendum petition.
- Sec. 103. - Consideration by council.
- Sec. 104. - Submission of electors.
- Sec. 105. - Form of ballot for initiated and referred ordinances.
- Sec. 106. - Results of election.
- Sec. 107. - Repealing ordinances; publication.
- Sec. 108. - Recall; general.
- Sec. 109. - Recall procedure.
- Sec. 110. - Recall petitions.
- Sec. 111. - Recall election.
- Sec. 112. - Ballots in recall election.
- Sec. 113. - Results of recall election.
- Sec. 114. - Limitation on recalls.
- Sec. 115. - District judge may order election.

Sec. 97. - Power of initiative.

- (a) *In general.* The electors shall have power to propose any ordinance, except an ordinance appropriating money, authorizing the issuance of bonds or other indebtedness, authorizing the levy of taxes, granting a franchise, fixing public utility rates, amending zoning regulations, or zoning specific property, and to adopt or reject the same at the polls, such power being known as the initiative. A subject, which the city council has previously addressed may be the subject of an initiative ordinance; provided that the initiative ordinance makes or enacts a new law and does not merely repeal or have the effect of repealing an existing law.
- (b) *Requirements.* Any initiative ordinance may be submitted to the council by a petition signed by at least 1,000 qualified electors of the city.
- (c) *Determination of power invoked.* The power of initiative is separate and distinct from the power of referendum granted pursuant to section 98. The city council in the first instance shall determine which power is being invoked, which decision shall be subject to judicial review under the substantial evidence rule.

(Ord. No. 10,335, § 6, 5-22-06; Ord. No. 12,110, § 17, 11-19-12)

Sec. 98. - Power of referendum.

- (a) *In general.* The electors shall have power to approve or reject at the polls any ordinance, except an ordinance appropriating money, authorizing the issuance of bonds or other indebtedness, authorizing the levy of taxes, granting a franchise, fixing public utility rates, amending zoning regulations, or zoning specific property, passed by the council, or submitted by the council to a vote of the electors, such power being known as the referendum. Ordinances submitted to the council by initiative petition and passed by the council without change shall be subject to the referendum in the same manner as other ordinances.

- (b) *Requirements.* Within 365 days after the enactment by the council of any ordinance which is subject to a referendum, a petition signed by at least 1,000 qualified electors of the city may be filed with the city clerk requesting that any such ordinance be either repealed or submitted to a vote of the electors.
- (c) *Determination of power invoked.* The power of referendum is separate and distinct from the power of initiative granted pursuant to section 97. The city council in the first instance shall determine which power is being invoked, which decision shall be subject to judicial review under the substantial evidence rule.

(Ord. No. 10,335, § 7, 5-22-06; Ord. No. 12,110, § 18, 11-19-12)

Sec. 99. - Form of petitions; committee of petitioners.

Initiative petition papers shall contain the full text of the proposed ordinance. The signatures to initiative or referendum petitions need not all be appended to one paper; but to each separate petition there shall be attached a statement of the circulator thereof as provided by this section. Each signer of any petition paper shall sign his/her name in ink or indelible pencil and there shall be included such other information as required by state law. There shall appear on each petition the names and addresses of five electors, who, as a committee of the petitioners, shall be regarded as responsible for the circulation and filing of the petition. Attached to each separate petition paper there shall be an affidavit of the circulator thereof that he/she, and he/she only, personally circulated and witnessed the signatures on the foregoing paper, that it bears a stated number of signatures, that all signatures appended thereto were made in his/her presence, and that he/she believes them to be the genuine signatures of the persons whose names they purport to be.

(Ord. No. 12,110, § 19, 11-19-12)

Sec. 100. - Filing, examination and certification of petitions.

All petition papers comprising an initiative or referendum petition shall be assembled and filed with the city clerk as one instrument. Within twenty days after a petition is filed, the city clerk shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified electors. The city clerk shall declare any petition paper entirely invalid which does not have attached thereto an affidavit signed by the circulator thereof. If a petition paper is found to be signed by more persons than the number of signatures certified by the circulator, the last signatures in excess of the number certified shall be disregarded. If a petition paper is found to be signed by fewer persons than the number certified, the signatures shall be accepted unless void on other grounds. After completing his/her examination of the petition, the city clerk shall certify the result thereof to the council at its next regular meeting. If he/she shall certify that the petition is insufficient he/she shall set forth in his/her certificate the particulars in which it is defective and shall at once notify the committee of the petitioners of his/her findings.

Sec. 101. - Amendments of petitions.

An initiative or referendum petition may be amended at any time within ten days after the notification of insufficiency has been sent by the city clerk, by filing a supplementary petition upon additional papers signed and filed as provided in case of an original petition. The city clerk shall, within five days after such an amendment is filed, make examination of the amended petition and, if the petition be still insufficient, he/she shall file his/her certificate to that effect in his/her office and notify the committee of the petitioners of his/her findings and no further action shall be had on such insufficient

petition. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

Sec. 102. - Effect of certification of referendum petition.

When a referendum petition, or amended petition as defined in section 101 of this charter, has been certified as sufficient by the city clerk, the ordinance specified in the petition shall not go into effect, or further action thereunder shall be suspended if it shall have gone into effect, until and unless approved by the electors, as hereinafter provided.

Sec. 103. - Consideration by council.

When council receives a certified initiative or referendum petition from the city clerk, it shall proceed at once to consider such petition. A proposed initiative ordinance shall be read and provision shall be made for a public hearing upon the proposed ordinance. The council shall take final action on the ordinance not later than sixty days after the date on which such ordinance was submitted to the council by the city clerk. A referred ordinance shall be reconsidered by the council and its final vote upon such reconsideration shall be upon the question, "Shall the ordinance specified in the referendum petition be repealed?"

Sec. 104. - Submission of electors.

If the council shall fail to pass an ordinance proposed by initiative petition, or shall pass it in a form different from that set forth in the petition therefor, or if the council fails to repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the electors at the next regular municipal election after the date the council takes its final vote thereon; provided, however, that the statutory prerequisites can be met.

(Ord. No. 12,110, § 20, 11-19-12; Ord. No. 13,026, § 28, 11-16-15)

Sec. 105. - Form of ballot for initiated and referred ordinances.

Ordinances submitted to vote of the electors in accordance with the initiative and referendum provisions of this charter shall be submitted by ballot title, which shall be prepared in all cases by the city attorney. The ballot title may be different from the legal title of any such initiated or referred ordinance and shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance; if a paper ballot shall have below the ballot title the following propositions, one above the other, in the order indicated: "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE." Any number of ordinances may be voted on at the same election and may be submitted on the same ballot, but any paper ballot used for voting thereon shall be for that purpose only. If voting machines are used, the ballot title of any ordinance shall have below it the same two propositions, one above the other or one preceding the other in the order indicated, and the elector shall be given an opportunity to vote for either of the two propositions and thereby to vote for or against the ordinance.

Sec. 106. - Results of election.

If a majority of the electors voting on a proposed initiative ordinance shall vote in favor thereof, it shall thereupon be an ordinance of the city. A referred ordinance which is not approved by a majority of the electors voting thereon shall thereupon be deemed repealed. If conflicting ordinances are approved by

the electors at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

Sec. 107. - Repealing ordinances; publication.

Initiative and referendum ordinances adopted or approved by the electors shall be published, and may be amended or repealed by the council, as in the case of other ordinances.

Sec. 108. - Recall; general.

The mayor or any member of the city council may be removed from office by recall.

Sec. 109. - Recall procedure.

Any elector of the City of Baytown may make and file with the city clerk an affidavit containing the name or names of the officer or officers whose removal is sought and a statement of the grounds for removal. The clerk shall thereupon deliver to the elector making such affidavit copies of petition blanks demanding such removal. The city clerk shall keep a sufficient number of such printed petition blanks on hand for distribution. Such blanks when issued by the city clerk shall bear the signature of that officer and be addressed to the city council, and shall be numbered, dated, and indicate the name of the person to whom issued. The petition blanks when issued shall also indicate the number of such blanks issued and the name of the officer whose removal is sought. The city clerk shall enter in a record to be kept in his/her office the name of the elector to whom the petition blanks were issued and the number issued to said person.

Sec. 110. - Recall petitions.

The recall petition to be effective must be returned and filed with the city clerk within thirty days after the filing of the affidavit required in Section 109. A recall petition concerning a council member must be signed by qualified electors entitled to vote for a successor to the member subject to the recall, equal in number to the votes cast at the last general municipal election at which at least two candidates ran for the place occupied by the member sought to be removed. A recall petition concerning a mayor must be signed by qualified electors of the city equal in number to at least fifty-one percent (51%) of the votes cast at the last general municipal election at which at least two candidates ran for mayor, provided, however, that the petition shall contain the signatures of at least seven hundred (700) qualified electors of the city. A recall petition shall conform to the provisions of Section 99 herein and shall have attached to it at the time of the execution of the petition by each elector the recall affidavit filed with the city clerk outlining the reasons why the person is being subject to a recall. No petition papers shall be accepted as part of a petition unless it bears the signature of the city clerk as required in Section 109 herein.

(Ord. No. 10,335, § 8, 5-22-06; Ord. No. 12,110, § 21, 11-19-12)

Sec. 111. - Recall election.

The city clerk shall at once examine the recall petition and if he/she finds it sufficient and in compliance with the provisions of this article of the charter, he/she shall within five (5) days submit it to the city council with his/her certificate to that effect and notify the officer sought to be recalled of such action. If the officer whose removal is sought does not resign within five (5) days after such notice, the city council at the next regular meeting shall thereupon order and fix a date for holding a recall election.

Any such election shall be held at the next regular municipal election after the petition has been presented to the city council provided, however, that the statutory prerequisites can be met.

(Ord. No. 12,110, § 22, 11-19-12; Ord. No. 13,026, § 29, 11-16-15)

Sec. 112. - Ballots in recall election.

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

- (1) With respect to each person whose removal is sought the question shall be submitted "Shall (name of person) be removed from the office of (name of office) by recall?"
- (2) Immediately below each such question there shall be printed the two following propositions, one above the other, in the order indicated:

"For the recall of (name of person)"

"Against the recall of (name of person)"

Sec. 113. - Results of recall election.

If a majority of the votes cast at a recall election shall be against the recall of the officer named on the ballot, he/she shall continue in office for the remainder of his/her unexpired term, subject to recall as before. If a majority of the votes cast at such an election be for the recall of the officer named on the ballot, he/she shall, regardless of any technical defects in the recall petition, be deemed removed from office and the vacancy shall be filled by the city council as in other vacancies.

Sec. 114. - Limitation on recalls.

No recall petition shall be filed against the mayor or a council member within six months after he/she takes office nor in respect to an officer subjected to a recall election and not removed thereby, until at least six months after such election.

Sec. 115. - District judge may order election.

Should the city council fail or refuse to order any of the elections as provided for in this article, when all the requirements for such election have been complied with by the petitioning electors in conformity with this article of the charter, then it shall be the duty of any one of the District Judges of Harris County, Texas, upon proper application being made therefor, to order such elections and to enforce the carrying into effect of the provisions of this article of the charter.

ARTICLE XI. - FRANCHISES AND PUBLIC UTILITIES

- Sec. 116. - Powers of the city.
- Sec. 117. - Franchises; power of council.
- Sec. 118. - Franchise value not to be allowed.
- Sec. 119. - Right of regulation.
- Sec. 120. - Consent of property owners.
- Sec. 121. - Extensions.
- Sec. 122. - Other conditions.
- Sec. 123. - Franchise records.
- Sec. 124. - Accounts of municipally owned utilities.
- Sec. 125. - Regulation of rates and service.

Sec. 116. - Powers of the city.

In addition to the city's power to buy, own, construct, maintain, and operate utilities and to manufacture and distribute electricity, gas, or anything else that may be needed or used by the public (see powers made part of this charter in Article I, Section 3), the city shall have further powers as may now or hereafter be granted under the constitution and laws of the State of Texas.

Sec. 117. - Franchises; power of council.

The city council shall have power by ordinance to grant, amend, renew and extend all franchises of all public utilities of every character operating within the city of Baytown, and for such purposes is granted full power. All ordinances granting, amending, renewing, or extending franchises for public utilities shall be considered at three separate regular meetings of the city council, and shall not be finally passed until thirty days after the first reading; and no such ordinance shall take effect until sixty days after its final passage; and pending such time, the full text of such ordinance shall be published once each week for four consecutive weeks in the official newspaper published in the city of Baytown, and the expense of such publication shall be borne by the proponent of the franchise. No public utility franchise shall be transferable except with the approval of the council expressed by ordinance.

(Ord. No. 13,944, § 20, 11-19-18)

Sec. 118. - Franchise value not to be allowed.

In fixing reasonable rates and charges for utility service within the city and in determining the just compensation to be paid by the city for public utility property which the city may acquire by condemnation or otherwise, nothing shall be included as the value of any franchise granted by the city under this charter.

Sec. 119. - Right of regulation.

All grants, renewals, extensions, or amendments of public utility franchises, whether it be so provided in the ordinance or not, shall be subject to the right of the city:

- (1) To repeal the same by ordinance at any time for failure to begin construction or operation within the time prescribed or otherwise to comply with the terms of the franchise, such power to be exercised only after due notice and hearing.

- (2) To acquire an adequate extension of plant and service, and the maintenance of the plant and fixtures at the highest reasonable standard of efficiency.
- (3) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates.
- (4)
 - (a) To prescribe the form of accounts kept by each such utility; provided, that if the utility shall keep its accounts in accordance with the uniform system of accounts for said utility prescribed by the National Association of Railroad and Public Utility Commissioners, the Federal Power Commission, the Federal Communications Commission, the Railroad Commission of Texas, their successor, or successors, this shall be deemed sufficient compliance with this paragraph.
 - (b) At any time to examine and audit the accounts and other records of any such utility and to require annual and other reports, including reports on local operations by each such public utility.
- (5) To impose such reasonable regulations and restrictions as may be deemed desirable or conducive to the safety, welfare and accommodation to the public.
- (6) To at any time require such compensation and rental as may be permitted by the laws of the state of Texas.

Sec. 120. - Consent of property owners.

The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance or operation of any public utility; but, nothing in this charter or in any franchise granted thereunder shall ever be construed to deprive any such property owner of any right of action for damage or injury to his/her property as now or hereafter provided by law.

Sec. 121. - Extensions.

All extensions of public utilities within the city limits shall become a part of the aggregate property of the public utility, shall be operated as such, and shall be subject to all the obligations and reserved rights contained in this charter and in any original grant hereafter made. The right to use and maintain any extension shall terminate with the original grant and shall be terminable as provided in Section 119. In case of an extension of a public utility operated under a franchise hereafter granted, such right shall be terminable at the same time and under the same conditions as the original grant.

Sec. 122. - Other conditions.

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

Sec. 123. - Franchise records.

The city shall compile and maintain a public record of public utility franchises.

(Ord. No. 13,944, § 21, 11-19-18)

Sec. 124. - Accounts of municipally owned utilities.

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

(Ord. No. 13,944, § 22, 11-19-18)

Sec. 125. - Regulation of rates and service.

The city council shall, to the extent permitted by law, have full power to regulate the rates and service of every public utility operating in the city of Baytown.

(Ord. No. 13,944, § 23, 11-19-18)

ARTICLE XII. - GENERAL PROVISIONS

- Sec. 126. - Publicity of records.
- Sec. 127. - Personal interest.
- Sec. 128. - Oath of office.
- Sec. 129. - Public library.
- Sec. 130. - Reserved.
- Sec. 131. - Reserved.
- Sec. 132. - Zoning ordinances.
- Sec. 133. - Reserved.
- Sec. 134. - Provisions relating to assignment, execution and garnishment.
- Sec. 135. - City not required to give security or execute bond.
- Sec. 136. - Reserved.
- Sec. 137. - Reserved.
- Sec. 138. - Amending the charter.
- Sec. 139. - Separability clause.
- Sec. 140. - Construction of charter.

Sec. 126. - Publicity of records.

All records and accounts of every office, department or agency of the city shall be open to the public unless otherwise expressly provided by law.

(Ord. No. 13,026, § 15, 11-16-15)

State Law reference— Public records, V.T.C.A., Government Code § 552.001 et seq.

Sec. 127. - Personal interest.

No member of the council or any officer or employee having a direct or indirect interest in any proposed or existing contract, work, sale or service to or by the city shall vote or render a decision or use his/her position, authority or influence in a manner that would result in his/her financial betterment to any degree, except as allowed by law. Further, any elected officer shall publicly disclose any such interest upon assumption of office or prior to consideration of any such matters in compliance with law. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee of the city found guilty thereof shall thereby forfeit his/her office or position. Any violation of this section with the knowledge express[ed] or implied of the person or corporation contracting with the city shall render the contract voidable by the city manager or the council.

(Ord. No. 12,110, § 23, 11-19-12)

State Law reference— Conflicts of interest, V.T.C.A., Government Code § 171.001 et seq.

Sec. 128. - Oath of office.

Every officer of the city shall, before entering upon the duties of the office, take and subscribe to the following oath of affirmation, to be filed and kept in the office of the city clerk:

I, _____, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of _____, of the city of Baytown, state of Texas, and will to the best of my ability preserve, protect, and defend the constitution and laws of the United States and of this state. So help me God.

(Ord. No. 13,944, § 24, 11-19-18)

State Law reference— Oath, Texas Const., art. 16, § 1.

Sec. 129. - Public library.

The city council shall have the authority to establish and maintain a free public library within the city and to cooperate with any person, firm, association or corporation under such terms as the city council may prescribe for the establishment of such free public library. For budget purposes, the library shall be considered as a department of the city and the appropriations therefor shall comply with all the budgetary requirements as outlined in this charter and as may be prescribed from time to time by the city council. Annual appropriations for the library will not be continuing, but will revert to the general fund in the same manner as the underspent appropriations of the other departments.

Sec. 130. - Reserved.

Editor's note— Ord. No. 13,944, § 25, adopted Nov. 19, 2018 from the results of the Nov. 6, 2018 election, repealed former § 130 which pertained to hospital; operation, and derived from the original Charter.

Sec. 131. - Reserved.

Editor's note— Ord. No. 13,944, § 26, adopted Nov. 19, 2018 from the results of the Nov. 6, 2018 election, repealed former § 131 which pertained to hospital; finances, and derived from the original Charter.

Sec. 132. - Zoning ordinances.

For the purpose of promoting the health, safety, morals or general welfare of the city, all of the powers granted by V.T.C.A., Local Government Code §§ 211.001 et seq., together with existing amendments and all amendments as hereinafter may be made relating to zoning in cities, are hereby adopted and made a part of this charter.

(Ord. No. 13,026, § 32, 11-16-15)

Sec. 133. - Reserved.

Editor's note— Ord. No. 13,944, § 26, adopted Nov. 19, 2018 from the results of the Nov. 6, 2018 election, repealed former § 133 which pertained to housing authority, and derived from the original Charter.

Sec. 134. - Provisions relating to assignment, execution and garnishment.

The property, real and personal, belonging to the city is not subject to sale or appropriation under any writ of execution or cost bill. Funds belonging to the city, in the hands of any person, firm or corporation, shall not be subject 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. 13,944, § 27, 11-19-18)

Sec. 135. - City not required to give security or execute bond.

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

Sec. 136. - Reserved.

Editor's note— Ord. No. 13,944, § 28, adopted Nov. 19, 2018 from the results of the Nov. 6, 2018 election, repealed former § 136 which pertained to effect of this charter on existing law, and derived from the original Charter.

Sec. 137. - Reserved.

Editor's note— Ord. No. 13,944, § 29, adopted Nov. 19, 2018 from the results of the Nov. 6, 2018 election, repealed former § 137 which pertained to interim municipal government, and derived from the original Charter.

Sec. 138. - Amending the charter.

- (a) *Amendments by charter commission.* Amendments to this charter may be framed and submitted to the electors of the city by a charter commission in the manner provided by law for framing and submitting a new charter.
- (b) *Amendments by council or by petition.* Amendments may also be proposed and submitted by ordinance, passed by a majority vote of the full membership of the council, or by a petition satisfying all applicable requirements established by law. When a charter amendment petition shall have been filed with the council in conformity with the provisions of this charter as to petitions for initiated ordinances, the council shall forthwith provide by ordinance for submitting such proposed amendment to a vote of the electors.
- (c) *Calling the election.* The ordinance ordering the election shall provide for the election to be held on a date prescribed by law, which allows sufficient time to comply with all requirements of law. Notice of the election shall be published in a newspaper of general circulation published in the city.
- (d) *Election.* Any charter amendment to be submitted to a vote of the electors shall be posted on the city's internet website if the city maintains a website. If a proposed amendment be approved by a majority of the electors voting thereon, it shall become a part of the charter at the time fixed therein. Each amendment shall be confined to one subject; and when more than one amendment shall be submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment separately.
- (e) *Charter review committee.* The city council may appoint a charter review committee in which each member of the city council shall nominate one citizen, who is not a member of the city council.
 - (1) *Duties of the committee:* It shall be the duty of such charter review committee to:
 - a. Inquire into the operations of the city government under the charter provisions and determine whether any such provisions should be revised;
 - b. Propose any recommendations it may deem desirable to ensure compliance with the provisions of this charter by the several departments of the city government;

- c. Propose, if it deems desirable, amendments to this charter to improve the effective application of said charter to current conditions; and
 - d. Report its findings and present its proposed amendments, if any, to the city council.
- (2) *Action by the city council:* The city council shall receive any report presented by the charter review committee, shall post any such report on the city's internet website if the city maintains a website, shall consider any recommendations made, and if any amendments or amendment be presented as a part of such report, may order such amendment or amendments to be submitted to the voters of the city in the manner provided by the applicable statute of the State of Texas.
- (3) *Term of office:* Members of the charter review committee shall serve from their date of appointment until the first date after such appointment by which the city council is required to call its regular municipal election for the office of the mayor. If during such term no report is presented to the city council, then all records of the proceedings of such committee shall be filed with city clerk and shall become a public record.

(Ord. No. 12,110, § 24, 11-19-12; Ord. No. 13,944, § 30, 11-19-18)

Sec. 139. - Separability clause.

If any section or part of section of this charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this charter nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

Sec. 140. - Construction of charter.

- (a) Words in the present or past tense include the future tense.
- (b) The masculine gender includes the feminine and neuter genders.
- (c) A grammatical error does not invalidate a provision in the charter. If the sentence or clause is meaningless because of the grammatical error, words and clauses may be transposed to give the charter meaning.
- (d) The singular includes the plural and the plural includes the singular unless expressly provided otherwise.
- (e) Unless expressly provided otherwise, a reference to any portion of a statute, rule or regulation applies to all reenactments, revisions or amendments of the statute, rule or regulation.
- (f) Whenever a section of this charter requires or authorizes an officer or employee of the city to do some act or perform some duty, it shall be construed to authorize the officer or employee to designate, delegate and authorize subordinates to perform the act or duty, unless the terms of the section specifically provide otherwise.

(Ord. No. 10,335, § 9, 5-22-06; Ord. No. 13,944, § 31, 11-19-18)

CHARTER COMPARATIVE TABLE - ORDINANCES/REFERENDUM

This table shows the location of the sections of the basic Charter and any amendments thereto.

Election Date	Section	Section this Charter
1-24-48	1—139	1—139
1-20-79		82
5- 4-02	22.1	22.1

Ordinance Number	Election/ Adoption Date	Section	Section this Charter
10,335	5-13-06/5-22-06	3	12
		4	16
		5	25
		6, 7	97, 98
		8	110
		9 Added	140
2159(Res.)	10-11-11	2	12(note)
			25(note)
			90(note)
12,110	11-6-12/11-19-12	3	9

Ordinance Number	Election/ Adoption Date	Section	Section this Charter
		4	31
		5	47
		6	52
		7 Rpld	53, 54
		8	55
		9	57
		10 Rpld	59—63
		11 Rpld	67(6)
		12	68
		13	78
		14 Rpld	79, 80
		15	82
		16 Rpld	83—86
		17—19	97—99
		20	104
		21, 22	110, 111
		23	127
		24	138

Ordinance Number	Election/ Adoption Date	Section	Section this Charter
13,026	11-3-15/11-16-15	4	3
		5	4
		6	8
		7—11	13—17
		12, 13	24, 25
		14	42
		15	126
		16 Rpld	44
		17	43
		18	58
		19	73
		20 Rpld	75
		21	74
		22 Rpld	81
		23	87
		24 Rpld	88
		25	89
		26	90

Ordinance Number	Election/ Adoption Date	Section	Section this Charter
		27	94
		28	104
		29	111
		30	92
		31	93
		32	132
13,944	11-6-18/11-19-18	6—8	5—7
		9	9
		10, 11	12, 13
		12—14	21—23
		15	27
		16	39
		17	41
		18	67
		19	96
		20	117
		21—23	123—125
		24	128

Ordinance Number	Election/ Adoption Date	Section	Section this Charter
		25 Rpld	130, 131
		26 Rpld	133
		27	134
		28, 29 Rpld	136, 137
		30	138(e)
		31	140