



Fellow Garden Ridge Residents,

March 7, 2023

Last October, the Garden Ridge City Council established a Home Rule Charter Commission to develop a document to define organization, powers, functions, and procedures for city government. Currently, our city is a General Law Type A municipality with limited ability to govern ourselves outside of state statutes. In contrast, Home Rule Cities are empowered to legislate at the local level with deference to the State Constitution. Examples of additional powers through Home Rule include:

- **Recall.** Any elected city official shall be subject to recall and removal from office by the registered voters of the city on grounds of incompetency, misconduct, or malfeasance in office.
- **Initiative.** Voters may initiate legislation by submitting a petition addressed to the City Council requesting the submission of a proposed ordinance to a vote of the registered voters of the city.
- **Referendum.** Voters may require any ordinance passed by the City Council and subject to the initiative process under this Charter be submitted to the registered voters of the city for approval or disapproval, by submitting a petition within sixty (60) days after final passage of said ordinance.

In short, these powers allow for the removal of a city official, the opportunity to propose legislation, and the ability to change or eliminate ordinances. The Charter also addresses government structure, term limits, and various administrative procedures.

The Home Rule Charter will be on the ballot in a special election on May 6, 2023. The ballot for this special election will give you the opportunity to vote "Yes" or "No" to adopt the Charter for the City of Garden Ridge.

I encourage all of you to read it so you are familiar with its contents prior to the special election. A Town Hall meeting discussing the Charter will be held at City Hall on Tuesday, April 11, 2023, at 6:00pm. This meeting will also be streamed live and recorded for later reference. Additional information is available for you on our city website at [www.ci.garden-ridge.tx.us](http://www.ci.garden-ridge.tx.us) or scan the QR code to learn more!

Very Respectfully,

Robert R. Erickson  
Mayor, City of Garden Ridge



# **CITY OF GARDEN RIDGE CITY CHARTER**

## **PREAMBLE**

We, the citizens of Garden Ridge, Texas, in order to establish a Home Rule Municipal Government, provide for the future progress of our City, obtain the full benefits of local self-government and provide for the public welfare, hereby adopt this Home Rule Charter, in accordance with the constitution and statutes of the State of Texas; and do hereby declare the residents of the City of Garden Ridge, in Comal County, Texas, living within the legally established boundaries of the said City, to be a political subdivision of the State of Texas incorporated forever under the name and style of the “City of Garden Ridge” with such powers, rights, privileges, authorities, duties, and immunities, as are herein provided.

## **ARTICLE I**

### **FORM OF GOVERNMENT AND BOUNDARIES**

#### **SECTION 1.01 FORM OF GOVERNMENT**

The municipal government provided by this Charter shall be known as the “City Council-Manager Government.” Pursuant to the provisions herein, and subject only to the limitations imposed by the State Constitution and state statutes, all powers of the City shall be vested in an elected city council, hereinafter referred to as the “City Council,” which shall enact local legislation, adopt budgets, determine policies, and appoint City officials as noted in this Charter, including the City Manager, who in turn shall be held responsible to the City Council for the execution of the laws and the administration of the government of the City. All powers of the City shall be exercised in the manner prescribed by this Charter, or if the manner is not prescribed, then in such manner as may be prescribed by ordinance, the State Constitution, or by state statutes.

#### **SECTION 1.02 BOUNDARIES**

The citizens of the City of Garden Ridge, Comal County, Texas, residing within its corporate limits, as heretofore or hereafter established, are hereby constituted and shall continue to be a municipal body politic and corporate, in perpetuity, under the name of the “City of Garden Ridge,” with such powers, privileges, rights, duties, authorities, and immunities as are herein provided.

#### **SECTION 1.03 EXTENSION AND REDUCTION OF BOUNDARIES**

- A. The boundaries of the City may be enlarged by the annexation of additional territory in any manner authorized by law.
- B. Whenever, in the opinion of the City Council, there exists within the corporate limits of the City and territory, either inhabited or uninhabited, not suitable, or necessary for City purposes, the City Council may, upon a public hearing and by ordinance duly passed, discontinue said territory as part of the City.

**ARTICLE II  
POWERS OF THE CITY**

**SECTION 2.01      GENERAL POWERS OF THE CITY**

The City shall have all powers and rights of self-government and home rule that exist now or may be granted to municipalities by the Constitution and laws of the State of Texas, together with all implied powers necessary to carry into execution such granted powers, unless such power of right is expressly prohibited or restricted by this Charter.

**ARTICLE III  
THE CITY COUNCIL**

**SECTION 3.01      COMPOSITION AND TERM**

- A.     The City Council shall be composed of a Mayor (the “Mayor”) and five (5) City Council Members (individually referred to as “Council Members”) (the Mayor and Council Members collectively referred to as “Members of City Council” or the “City Council”).
- B.     The Mayor shall be elected at large, and each Council Member shall be elected at large but by Place. The term of office for Members of City Council shall be two (2) years. Members of the City Council shall hold office until their successor qualifies and takes office.

**SECTION 3.02      LIMITATIONS ON TERMS**

This Charter does not restrict or place limitations on the number of terms any one person may serve.

**SECTION 3.03      QUALIFICATIONS OF CITY COUNCIL AND LIMITATION ON PREVIOUSLY RECALLED MEMBERS OF CITY COUNCIL**

- A.     Candidates for election and appointment to City Council shall meet all state qualifications for office.
- B.     Candidates for election and appointment to City Council who have been previously recalled from office shall not be eligible for appointment or election to City Council for a period of four (4) years from the date of the election at the end of the term during which they were recalled.

**SECTION 3.04      MAYOR AND MAYOR PRO-TEMPORE**

- A.     The Mayor shall preside at meetings of the City Council and shall be recognized as the 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 may participate in the discussion of all matters coming before the City Council. The Mayor shall vote only in the case of a tie.

- B. At each new City Council's first meeting or as soon as practicable, the governing body shall elect one Council Member to serve as Mayor Pro-Tempore for a term of one year. The Mayor Pro-Tempore shall act as Mayor during the disability or absence of the Mayor, and in this capacity shall have the rights conferred upon the Mayor but shall not lose the right to vote. If a vacancy occurs in the office of the Mayor Pro-Tempore, the City Council shall elect a new Mayor Pro-Tempore at the next regular meeting after the vacancy occurs.

**SECTION 3.05 VACANCIES, FORFEITURE, AND FILLING OF VACANCIES**

- A. The office of a Council Member or the Mayor shall become vacant upon their death, resignation, forfeiture of office, or removal from office by any manner authorized by law.
- B. A Member of City Council shall forfeit their office if they:
  - 1. cease to possess the required qualifications for office;
  - 2. are convicted of violating any state laws regulating conflicts of interest of municipal officers;
  - 3. are convicted of a felony, or of a misdemeanor involving moral turpitude; or
  - 4. cease to be a resident of the City.
- C. Every forfeiture shall be declared and enforced by the City Council.
- D. If for any reason a single vacancy exists on the City Council, a majority of the remaining Council Members who are present and voting may fill the vacancy by appointment. The Mayor may vote on the appointment only if there is a tie. A Council Member is not ineligible to be appointed to fill a vacancy in the office of the Mayor, but the Council Member may not vote on the person's own appointment. The person appointed to fill the vacancy serves until the next regular municipal election. In lieu of appointing a person to fill a vacancy, a special election may be ordered to elect a person to fill the vacancy. If two or more vacancies exist at the same time, a special election shall be ordered to fill the vacancies. A Member of City Council is ineligible to vote to fill a vacancy on the governing body by special election after resigning from City Council.

**SECTION 3.06 POWERS OF THE CITY COUNCIL**

All powers of the City and the determination of all matters of policy shall be vested in the City Council. Except where in conflict with and otherwise expressly provided by this Charter, the City Council shall have all powers authorized to be exercised by the Constitution and laws of the United States and the State of Texas.

**SECTION 3.07        PROHIBITIONS**

- A.     Except where authorized by law or by this Charter, no Mayor or Council Member shall hold any other City office or City employment during that person’s term as Mayor or Council Member. No former Mayor or Council Member shall hold any compensated appointive office or City employment until one (1) year after the expiration of the term for which they were elected or appointed to the City Council.
  
- B.     Members of the City Council shall not in any way dictate the appointment or removal of the City administrative officers or employees appointed by the City Manager or any of the City Manager’s subordinates. The City Council, at a meeting in compliance with the Texas Open Meetings Act, may express its views fully and freely and discuss with the City Manager anything pertaining to the appointment and removal of such officers and employees.
  
- C.     Except for the purpose of inquiries and investigations as provided by this Charter, Members of the City Council shall interact with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager. Neither Members of City Council nor the City Council shall give orders to any such officer or employee, either publicly or privately, except as otherwise provided in this Charter.

**SECTION 3.08        MEETINGS OF THE CITY COUNCIL**

The City Council shall hold such monthly meetings as necessary to efficiently conduct the affairs of the City. The City Council shall set the date and time of its regular meetings by resolution.

**SECTION 3.09        QUORUM**

Three (3) Members of the City Council shall constitute a quorum for the purpose of transaction of business. No action of the City Council, except as specifically provided in this Charter, shall be valid or binding unless adopted by the affirmative vote of a majority of the City Council present and qualified to act.

**SECTION 3.10        RULES OF PROCEDURE AND ABSTENTIONS**

- A.     The City Council shall adopt rules of procedure for its meetings.
  
- B.     All Members of the City Council shall vote on all matters before the City Council unless state law requires them to abstain.

**SECTION 3.11        PASSAGE OF ORDINANCES IN GENERAL**

- A.     The City Council shall legislate by ordinance only, and the enacting clause of every ordinance shall read: “Be it ordained by the City Council of the City of Garden Ridge, Texas...”.
  
- B.     Each proposed ordinance shall be introduced in the written or printed form required for adoption and shall contain a title or caption that fairly and accurately identifies the subject(s) addressed in the ordinance.

- C. If a majority of the City Council present at a City Council meeting request that an ordinance title and caption or the entirety of an ordinance be read, it shall be read.
- D. Effective Date and Mayor’s Authority to Require Reconsideration.
  - 1. Before an ordinance or resolution adopted by the City Council may take effect, the ordinance or resolution must be placed in the office of the City Secretary. Ordinances and resolutions shall be considered “placed in the office of the City Secretary” at the beginning of the first City business day following the meeting at which the ordinance or resolution was adopted.
  - 2. The Mayor shall sign the ordinances and resolutions that the Mayor approves. If the Mayor does not sign an ordinance or resolution before the fourth day after the date it is placed in the office of the City Secretary and does not return the ordinance or resolution as provided for under subsection 3 the ordinance or resolution shall become effective immediately or at any later time(s) specified in the ordinance or resolution, except that every penal ordinance imposing any penalty, fine, or forfeiture shall become effective only after having the descriptive title or caption of the same published at least one time after final passage in a newspaper designated as the official newspaper of the City.
  - 3. If the Mayor files a statement of written objections specifying their reasons for objecting to the ordinance or resolution with the City Secretary before the fourth day after the date the ordinance or resolution is placed in the office of the City Secretary, the City Council shall, at the next regular or special meeting, reconsider the vote by which the ordinance or resolution was adopted. If a majority of the total number of City Council Members approve the ordinance or resolution on reconsideration the ordinance or resolution may take effect and the Mayor shall have no further authority to object.

**SECTION 3.12 AUTHENTICATION, RECORDING, CODIFICATION, PRINTING,  
AND DISTRIBUTION**

- A. All ordinances and resolutions adopted by the City Council shall be authenticated by seal and signature of the person performing the duties of the City Secretary and numbered consecutively as adopted.
- B. The City Council may authorize and maintain a codification of ordinances of the City. This codification shall be known and cited as “The Garden Ridge City Code” and shall be in full force and effect without the necessity of such code or any part thereof being published in any newspaper. The caption, descriptive clause, and other formal parts of the ordinances of the City may be omitted without affecting the validity of such ordinances when codified. Every general ordinance enacted subsequent to such codification shall be enacted as an amendment to the code. General ordinances shall be deemed to be those ordinances of a permanent or continuing nature which affect the residents of the City at large.

**SECTION 3.13      INVESTIGATIONS BY THE CITY COUNCIL**

- A.     Notwithstanding the provisions of subsection B, the City Council may initiate investigations into affairs of the city and conduct of any city department, office, or agency and for this purpose may subpoena witnesses, administer oaths and take testimony, and require the production of evidence. They also may, by ordinance, provide for a misdemeanor offense for the conduct of a person who fails or refuses to obey a lawful order issued in the exercise of this power as a collective body.
  
- B.     Except for the purpose of inquiries and investigations provided for in subsection A, the City Council shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager and neither the City Council nor Members of City Council shall give orders to or reprimand any such officer or employee, either publicly or privately.

**ARTICLE IV  
DEPARTMENTAL SERVICES**

**SECTION 4.01      CITY MANAGER**

- A.     The City Council shall, upon approval of a majority vote of the full City Council, appoint a City Manager who shall be the chief administrative and executive officer of the City, and shall be responsible to the City Council for the administration of the affairs of the City.
  
- B.     The City Manager shall be chosen by the City Council based solely on executive and administrative training, experience, and ability.
  
- C.     The City Council shall fix the compensation of the City Manager and the City Manager’s compensation may be amended, from time to time, in accordance with the City Manager’s experience, qualifications and performance.
  
- D.     The City Manager may be removed or suspended, with or without cause, subject to any contractual arrangements that may exist between the City Council and the City Manager, at the discretion of the City Council by the affirmative vote of a majority of the full City Council.
  
- E.     In the case of the absence, disability or suspension of the City Manager, the City Council may designate a temporary qualified individual to perform the duties of the office.



**SECTION 4.02        MUNICIPAL COURT**

- A.     The City Council shall establish and cause to be maintained a Municipal Court. The Court shall have all the powers and duties as may be prescribed by State Law.
- B.     Municipal Judge(s) and alternate Municipal Judge(s) shall be appointed by the City Manager upon a recommendation to and confirmation by a majority vote of the full City Council.
- C.     The Municipal Judge(s) of the Municipal Court shall be appointed to a term of two (2) years. The Municipal Judge(s) and alternate Municipal Judge(s) may be removed from office, with or without cause, at any time by the City Manager upon a recommendation to and confirmation by a majority vote of the full City Council.

**SECTION 4.03        CITY ATTORNEY**

- A.     The City Council shall appoint, by the affirmative a majority vote of the full City Council a competent, duly qualified licensed and practicing attorney in the State of Texas who shall serve as the City Attorney.
- B.     The City Attorney shall be the legal advisor and attorney for the City and all its departments and officers in the City and shall represent the City in all litigation except where insurance requirements dictate otherwise; however, the City Council may retain special counsel at any time it deems necessary or advisable to represent the City, the City Council, the individuals making up the City Council or City employees.
- C.     The City Attorney shall review and provide opinions, as requested by the City Council or City Manager on contracts, legal instruments, ordinances of the City and other City business.
- D.     The City Attorney and any appointed Special Counsel shall receive compensation as determined by the City Council.
- E.     The City Attorney may be removed, with or without cause, by the affirmative vote of a majority vote of the full City Council.
- F.     The City Attorney, with the approval of the City Council, may select additional attorneys to act for the City Attorney and the City in its representation.

**SECTION 4.04        ADMINISTRATIVE DEPARTMENTS, OFFICES, AND AGENCIES**

The City Council may, after hearing recommendations of the City Manager, establish, abolish, redesignate and/or combine departments, offices, or agencies in addition to those provided for by this Charter, and may prescribe the functions and duties of such departments, offices, and agencies.

**ARTICLE V  
NOMINATIONS AND ELECTIONS**

**SECTION 5.01 CITY ELECTIONS**

- A. All City elections shall be conducted in accordance with state law.
- B. The regular City election shall be held at such times as required by this Charter and on a date set by the City Council consistent with state law.

**SECTION 5.02 FILING FOR OFFICE, ELIGIBILITY FOR ELECTION, AND APPOINTMENT TO OFFICE**

- A. Candidates for elective City office shall file for office in accordance with the Texas Election Code.
- B. No candidate for City Council may file for more than one (1) city office or position in a single election.

**SECTION 5.03 OFFICIAL RESULTS**

The candidate for elective office who receives more votes than any other candidate for the office shall be declared the winner.

**SECTION 5.04 TAKING OF OFFICE**

A person who is elected or appointed to the City Council shall take office upon taking the oath of office.

**ARTICLE VI  
RECALL, INITIATIVE AND REFERENDUM**

**SECTION 6.01 SCOPE OF RECALL**

Any elected City official shall be subject to recall and removal from office by the registered voters of the City on grounds of incompetency, misconduct or malfeasance in office.

**SECTION 6.02 PETITIONS FOR RECALL**

Before the question of recall of such officer is submitted to the registered voters of the City, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of City Secretary, which said petition must be signed by twenty-five percent (25%) of those registered to vote at the City's last general election. Each signer of such recall petition shall provide all requisite information as required by the Texas Election Code and this Charter.

**SECTION 6.03 FORM OF RECALL PETITION**

The recall petition must be addressed to the City Council, must distinctly and specifically reference the grounds upon which such petition for removal is predicated, and, if there be more than one (1) ground, the petition shall reference as a ground one or more of the reasons or grounds for removal of a city officer which shall be based on grounds of incompetency, misconduct or malfeasance in office.

The signature shall be verified by oath in the following form.

“State of Texas”  
County of Comal

I, \_\_\_\_\_, being first duly sworn, on oath depose and say that I am one of the signers of the above petition, and that the statements made therein are true, and that each signature appearing thereto was made in my presence on the day and date it purports to have been made, and I solemnly swear that the same is the genuine signature of the person it purports to be.

\_\_\_\_\_

Signature

Sworn and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Signed \_\_\_\_\_

Notary Public in and for

State of Texas

**SECTION 6.04 VARIOUS PAPERS CONSTITUTING PETITION**

Any petition shall, at a minimum, meet the requirements for valid petitions under the Texas Election Code. The petition may consist of one (1) or more copies or subscription lists, circulated separately, and the signatures thereto may be upon the paper or papers containing the form of petition, or upon other paper attached thereto. Verifications provided for in Section 6.03 of this Article may be made by one (1) or more petitioners, and the several parts of copies of the petition may be filed separately and by different persons. All papers comprising a recall petition shall be filed with the City Secretary on the same day, and the City Secretary shall immediately notify, in writing, the officer so sought to be removed, by mailing such notice to the officer’s City address.

**SECTION 6.05 PRESENTATION OF PETITION TO THE CITY COUNCIL**

Within forty-five (45) business days after the date of the filing of the papers constituting the recall petition, the City Secretary shall verify the signatures on the petition and, if the petition is determined to be legally sufficient, present such petition to the City Council.

**SECTION 6.06        CALLING OF RECALL ELECTION**

If the officer whose removal is sought does not resign, then the City Council shall order an election and set the date for holding such recall election. The date selected for the recall election shall be in accordance with the Texas Election Code. If after the recall election date is established, the officer vacates their position, the election shall be cancelled unless such cancellation is not authorized under state law.

**SECTION 6.07        PUBLIC HEARING ON RECALL**

The elected official whose removal is sought may, within five (5) working days of the ordering of the election on the recall, request in writing to the City Secretary a special meeting to be held. In this event, the City Council shall order such a special meeting to be held, no more than thirty (30) days and no less than fifteen (15) days before early voting. At any special meeting held under this Section, the individual whose removal is sought shall have a thirty (30) minute period to state their response to the recall petition. No other items of business shall be part of the special meeting. This special meeting is not a trial.

**SECTION 6.08        BALLOTS IN RECALL ELECTION**

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

A.     With respect to each person whose removal is sought, the question shall be submitted:

“Shall \_\_\_\_\_ be removed from the office of \_\_\_\_\_ by recall?”

B.     Immediately below each such question there shall be printed the following words, one above the other, in the order indicated:

“Yes”

or

“No”

**SECTION 6.09        RESULT OF RECALL ELECTION**

If a majority of the votes cast in the election are negative for recall, then the election shall not result in recall and the officer may finish their term of office as if no petition had been filed. If a majority of the votes cast in the election are affirmative for recall, then the election shall result in recall and a vacancy shall be declared in that office and the unexpired term shall be filled by the City Council.

**SECTION 6.10        RESTRICTIONS ON RECALL**

No recall petition shall be filed against any officer of the City within six (6) months after the officer’s election, or within six (6) months of the end of the elected officer’s term.

**SECTION 6.11 GENERAL POWER OF INITIATIVE AND REFERENDUM**

The registered voters of the City, in addition to the method of legislation herein before provided, shall have the power of direct legislation by initiative and referendum.

- A. Initiative: Such power shall not extend to any ordinance not subject to initiative as provided by state law.
- B. Referendum: Such power shall not extend to any ordinance not subject to initiative as provided by state law.

**SECTION 6.12 INITIATIVE**

Registered voters of the City may initiate legislation by submitting a petition addressed to the City Council that requests the submission of a proposed ordinance to a vote of the registered voters of the City. Said petition must be signed by twenty percent (20%) of the voters registered to vote in the previous City’s general election and each copy of the petition shall have attached to it a copy of the proposed ordinance. The petition shall be signed in the same manner as recall petitions are signed, as provided in this Article, and shall be verified by oath in the manner and form provided for recall petitions in this Article. The petition may consist of one (1) or more copies as permitted for recall petitions. The petition shall be filed with the City Secretary. Within forty-five (45) business days after the filing of such petition, the City Secretary shall verify the signatures on the petition and, if the petition is determined to be legally sufficient, present said petition and proposed ordinance to the City Council. Upon presentation to the City Council, it shall become the duty of the City Council, at the first regularly scheduled City Council meeting after the receipt thereof, to pass and adopt such ordinance without alteration as to meaning or effect in the opinion of the persons filing the petition, or to call a special election, to be held on the first uniform election date authorized by state law, at which the registered voters of the City shall vote on the question of adopting or rejecting the proposed ordinance.

**SECTION 6.13 REFERENDUM**

Registered voters of the City may require that any ordinance passed by the City Council and subject to the initiative process under this Charter be submitted to the voters of the City for approval or disapproval, by submitting a petition for this purpose within sixty (60) days after final passage of said ordinance. Said petition shall be addressed, signed, and verified as required for recall petitions in this Article and shall be submitted to the City Secretary. Within forty-five (45) business days after the filing of such petition, the City Secretary shall verify the signatures on the petition and, if the petition is determined to be legally sufficient, present said petition to the City Council. Thereupon the City Council shall immediately reconsider such ordinance and, if the City Council does not entirely repeal the same, shall submit it to popular vote on the next authorized uniform election date. Pending the holding of such election, each ordinance shall be suspended from taking effect and shall not later take effect unless a majority of the registered voters voting thereon at such election shall vote in favor thereof. If a majority of the registered voters voting on any proposed ordinance shall vote in favor thereof, it shall thereupon or at any time fixed therein, become effective as a law.

**SECTION 6.14 FORM OF BALLOTS**

The ballots used when voting upon such proposed and referred ordinance shall set forth their nature sufficiently to identify them and shall also set forth upon separate lines the words: “For the Ordinance” or “Against the Ordinance”.

**SECTION 6.15 INCONSISTENT ORDINANCES**

If the provisions of two (2) or more proposed ordinances approved at the same election are inconsistent, the ordinance receiving the highest number of votes shall prevail. Should the vote on the inconsistent ordinances result in a tie then both ordinances shall fail.

**SECTION 6.16 ORDINANCES PASSED BY POPULAR VOTE, REPEAL, OR AMENDMENT**

No ordinance adopted by election under the provisions of this Article may be repealed or amended for a period of two (2) years from the date of adoption except by the City Council in response to a referendum or initiative petition as provided in this Article. Upon the expiration of two (2) years from the date of adoption, the City Council may amend or repeal any such ordinance upon a three-quarters vote of the full City Council. For purposes of calculating the two-year period herein, “date of adoption” shall mean the date of the election.

**ARTICLE VII  
GENERAL PROVISIONS**

**SECTION 7.01 SEVERABILITY**

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

**SECTION 7.02 WORDING INTERPRETATION**

All singular words shall include the plural and all plural words shall include the singular. All references to the state law or laws of the State of Texas, however expressed in this Charter, shall mean “as presently enacted or as may be amended or superseded”. The use of the word “City” in this Charter shall mean the City of Garden Ridge, Texas, and the use of the word “Charter” shall mean this Home Rule Charter.

## **ARTICLE VIII LEGAL PROVISIONS**

### **SECTION 8.01 SERVICE OF PROCESS AGAINST THE CITY**

All legal process against the City shall be served upon either the City Secretary or the City Manager.

### **SECTION 8.02 PENDING MATTERS**

All rights, claims, actions, orders, contracts, and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this Charter, and in each case shall be maintained, carried on, or dealt with by the City department, office, or agency appropriate under this Charter.

### **SECTION 8.03 PROPERTY NOT EXEMPT FROM SPECIAL ASSESSMENTS**

No property of any kind, by whomsoever owned or held or by whatsoever institution, agency, political subdivision, or organization, owned or held, whether in trust or by non-profit organization, or corporation, or by foundation, or otherwise, except property of the City, shall be exempt in any way from any of the special taxes, charges, levies and assessments, authorized or permitted by this Charter for local improvements for the public welfare.

### **SECTION 8.04 DISASTER CLAUSE**

In case of disaster when a legal quorum of the City Council cannot otherwise be assembled due to multiple deaths or injuries, the surviving members of City Council, or if no member of City Council remains, the following surviving City officials: municipal judge, alternate municipal judge(s), and the city attorney; shall within 24 hours of such disaster appoint a number of qualified residents equal to the number necessary to make a quorum to act during the emergency as the City Council. If for good reasons it is known a quorum of the elected City Council will never again meet, the newly appointed City Council shall, within 15 days of their appointment, call a City election to be held as soon as authorized under law for election to the vacant offices. If it is determined that a quorum of the elected City Council will meet again, the newly appointed Council Members shall serve in their position until such time as the previous Council Members may again begin serving.

### **SECTION 8.05 NO WAIVER OF IMMUNITY**

Nothing in this Charter is intended to waive the City's governmental immunity from suit and/or damages.

**ARTICLE IX  
TRANSITIONAL PROVISIONS**

**SECTION 9.01      EFFECTIVE DATE**

This Charter or any amendments hereto shall take effect immediately following adoption by the voters, as prescribed by state law.

**SECTION 9.02      CONTINUATION OF ELECTIVE OFFICES**

Upon adoption of this Charter, the present persons filling elective offices on the City Council will continue to fill those offices for the terms for which they were elected. Persons who, on the date this Charter is adopted, are filling appointive positions with the City which are retained under this Charter, may continue to fill these positions for the term for which they were appointed, unless removed by the City Council or by other means provided in this Charter.

**SECTION 9.03      CONTINUATION OF OPERATION**

All City ordinances, bonds, resolutions, rules and regulations in force on the effective date of this Charter shall remain in force until altered, amended or repealed by the City Council, and all rights of the City under existing franchises and contracts are preserved in full force and effect.