



CHARTER¹¹

Article I. Corporate Name, Boundaries and Powers

Sec. 1. Incorporation and Corporate Powers.

Sec. 2. Boundaries

Sec. 3. Discontinuance and Relinquishment of Territory.

Article II. General Powers and Provisions

Article III. Taxation

Sec. 1. Power to Tax.

Article IV. Finances and Bonds

Sec. 1. Fiscal Year.

Sec. 2. Budget Requirements

Article V. City Owned Utilities Generally

Sec. 1. General Authority to Acquire, Operate, Maintain, etc.

Article VI. Public Utilities Generally

Sec 1. Inalienability of Public Property.

Sec. 2. Power to Grant Franchise.

Article VII. Streets, Curbs, Gutters and Sidewalks

Sec 1. Street Powers.

Article VIII. Miscellaneous Provisions

Sec. 1. Execution, Garnishment and Assignments.

Sec 2. Designation of Official Newspaper.

Sec. 3. Designation of Governing Body.

Sec. 4. Official Bond.

Sec. 5. Compensation of Officers and Employees.

Sec. 6. Fire Department.

Sec. 7. Words, Meaning of.

Article IX. Administrative Provisions

Sec. 1. City Council.

Sec. 2. Qualification of Mayor and City Council Members.

Sec. 3. Election of Mayor and Four (4) City Council Members.

Sec. 4. Elections.

Sec. 5. Vacancies in the City Council – How Filled.

Sec. 6. Failure to Attend Meetings.

Sec. 7. Mayor Pro-Tem.

Sec. 8. Acting Mayor.

Sec. 9. Meetings of the City Council.

Sec. 10. Quorum of City Council.
Sec. 11. Voting on Ordinances and Resolutions.
Sec. 12. No Members Excused from Voting.
Sec. 13. City Council May Summon Witness, Etc.
Sec. 14. Power to Administer Oaths.
Sec. 15. Appointive Officers.
Sec. 16. General Powers of the Mayor and City Council.
Sec. 17-A. Office of City Manager.
Sec. 17-B. Duties and Responsibilities of the City Manager.
Sec. 17-C. Interference by members of City Council.
Sec. 18. Passage of Ordinances and Resolutions.
Sec. 19. Publication of Ordinances and Resolutions.
Sec. 20. Authentication of Ordinances and Resolutions.

Article X. Municipal Court

Sec. 1. Creation and Jurisdiction.
Sec. 2. Laws of the State of Texas Controlling.
Sec. 3. Appointment of Municipal Judge.
Sec. 4. Absence of Municipal Judge.
Sec. 5. Clerk of Court.

Article XI. City Attorney

Article XII Elections

Sec. 1. Elections

Article XIII. Initiative, Referendum, and Recall

Sec. 1. Power of Initiative.
Sec. 2. Power of Referendum.
Sec. 3. Requirements of Petition for Initiative or Referendum.
Sec. 4. Time for Filing Petitions.
Sec. 5. Procedure After a Petition is Received.
Sec. 6. Power of Recall.
Sec. 7. Procedure for Recall.
Sec. 8. Limitation on Recall.

Article XIV. Parks

Sec. 1. Disposal of Park Land.

Footnotes:

--- (1) ---

Editor's note— The city's Home Rule Charter is set out herein, as approved by the voters at an election held on May 28, 1960, which election was called by Ordinance No. 5, adopted April 14, 1960. The election results, approving the Charter, were declared by Ordinance No. 7, adopted May 31, 1960.

State Law reference— Adoption, amendment, etc., of Home Rule Charter, see Vernon's Ann. Civ. St. art. 1165 et seq.

The City of Hitchcock, as a Home Rule City, receives its authority from the Texas Constitution (Tex. Const. art. XI, § 5) and has the full power of self-government. Where this Charter is silent on a governmental function those functions are to be conducted pursuant to any existing state or federal law. Where the state or federal law is silent as to a governmental function, the City of Hitchcock may perform those functions consistent with its authority as a home rule municipality. This paragraph is not intended to be a substantive limitation on the City's power and authority but rather explanative of where the City's power and authority is derived.

ARTICLE I. - CORPORATE NAME, BOUNDARIES, AND POWERS

Section 1. - Incorporation and Corporate Powers.

The inhabitants of the City of Hitchcock, in Galveston County, Texas, as the boundaries and limits of the City are now, or may hereafter be established shall be a body politic, and corporate by the name of the City of Hitchcock, and under that name shall have a perpetual succession;_ and, except where specifically limited in this Charter, the City shall have all the powers granted to cities by the Constitution and Laws of the State of Texas or other law together with all of the implied and specific powers necessary to carry into execution those powers and those express[ed], implied and specific powers necessary and proper for the government, interests, health, general welfare and good order of the City and its inhabitants.

Section 2. - Boundaries.

The boundaries of the City of Hitchcock shall be the same as existed prior to the adoption of this Charter and as are more fully set out and described by the official city map of the City of Hitchcock as may be amended from time to time.

Section 3. - Discontinuance and Relinquishment of Territory.

Whenever there exists within the corporate limits of the City of Hitchcock any territory not suitable or necessary for City purposes, the City Council may, upon a petition signed by a majority of the qualified voters residing in such territory of the same be inhabited, or without any such petition if the same be uninhabited, by ordinance duly passed, discontinue said territory as a part of said City; said petition and ordinance shall specify accurately the metes and bounds of the territory sought to be eliminated from the City and shall contain a plat designating such territory so that the same can be definitely ascertained; and when said ordinance has been duly passed the same shall be entered upon the minutes and records of said City, and from and after the entry of such ordinance said territory shall cease to be a part of said City, but said territory shall still be liable for its pro rata share of any debts incurred while said area was a part of said City, and the City shall continue to levy, assess and collect taxes on the property within said territory to pay the indebtedness incurred while said area was a part of the City as though the same had not been excluded from the boundaries of the City.

ARTICLE II. - GENERAL POWERS AND PROVISIONS

A. The City of Hitchcock shall never be liable for any personal injury, whether resulting in death or not, unless the person injured or someone in his behalf, or in the event the injury results in death, the person or persons who may have a cause of action under the law by reason of such death injury, shall file a notice in writing with the Mayor within ninety (90) days after the same has been received, stating specifically in such notice when, where and how the exact injury occurred and the full extent thereof, together with the amount of damages claimed or asserted. The notice requirements provided for herein do not apply if the City has actual notice that death has occurred, or that the claimant has received some injury. Further, should the claimant provide good cause for failure to comply with the notice requirements herein then said notice requirements shall not apply.

B. The City of Hitchcock shall never be liable for any claim for damage or injury to personal property unless the person whose personal property has been injured or damaged or someone in his behalf, shall file a claim in writing with the Mayor within ninety (90) days after said damage or injury has occurred and the full extent thereof, and the amount of damage sustained. The City of Hitchcock shall never be liable for any claim for damage or injury to real property caused by negligent act or omission of its officers, servants, agents, or employees, unless the person whose real property has been injured or damaged or someone in his behalf, shall file a claim in writing with the Mayor within ninety (90) days after said damage or injury has occurred, stating specifically when, where and how the injury or damage occurred, and the amount of damage claimed. The notice requirements provided for herein do not apply if the City has actual notice that the claimant's property has been damaged. Further, should the claimant provide good cause for failure to comply with the notice requirements herein then said notice requirements shall not apply.

ARTICLE III. - TAXATION

Section 1. - Power to Tax.

The City Council shall have the power and is hereby authorized to annually levy, assess, and collect taxes as provided by the Constitution and Laws of Texas.

ARTICLE IV. - FINANCES AND BONDS

Section 1. - Fiscal Year.

The fiscal year for the City of Hitchcock shall begin on the first day of each October and end on the last day of September in each successive calendar year.

(Amendments adopted by the electorate 4-10-71 and 4-12-75)

Section 2. - Budget Requirements.

The City of Hitchcock shall prepare, process, adopt and amend the budget in compliance with the laws of the State of Texas.

ARTICLE V. - CITY-OWNED UTILITIES GENERALLY

Section 1. - General Authority to Acquire, Operate, Maintain, etc.

The City Council is hereby authorized in the manner authorized by law, including within its inherent powers as a home rule city, to acquire, operate, maintain, own, or divest itself of any public utility consistent with State law.

(Amendment adopted by the electorate 8-12-95. See Ord 663, passed 6-19-95, and Ord. 668, passed 8-17-95)

ARTICLE VI. - PUBLIC UTILITIES AND FRANCHISES

Section 1. - Inalienability of Public Property.

The right of control and use of the public streets, highways, sidewalks, alleys, parks, public squares, waterways, public places, and other real property of the City is hereby declared to be inalienable by the City consistent with State law.

Section 2. - Power to Grant Franchise.

The City Council shall have the power by ordinance to grant, renew, and extend all franchises of all public utilities of every character operating within the City, and, with consent of the franchise holder to amend the same consistent with State law.

ARTICLE VII. - STREETS, CURBS, GUTTERS AND SIDEWALKS

Section 1. - Street Powers.

The City shall have exclusive dominion, control, and jurisdiction in, upon, over and under the public streets, avenues, alleys, and highways of the City consistent with its authority as a home rule city and the laws of the State.

ARTICLE VIII. - MISCELLANEOUS PROVISIONS

Section 1. - Execution, Garnishment, and Assignments.

Any funds belonging to said City, in the hands of any person, shall not be liable to garnishment on account of any debt it may owe or funds it may have on hand due any person, nor shall the City or any of its officers or agents be required to answer to any writ of garnishment on any account whatsoever, nor shall the City be liable to the assignee of any wages of any

officer, agent or employee of said City, whether earned or unearned, upon any claim or account whatsoever, and as to the City any such assignment shall be absolutely void.

Section 2. - Designation of Official Newspaper.

All ordinances and official notices required to be published shall be published in the official newspaper of the City, which newspaper shall be selected annually as such official newspaper.

Section 3. - Designation of Governing Body.

The term "City Commission," "City Council," "Governing Body," and/or other similar designation, wherever used in this charter, shall mean the City Council or other governing body of the City of Hitchcock.

Section 4. - Official Bond.

The City Secretary and such other officers or employees as the City Council may by general ordinance require to do, shall give bond in such amount and with a solvent surety company as may be approved by the City Council. The premiums on such bonds shall be paid by the City.

Section 5. - Compensation of Officers and Employees.

The City Council shall fix and determine the compensation of all appointive officers and employees of the City and provide for the payment thereof. Neither the Mayor nor members of the City Council shall receive compensation for their services as such.

Section 6. - Fire Department.

So long as it is determined advisable by the City Council, the Voluntary Fire Department existing in the City at the time of the adoption of the charter may be continued in force under the direction of the Fire Chief and the City Council. At such time as the City Council deems it advisable to do so, the City Council may, by ordinance, create a regular Fire Department for the City in which event it may provide regulations, make provision for the employment of firemen, set up civil service rules, and make all such provisions as may be found necessary for the maintenance and government of such department, including provision for compensating personnel of such department.

Section 7. - Words, Meaning of.

The provisions of this charter shall be liberally construed for the purposes of effecting the objects and ends thereof. Unless some other meaning is manifest, the word "city" shall be construed to mean the "City of Hitchcock, Texas," and the word "and" may be read "or" and the word "or" may be read "and" if the sense requires; the words in the present tense shall include the past and future, except when a more restricted meaning is manifest, and singular may mean plural. Throughout this charter, words used in expressing masculine gender shall be construed to include the feminine. The word "City Secretary" refers to the person performing the duties of City Secretary. The word "Council" shall be construed to mean the "City Council of the City of Hitchcock, Texas."

The insufficiency or invalidity of any portion or portions of this charter shall not in anywise affect the remainder of the charter, but the same shall be constructed as if adopted without such portion so found invalid or impotent.

ARTICLE IX. - ADMINISTRATIVE PROVISIONS

Section 1. - City Council.

The powers of the municipal government and the affairs of the City shall be conducted by a Mayor and four City Council Members, who together, shall be known and designated as the City Council, who shall enact local legislation, adopt budgets, determine policies, and appoint a City Manager, who in turn, will be held responsible to the City Council for the execution of the laws and the administration of the government of the City. Each member of City Council shall be elected by the qualified voters of the City at large, and who shall hold their respective offices for two years, and until their successors are elected and qualified, unless sooner removed as provided by charter or the Laws of the State of Texas. The Mayor shall be for all purposes a member of the City Council and he shall vote on all ordinances, resolutions and questions presented to the City Council.

Section 2. - Qualifications of Mayor and City Council Members.

No person shall be elected Mayor or City Council Members unless he or she be a citizen of the United States, shall have been for twelve months immediately preceding such election a citizen and bona fide inhabitant of the City of Hitchcock, and at the time of his or her election a qualified voter of said city. The City Council shall be judge of the election and qualifications of its own members, subject to review by the courts in case of contest.

(Amendment adopted by the electorate 8-12-95. See Ord. 663, passed 6-19-95, and Ord. 668, passed 8-17-95)

Section 3. - Election of Mayor and Four (4) City Council Members.

The City shall be divided into four (4) districts. The Mayor shall be elected at large, and all (4) members of City Council shall be elected from districts at a regular City election, to be held for such purpose on the first Saturday in May in every year as provided by the Texas Election Code. The term of office for a member of the Council and the mayor shall be 2 years. Members of the Council shall serve staggered terms as provided in Article IX, Section 3 of this Charter.

- (1) It shall be the duty of the City Council to establish the boundaries of districts covering the entire City for the purpose of electing District City Council Members. Such boundaries shall be established by Ordinance, which shall be final for the purposes of this Charter. Any subsequent establishment shall be made when required by this Charter. Except as changed hereby, all other provisions of the City Charter relating to elections of the members of the City Council shall remain unchanged.
- (2) Promptly following the addition of territory to the City by a boundary change, the City Council shall, by Ordinance, add such territory to an adjacent district or districts. The Mayor shall be elected at large, and the City Council Members shall be elected from districts. The districts from which City Council Member shall be elected shall be

designated by City Council as Districts 1, 2, 3 and 4 according to the boundaries of these districts, as established by Ordinance, in accordance with this Section. At each election, candidates shall be voted upon and be elected separately for each applicable Council member district.

- (3) Any qualified person who desires to become a candidate for the office of Mayor or City Council Member shall comply with the filing requirements of the State law and specify the office and position for which the candidate is filing. The order of the ballot of the names of the candidates for each office shall be determined by lot in a drawing to be held under the supervision of the City Secretary. Every qualified voter shall be entitled to vote for Mayor and for one (1) candidate for City Council Members who runs for the district in which the voter lives. Each District City Council Member shall be elected by the qualified voters of each respective district. The candidate for Mayor and the candidate for each City Council Member district who shall receive the largest number of votes shall be declared elected. A candidate for Mayor shall not be a candidate for City Council Member at the same election and a person may be a candidate for only one (1) City Council Member position or district at the same election.
- (4) It shall be the duty of the City Secretary to promptly notify all persons elected. After the canvas of the votes, an individual elected in a regular City election shall take office as soon thereafter as the person may qualify by taking and subscribing the person's oath of office. A member of the Council who is elected in a special election to fill a vacancy for an unexpired term shall take office immediately upon qualifying.

(Amendment adopted by the electorate 8-12-95. See Ord. 663, passed 6-19-95, and Ord. 668, passed 8-17-95)

Cross reference— Elections; single member districts, see § 30.02 of the Code of Ordinances

Section 4. - Elections.

There shall be held on the second Saturday in April 1961, and every year thereafter, until otherwise provided by law, a regular City election for Mayor and four City Council Members, who shall assume their offices upon the third Saturday of April following such election, and who shall perform their duties and discharge the obligations conferred and imposed by the provisions of this charter, and by law.

Section 5. - Vacancies in the City Council—How Filled.

Vacancies in the City Council, where the same do not exceed two at any one time (if within one year of a General City Election), shall be filled by a majority vote of the remaining members of the Council; and the persons selected to fill such vacancies shall serve only until the next General City Election, when such vacancies shall be filled as in the case of an original election. Where more than two vacancies shall occur at one time a special election shall be called, in the manner provided for General City Elections, to elect their successors to fill the unexpired terms. However, if such vacancies shall occur within 90 days of the General City Election, no special election to fill such vacancies shall be called, but the remaining members of the City Council

shall by a majority vote, fill such vacancies, and the persons so selected shall serve until the next General City Election, when such vacancies shall be filled as in the case of an Original Election.

Section 6. - Failure to Attend Meetings.

Each City Council Member shall be fined \$3.00 for each meeting which he fails to attend unless his absence is excused by the City Council for a reason found to be justifiable by the City Council. Any member of the City Council remaining absent for three regular consecutive meetings of the City Council, unless absence is excused by the City Council for a reason found to be justifiable by the City Council, shall be determined to have vacated his office, which vacancy shall be filled in accordance with the charter. Without limiting the grounds for justifiable absence, sickness or leave of absence obtained in advance at a regular meeting, shall be deemed justifiable grounds for failure to attend a meeting.

Section 7. - Mayor Pro Tem.

The City Council shall at its first meeting elect one of its members as Mayor Pro Tem, who shall perform the duties of the Mayor in case of the absence or inability to perform the duties of this office, and who shall for the time being, be vested with all the powers of the Mayor.

Section 8. - Acting Mayor.

In case of the absence or inability of both the Mayor and the Mayor Pro Tem, to perform the duties of their office, the remaining City Council Members shall elect one of their members to act for that particular meeting in the place of the Mayor or Mayor Pro Tem. An acting Mayor shall be selected to perform such duties for only one meeting of the City Council, and for that particular meeting he shall be vested with all the powers of the Mayor.

Section 9. - Meetings of the City Council.

Not less than one regular meeting of the City Council shall be held on each calendar month, the time thereof to be fixed by the City Council, and the City Council, by ordinance, may provide for additional regular meetings from time to time as may be deemed advisable. As many special meetings as may be necessary to attend to the municipal business may be called by the City Secretary upon the written request of the Mayor or three City Council Members. Notice of all meetings shall be given in accordance with Chapter 551 of the Government Code of the State of Texas, as amended. All meetings of the City Council shall be held at the City Hall in the city, or such other place as may be designated by the City Council and shall be open to the public.

(Amendment adopted by the electorate 8-12-95. See Ord. 663, passed 6-19-95, and Ord. 668, passed 8-17-95)

Section 10. - Quorum of City Council.

A quorum of the City Council for the transaction of business shall consist of three members, except where the City Council is reduced to less than three on account of vacancies, in which event a quorum shall consist of all the remaining members of the City Council. However, a less number than a quorum may adjourn from time to time and compel the attendance of absent members.

Section 11. - Voting on Ordinances and Resolutions.

The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the minutes of the proceedings of the City Council; and every ordinance and resolution shall require on final passage the affirmative vote of a majority of the members present, except where otherwise specifically provided in this charter or by law.

Section 12. - No Members Excused from Voting.

Each member of the City Council present at any meeting shall be required to announce his vote on each question, ordinance and resolution placed before the City Council, except on matters involving the consideration of his own official conduct, or where his financial interests are involved, in which event such member shall not vote, but shall give his reasons for not voting, which reasons shall be spread upon the minutes of the City Council.

Section 13. - City Council May Summon Witnesses, Etc.

The City Council shall have power to summon and compel the attendance of witnesses and the production of books and papers before it whenever it may be necessary for the more effective discharge of its duties and shall have the power to provide by ordinance for fines for failure to respond to such summons. All processes shall be signed by the Mayor (or Mayor Pro Tem or acting Mayor, as the case may be), and attested by the City Secretary, and shall be served by any police officer of the City.

(Amendment adopted by the electorate 8-12-95. See Ord. 663, passed 6-19-95, and Ord. 668, passed 8-17-95)

Section 14. - Power to Administer Oaths.

The Mayor, any City Council Member, City Secretary, or assistant Secretary shall have authority to administer oaths in any manner pertaining to municipal affairs.

Section 15. - Appointive Officers.

The City Manager shall appoint a competent person, to be confirmed by the City Council, to be City Secretary. The City Secretary shall, before entering upon the duties of his office give a good and sufficient bond of not less than \$5,000.00, the amount thereof to be fixed by the City Council and said bond to be approved by said City Council and filed and recorded in the minutes thereof.

Section 16. - General Powers of the Mayor and City Council.

The City Council shall have and exercise such powers, prerogatives, and authority as conferred upon the governing bodies of cities and towns by the Texas Constitution and laws of the State of Texas

The Mayor shall be the presiding officer of the City Council and shall be recognized as the head of the City government for all ceremonial purposes, for emergency management purposes, and by the governor for purposes of military law. The Mayor shall appoint, upon nomination by majority vote of the City Council, the members of citizen advisory boards and commissions.

The Mayor shall be jointly responsible with the City Manager for the coordination of City communication with the public and the news media including outreach initiatives to the citizens and general public through various media venues.

Section 17-A. Office of City Manager

The office of City Manager is hereby created. The City Manager is the chief administrator of the City and shall be responsible for the proper and efficient management of the affairs and day-to-day operations of the City. The City Manager shall report to and shall receive policy direction from the whole of the City Council. The City Manager shall be appointed by the City Council solely based on administrative training, experience, and ability. No member of the City Council shall, during the time for which he or she is elected or appointed, be appointed City Manager.

The City Manager shall not be appointed for a definite term but may be removed at the will and pleasure of the City Council, by a vote of a majority of the entire Council. The action of the Council in suspending or removing the City Manager shall be final.

Section 17-B. - Duties and Responsibilities of the City Manager.

- (A) The City Manager shall be responsible to the City Council for the efficient administration of all of the affairs of the city and the city government.
- (B) It shall be the City Manager's duty to:
 - (1) Keep the City Council informed, always, as to the finances, activities and needs of the city.
 - (2) Recommend to the Council for adoption such measures as deemed necessary or expedient.
 - (3) Attend all meetings of the Council with the right to take part in the discussion but having no vote.
 - (4) See that all laws and ordinances are enforced.
 - (5) Prepare the annual budget and be responsible for its administration after it is adopted by the City Council. This subsection shall supersede any contrary or otherwise inconsistent section of the Charter it being the intent of this section to provide the City Manager sole administrative authority over the City's budget and financial obligations.
 - (6) Except as otherwise provided for in this Charter the City Manager shall direct and supervise the administration of all departments, offices and public utilities of the City and shall investigate or cause to be investigated as appropriate any complaints concerning the administration of the City.

- (7) The City Manager may appoint, suspend, or remove any City employee except as otherwise provided by this Charter. The City Manager may authorize any employee who is subject to the City Manager's direction and supervision to exercise these powers with respect to subordinates in that employee's department, office, or agency.
- (8) The City Manager shall direct and supervise the administration of all departments, officers, and agencies of the City, except as otherwise provided by this Charter or by law.
- (9) The City Manager shall publish and make personnel policies and procedures adopted by City Council available to all City employees.
- (10) The City Manager shall promote cooperation and collaboration among the Mayor, Council members, staff, community groups and individual citizens in building a sense of community.
- (11) Perform such other duties as may be lawfully prescribed by this Charter or ordinance or resolution of the City Council.

Section 17-C. - Interference by members of City Council.

It shall be unlawful for the City Council or any of its members to attempt to dictate the appointment of any person to any employment by the City Manager. 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 of the subordinates of the City Manager, either publicly or privately.

Section 18. - Passage of Ordinances and Resolutions.

Ordinances and resolutions shall be introduced in the Council only in written or printed form. All ordinances, except ordinances making appropriations and ordinances codifying or rearranging existing ordinances, or enacting a code of ordinances, shall be confined to one subject and the subject, or subjects, of all ordinances shall be clearly expressed in the title. No ordinance shall be passed until it has been read on two separate days, unless the requirements for reading it on two separate days be dispensed with by the affirmative vote of a two-thirds majority of the City Council Members present at the meeting. The final reading of each ordinance shall be in full, unless a written or printed copy thereof shall have been furnished to each member of the Council prior to such reading. Ordinances will be adopted on final reading by majority vote. The yeas and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the Journal of the proceedings of the Council. The enacting clause of all ordinances shall be "Be it ordained by the City of Hitchcock," but the same may be omitted when published in book or pamphlet form. Nothing herein is intended to change the mandatory provisions of the law of Texas with respect to the manner of adopting and publishing particular ordinances or to repeal provisions of this charter relating to particular ordinances.

Section 19. - Publication of Ordinances and Resolutions.

Every ordinance imposing any penalty, fine or forfeiture for violation of its provisions shall, after passage thereof, be published in one issue of the official newspaper of the City. The affidavit of such publication made by the printer or publisher of such newspaper before any officer authorized to administer oaths and filed with the City Secretary together with a printed copy thereof, shall in all courts be conclusive evidence of the legal publication and promulgation of such ordinance. No other character of ordinance need be published. Amendments and corrections made in digesting any revision for publication in book form need not be so published, even though they be a penal or forfeiture ordinance or amendment thereto. The failure to publish any such ordinance as here required shall not invalidate it as a civil ordinance regulating civil rights and liabilities. Provided, that in case an ordinance is adopted setting up a building code for the City of Hitchcock, due to the length thereof and cost of publication, only the caption thereof and the specific provisions thereof fixing penalties for violations thereof, shall be required to be published and, provided further that the City Council may by ordinance provide for publication of any ordinance by caption only by a two-thirds vote of the members present when said ordinance is adopted.

Section 20. - Authentication of Ordinances and Resolutions.

Upon final passage, each ordinance and resolution shall be authenticated by the signature of the Mayor and City Secretary and shall be recorded in a book kept for that purpose.

ARTICLE X. - MUNICIPAL COURT

Section 1. - Creation and Jurisdiction.

There is hereby created and established a Court to be held in the City of Hitchcock which shall be known as the Municipal Court of the City of Hitchcock.

(Amendment adopted by the electorate 8-12-95. See Ord. 663, passed 6-19-95, and Ord. 668, passed 8-17-95)

Section 2. - Laws of the State of Texas Controlling.

All complaints, prosecutions, the service of process, commitment of those convicted of offenses, the collection and payment of fines, the attendance and service of witnesses and juries, punishment for contempt, bail and the taking of bonds shall be governed by the provisions of the laws of the State of Texas applicable to municipal courts.

(Amendment adopted by the electorate 8-12-95. See Ord. 663, passed 6-19-95, and Ord. 668, passed 8-17-95)

Section 3. - Appointment of Municipal Judge.

The court shall be presided over by a judge who shall be known as the municipal judge. The municipal judge shall be appointed by a two-thirds vote of the City Council. He shall hold office for two years. He shall receive such compensation as shall be prescribed by the City Council in conformity with the provisions of this charter. The Mayor of the City of Hitchcock may be appointed municipal judge. The municipal judge may be removed by the City Council by an affirmative vote of a majority of the City Council.

Section 4. - Absence of Municipal Judge.

The City Council shall be authorized to appoint one or more qualified persons to serve as Alternate Municipal Judge, who shall act in the place and stead of the Municipal Judge when so requested by the City Council. An alternate municipal judge shall act in the place and stead of the municipal judge upon request and shall receive the compensation therefore as fixed by the City Council. The alternate municipal judge may be removed by the City Council by an affirmative vote of a majority of the City Council.

(Amendment adopted by the electorate 8-12-95. See Ord. 663, passed 6-19-95, and Ord. 668, passed 8-17-95)

Section 5. - Clerk of Court.

There shall be a Clerk or Clerks of said court and such deputies as may be created or provided for by ordinance, which clerks and deputies shall be appointed by the Council and shall be subject to removal at any time by the Council and shall receive such salaries as may be fixed by the Council. Said clerks shall have the power to do and perform all things and acts usual or necessary to be performed by clerks of courts in issuing process of said court and conducting the business thereof; and the City Council may require such clerks or deputies to perform such other duties, in addition to the duties of clerk or deputy clerks, as may be prescribed or may provide that some other employee or employees of said City, in addition to their duties may perform the duties of such clerk or deputy clerk without extra compensation.

ARTICLE XI. - CITY ATTORNEY

The City Council may appoint an attorney to be designated City Attorney and may compensate such attorney on such basis and in such manner as may be determined by the City Council. He shall be the chief legal advisor for the City and its departments; shall attend meetings of the City Council whenever requested by the City Council to do so; shall give advice in writing when so requested; shall represent the City in litigation in which it may be involved; and prepare such contracts, bonds, ordinances, and other documents upon the request of the City Council. Special counsel or assistant may be employed if deemed necessary by the City Council.

ARTICLE XII. - ELECTIONS

Section 1. - Elections.

All elections shall be conducted pursuant to the laws of the State.

ARTICLE XIII. - INITIATIVE, REFERENDUM, AND RECALL

Section 1. - Power of Initiative.

The people of the City shall have the power of direct legislation by initiative, and in the exercise of such power may propose any ordinance which is not in conflict with the laws of the State or the provisions of this charter, except an ordinance concerned with the appropriation of money or the levy of taxes.

Section 2. - Power of Referendum.

The people of the City shall have the power to approve or reject in a referendum election any legislation which has been enacted by the Council and which would be subject to the initiative process, excepting that an ordinance authorizing the issuance of tax or revenue bonds which have been approved by the voters in an election duly held for that purpose shall not be subjected to such referendum.

Section 3. - Requirements of Petition for Initiative or Referendum.

Petitions to initiate proposed legislation or for a referendum on legislation which has been enacted by the City Council shall be signed by qualified voters of the City equal in number to at least twenty-five percent (25%) of all the qualified voters in the City. The petition to initiate legislation shall contain the full text of the proposed ordinance, and the petition for a referendum shall contain at least the full descriptive caption of the ordinance on which a referendum is asked and the date of its enactment by the Council. No signature to a petition shall be counted unless it is followed by the street address of the signer, is the same as the name of a voter appearing on the official current poll list and has been personally signed by such voter. At the end of the petition there shall be a verification made by the person who has circulated the petition, sworn to before a Notary Public, that each signature appearing is the genuine signature of the person whose name purports to be signed to the petition, and was made in the presence of the person so verifying.

A petition to initiate legislation or for a referendum may consist of a number of separate petitions, which shall be counted together to determine the number of voters who have signed the petition, but each separate petition shall in that case fulfill all of the requirements as to form and verification.

Section 4. - Time for Filing Petitions.

A petition to initiate proposed legislation may be submitted at any time excepting only that no ordinance shall be proposed by an initiative petition which is on the same subject as an ordinance so submitted and defeated at an election held within one year prior thereto. A petition for a referendum on legislation which has been enacted by the City Council may be filed prior to

or within thirty (30) days after the effective date thereof asking that such legislation either be repealed or submitted to the vote of the people when such a petition has been received and is certified to be sufficient by the City Secretary the legislation concerned shall not go into effect, or its operation shall be suspended, until and unless it is approved by the voters in an election as herein provided.

Section 5. - Procedure After a Petition is Received.

The petition to initiate legislation or for a referendum shall be filed with the City Secretary who shall within twenty (20) days thereafter determine whether the petition is sufficient in form and has been signed by the requisite number of qualified voters. If the petition is insufficient in form or signatures the City Secretary shall notify the person who has filed the petition of the reason therefor, and an additional period of ten (10) days shall be allowed within which to file an amendment which will correct the deficiency. When a petition, as originally filed or amended or supplemented, is found to be sufficient the City Secretary shall so certify to the Council at its next regular meeting.

When the Council receives a petition to initiate legislation which has been certified by the City Secretary to be sufficient, the Council shall either enact the legislation proposed within thirty (30) days thereafter or it shall submit the legislation proposed to a vote of the qualified voters of the City on the next uniform election date authorized to be held pursuant to law. When the City Council receives a petition certified by the City Secretary to be sufficient, asking for a referendum on legislation which it has previously enacted, it shall formally reconsider such legislation within thirty (30) days thereafter and if upon such reconsideration the legislation is not repealed it shall submit that legislation to the qualified voters of the City, for approval or rejection on the next uniform election date authorized to be held pursuant to law.

No legislation which has been initiated by petition and adopted at an election by the qualified voters shall be repealed within two years thereafter, and no legislation enacted by the City Council and thereafter rejected by the qualified voters in an election held on petition for referendum shall be re-enacted by the Council within two years thereafter.

If conflicting ordinances should be approved by the qualified voters in the same election, whether submitted upon petition as authorized herein or by the City Council on its own initiative, the one which receives the greatest number of affirmative votes shall prevail to the extent of such conflict.

Section 6. - Power of Recall.

The people of the City shall have the power to recall any elected officer of the City. They may exercise such power to recall the Mayor by filing with the City Secretary a petition, signed by qualified voters of the City equal in number to at least 25% of all the qualified voters in the City, demanding the removal of the Mayor. They may exercise the power to recall any elected City Council Member elected from a Single Member District by filing with the City Secretary a petition, signed by at least 25% of all of the qualified voters of the City residing within the district from which the City Council Member sought to be recalled was elected. All petitions shall be signed and verified and the sufficiency of the petition in form and number of signatures shall be determined by the City Secretary and certified to the council, all in the same matter as required for an initiative petition.

(Amendment adopted by the electorate 8-12-95. See Ord. 663, passed 6-19-95, and Ord. 668, passed 8-17-95)

Section 7. - Procedure for Recall.

When the City Secretary shall have certified to the City Council that a sufficient petition for recall has been received, the Council shall order an election to be held on the next uniform election date authorized to be held pursuant to law at which there shall be submitted to all qualified voters the question whether the designated elected officer of the City shall be removed from his office. If a majority of the votes cast at this recall election shall be for the removal from office of the elected officer named on the petition and ballot, his office shall be immediately declared vacant, and shall be filled in accordance with the provisions of the charter for the filling of vacancies. An elected officer who has been so removed from office shall not be eligible to succeed himself.

Section 8. - Limitations on Recall.

No recall petition shall be filed against an elected officer within ninety (90) days after he has taken office, and no elected officer shall be subjected to more than one recall election during a term of office. A recall election need not be ordered by the Council if the term of office of the elected officer against whom a petition is filed is to expire within ninety (90) days after the petition is filed with the City Secretary.

ARTICLE XIV. - PARKS

Section 1. - Disposal of Park Land.

When deemed for the best interest of the City by the City Council, any land held for park purposes by the City may be disposed of for such terms as the City Council may determine provided that the proceeds from the sale of park land and property shall be used only for the purpose of acquiring, maintaining, and/or improving other public park properties owned by the City, provided that all requirements for the sale of park land imposed by the laws of the State of Texas are satisfied.

(Amendment adopted by the electorate 8-12-95. See Ord. 663, passed 6-19-95, and Ord. 668, passed 8-17-95)