

**CITY OF BRENHAM
CHARTER**

**ARTICLE I. - INCORPORATION; FORM OF GOVERNMENT;
BOUNDARIES**

Sec. 1. - Incorporation.

The inhabitants of the City of Brenham, in Washington County, Texas, as the boundaries and limits in said City now are or may hereafter be established, shall be and are hereby constituted a body politic and corporate by the name of the City of Brenham and as such shall have perpetual succession, may use a corporate seal and sue and be sued.

Sec. 2. - Boundaries.

The City Council shall have the power by ordinance to establish the boundary limits of the City of Brenham; and to provide for the alterations and extension of said boundary limits, the annexation of additional territory to the City and the disannexation of territory, with or without the consent of the owners and inhabitants of the territory annexed or disannexed, in accordance with applicable federal, state or other law. The City Secretary shall keep a correct and complete description of the City boundaries, indicating all annexations and disannexations.

Secs. 3, 4. - Reserved.

ARTICLE II. - POWERS

Sec. 1. - Powers generally.

The said City of Brenham shall have power to ordain and establish such acts, laws, rules, regulations, resolutions, and ordinances, not inconsistent with the Constitution and laws of Texas and of this Charter, as shall be needful for the government, interests, health, welfare and good order of said City and its inhabitants. Under the name of the City of Brenham it shall be known in law and have succession and be capable of contracting and being contracted with, suing and being sued, impleading and being impleaded, answering and being answered unto, in all courts and tribunals, and in all amounts whatsoever, subject to the laws of the State of Texas, or which shall hereafter be passed.

The City of Brenham shall have the power to take, hold, lease, grant, purchase and convey such real property or mixed property or estate, situated within, or without, the limits thereof, as the purpose of said corporation may require and shall have and use a corporate seal, and change and renew the same at its pleasure.

Sec. 2. - Rights reserved.

All suits, taxes, penalties, fines, forfeiture, and all other rights, claims and demands, of every kind and character, which have accrued under the laws in favor of said City, heretofore in force governing the same, shall belong to and vest in said City and shall not abate by reason of the adoption or amendment of this Charter, and shall be prosecuted and collected for the use and benefit of said City of Brenham and shall not be in any manner affected by the taking effect of this Charter; but as to all of such rights, the laws under which they shall have accrued shall be deemed to be in full force and effect.

Sec. 3. - Local self-government.

The City of Brenham shall possess and may exercise the full power of local self-government. It may hold, by gift, deed, devise, or otherwise, any character of property, including any charitable or trust fund, and subject to and within the limits of superior law may act in perpetual succession as a body politic.

Sec. 4. - Enumerated powers.

For greater certainty, the following are hereby especially enumerated and referred to as being among the other powers which are hereby conferred upon and which may be exercised by the City of Brenham, to-wit:

- A. All of the powers conferred upon cities and towns by Title 22 of the Revised Civil Statutes of Texas, 1911, except as may hereafter be denied, limited or extended, are hereby conferred upon the City of Brenham as fully and completely as if such powers were herein separately enumerated.
- B. All powers, privileges and immunities conferred upon cities of more than five thousand inhabitants, by Section 4 of Chapter 147, Acts of the 33rd Legislature, General Laws Regular Session, at Page 310 to 316, entitled, "An Act Authorizing Cities Having More Than Five Thousand Inhabitants, by a Majority Vote of the Qualified Voters of said City, at an Election Held for the Purpose to Adopt and Amend their Charters", etc.; and such powers are hereby conferred upon the City of Brenham as fully and completely as if each of said mentioned powers were herein separately enumerated; but enumeration of special powers herein, or in the Statutes referred to, shall not be held or construed to preclude the City from exercising all powers of local government not inhibited by the Constitution and Laws of the State of Texas, or by special limitations in this Charter contained, the purpose of this Charter being to enlarge upon the power extended by the general laws of cities incorporated thereunder, and to secure to the City of Brenham, all the powers conferred by the Constitution and Laws of this State upon cities having more than five thousand inhabitants.

Secs. 5, 6. - Reserved.

Sec. 7. - Ownership of public utilities.

Said City shall have the power to buy, own, construct, and to maintain and operate, within or without the City limits the following public utilities: water systems, gas systems, electric systems, telephone, radio or television systems, street railways, sewer systems, sewage plants, fertilizing plants, municipal bus or railway terminals, or garbage systems, and to demand and receive compensation for service furnished by the City for private purposes and otherwise, and to have the power to regulate, by ordinance, the collection of compensation for such service. That said City shall have the power to acquire by lease, purchase or condemnation, the property of any person, firm or corporation, now or hereafter conducting any such business, for the purpose of distributing such service throughout the City, or any portion thereof; provided the City shall never purchase or sell any such public utility without first submitting the same to a vote of the qualified voters of the City and further provided that no vote shall be required where the City leases the operation of a public utility to a private party.

Sec. 8. - Manufacture of electricity, gas, etc.; purchase and sale of gas, water, electricity, etc.

Said City shall have the authority to manufacture its own electricity, gas or anything else that may be needed or used by it or the public; to make contracts with any person, firm or corporation for the purchase of gas, water, electricity or any other commodity or articles used by it or the public, and to sell same to the public as may be determined by the City Council.

Sec. 9. - Operation and maintenance of public utility.

In the event said City shall acquire by purchase, gift, devise, deed, condemnation or otherwise, any water-works system, electric-light or power system, gas system, street-railway system, telephone system, sewer systems, garbage collection or any other public service utility to operate and maintain for the purpose of serving the inhabitants of said City, the right to operate and maintain such public service utility so acquired shall be exclusive as Council may provide by ordinance.

Sec. 10. - Powers of local self-government.

It is contemplated and intended by the adoption of this Charter to confer, and is hereby conferred, upon the City of Brenham, the full power of local self-government and the enumeration of and reference to the powers hereinabove made, or that hereinafter may be made, shall never be construed to preclude, by implication or otherwise, the said City of Brenham from exercising any and all powers incident to the full enjoyment of local self-government provided that such powers shall not be inhibited by the Constitution of the State of Texas.

Sec. 11. - Reserved.

ARTICLE III. - THE CITY COUNCIL

Sec. 1. - Appointive offices.

All officers and employees of the City except City Council shall be appointive, be employed at-will, and subject to employment contract or personnel policies as Council may provide for each office or position. The City Council shall appoint the City Manager, City Secretary, Deputy City Secretary(ies), Municipal Court Judge, Associate Municipal Court Judge(s), City Attorney, Municipal Court Prosecutor, and any other officer or employee whose appoint must be made by the City Council in accordance with this Charter, City ordinance, or other applicable law.

Sec. 2. - Powers generally.

All legislative powers of the City shall be vested, subject to the terms of this Charter and the Constitution of the State of Texas, in the City Council; and no Councilmember shall exercise any administrative powers or be the head of any department.

Sec. 3. - Appointment of city manager.

The City Council shall appoint a chief administrative officer to be known as the "City Manager," with duties and powers hereinafter provided.

Sec. 4. - Terms of office; term limits.

The Mayor and each Councilmember shall serve for a term of four (4) years, beginning with the first meeting of the City Council following their election until the later of the first meeting of the City Council following the regular election four (4) years later or their successor has been elected and duly qualified.

A person shall not serve as Mayor more than three (3) consecutive elected four (4) year terms of office. Time served by appointment or by election to fill a vacancy in the office of Mayor for an unexpired term shall not count toward the term limit. After completing three (3) consecutive elected terms of office, a person may again serve in the office of Mayor after one (1) entire year of not holding the office of Mayor. Non-consecutive terms of office shall not be limited.

A person shall not serve as a Councilmember, either in a ward or at-large, more than three (3) consecutive elected four (4) year terms of office, or twelve (12) consecutive years. Time served by appointment or by election to fill a vacancy in the office of Councilmember for an unexpired term shall not count toward the twelve (12) year term limit. After completing three (3) consecutive elected terms of office, or twelve (12) consecutive years, a person may again serve in the office of Councilmember after one (1) entire year of not holding the office of Councilmember. Non-consecutive terms of office shall not be limited.

Terms of office, or partial terms of office, served prior to May 3, 2025 shall not be considered for the purpose of term limits.

Sec. 5. - Filling city council vacancies by appointment or special election.

Vacancies in the City Council arising from resignation, forfeiture, removal, recall, death, or any cause shall be filled by majority vote of the qualified voters at a special election called for such purpose within one hundred and twenty (120) days after such vacancy or vacancies occur. If any such vacancy shall occur within one hundred twenty (120) days preceding a regular election, then the special election to fill the vacancy for the unexpired term shall be held on the same date as the next regular election. Additionally, if the remaining unexpired term of the vacant Council position is twelve (12) months or less, then no special election to fill the vacancy shall be held and the vacant Council position shall be filled by appointment by the remaining Councilmembers, and the appointed Councilmember shall serve until the next regular City election for the vacant Council position. Appointed Councilmembers shall have the same qualifications as an elected Councilmember.

Sec. 6. - Qualifications to hold office of mayor, councilmembers and other officers and employees; conflict of interests.

The Mayor and each Councilmember shall be a resident citizen of the City of Brenham, be a qualified voter, be of a minimum age of twenty-one (21) when elected, and shall have been resident citizens of the City of Brenham and any ward they may represent for a period of twelve (12) months immediately preceding such election. Any such officer of the City who shall cease to possess any of the qualifications herein required shall automatically forfeit his office.

Sec. 7. - Elective positions.

The elective officers of the City shall consist of the seven (7) Councilmembers as follows: The Mayor and the two (2) other Councilmembers elected from the City at large (these two (2) other Councilmembers' positions being designated as Councilmember, Place Five-at-Large, and Councilmember, Place Six-at-Large); and a Councilmember elected from each of the four (4) wards of the City as hereinafter established (these Councilmembers to be designated as Councilmember, Place One-Ward One, Councilmember, Place Two-Ward Two, Councilmember, Place Three-Ward Three, and Councilmember, Place Four-Ward Four) each of whom shall be elected to the office for which he is a candidate by the qualified voters of that particular ward.

Sec. 8. - Canvassing returns and declaring results of election; judges of its own election and qualification.

The returns of every municipal election shall be delivered forthwith by the Election Judges to the City Secretary. The Council shall canvass the returns, investigate the qualifications of the candidates and declare the official results of the election in accordance with applicable state and federal laws. The returns of every municipal election shall be recorded in the minutes of the Council by Ward totals, when applicable. At each election the qualified person receiving a majority of all votes cast for the office that person seeks shall thereon be declared elected by said Council.

The City Council shall be judges of the qualifications of its members, and the Council's determination shall be conclusive and final for all purposes.

Sec. 9. - Regular election days.

The regular municipal elections of the City of Brenham shall be held on the uniform election date in May in odd-numbered years or any other uniform election date as authorized by law.

Sec. 10. - Runoff elections.

In the event any candidate for the Council (including the Mayor) fails to receive, at any regular or special election, a majority of all votes cast for his particular office, the Mayor or, if he fails to do so, the Council shall no later than the fifth day following the official canvas of the election order a runoff election to be held in accordance with applicable law.

At said runoff election the two (2) candidates that received the highest number of votes cast for such particular office in the first election, at which no one was elected to such office by receiving a majority of all votes cast for all candidates for such particular office, shall be voted on again.

The candidate who receives the majority of the votes cast for the particular office in the runoff election shall be elected to such office and shall take office as soon thereafter as he is qualified.

In runoffs for the office of Mayor or Councilmembers elected at large, the registered voters of the City as a whole shall vote. In runoffs of Councilmembers for single wards, being any of the Councilmembers from Ward One, Ward Two, Ward Three or Ward Four, only those registered voters in the particular ward shall vote in the runoff election for that particular position.

Sec. 11. - Special elections; state election laws control elections.

All elections provided for in this Charter, except the regular election of Councilmembers held on the uniform election date in May of odd-numbered years or on any other date as authorized by law, shall be called special elections, and all elections shall be conducted and results canvassed and announced by the election authorities as prescribed by the general election laws of the State of Texas relating to cities and towns, and said general election laws shall control in all municipal elections, except as otherwise herein provided.

Sec. 12. - General powers and duties of mayor; mayor pro tempore.

The Mayor of the City shall be the presiding officer of the City Council. He shall vote as a member of the City Council on all matters coming before the body; sign all bonds, warrants and other official documents; be the official head of the City, and exercise all powers and perform all duties imposed upon him by this Charter and by the ordinances of the City, and resolutions of the City Council.

The City Council shall elect one of their number as Mayor pro tempore, as soon as practicable after each regular election of Councilmembers, who in the absence or inability of the Mayor to act, may exercise all the powers and authority appertaining to the office of Mayor.

Sec. 13. - Organizational meeting; holding other meetings.

Within fourteen (14) days after the election of the Councilmembers, whether a regular election or runoff election, the City Council shall meet in the Council Chamber of the City Hall, at which time the Councilmembers-elect shall qualify and assume the duties of their offices. Thereafter the City Council shall meet at such time as prescribed by ordinance or resolution, but they shall meet at least once each month.

Sec. 14. - Salaries.

The Mayor shall receive a salary of five hundred fifty dollars (\$550.00) per month and each Councilmember shall receive a salary of four hundred fifty dollars (\$450.00) per month.

Sec. 15. - Calling special meetings; determining rules and order of business; journal; quorum; voting on measures.

The Mayor or any three (3) Councilmembers may call special meetings of the City Council at any time deemed advisable. The City Council shall determine its own rules and order of business and shall keep a journal of the proceedings in a permanently bound book and any citizen shall have access to the minutes and record thereof at all reasonable times. Any four (4) members of the City Council shall constitute a quorum for the transaction of any business, and the affirmative vote of the four (4) members of the City Council shall be sufficient and necessary to adopt or repeal any ordinance or resolution. The vote upon the passage or repeal of any ordinance or resolution shall be taken by "yea" or "nay" vote and entered upon the journal. Except when required by law to abstain from voting on a matter before the City Council, each member of the City Council present at the meeting shall vote upon every question, ordinance or resolution which shall be entered upon the journal. Any Councilmember refusing to vote except when required by law to abstain shall be entered on the journal as voting in the affirmative.

Sec. 16. - Signing, attesting and sealing ordinances and resolutions.

Every ordinance or resolution passed by the City Council shall be signed by the Mayor, and attested by the person acting as City Secretary and the seal of the City impressed thereon within ten (10) days after its passage.

Sec. 17. - Introduction and passage of ordinances and resolutions.

Each proposed ordinance or resolution shall be introduced in written or printed form, shall not contain more than one subject, which shall be clearly stated in the title; but general appropriation ordinances may contain the various subjects and accounts for which moneys are to be appropriated. No ordinance, unless it shall be declared to be an emergency measure and passed by a unanimous vote of the City Council, shall be passed on the day on which it shall be introduced. All ordinances, save and except emergency ordinances, shall be finally passed on the second reading. Ordinances not required to be published shall take effect and be in force from and after the passage thereof, unless otherwise provided.

Sec. 18. - Emergency measures.

An emergency measure is an ordinance or resolution for the immediate preservation of the public peace, property, health, or safety, or providing for the usual daily operation of a municipal department, in which the emergency is set forth and defined in a preamble thereto. Ordinances appropriating money and ordinances for the payment of salaries and wages may be passed as emergency measures, but no measure making a grant, renewal or extension of a franchise, or other special privilege or regulating the rate to be charged for services by any utility, shall ever be passed as an emergency measure.

Sec. 19. - Publication of penal ordinances.

The City Secretary shall publish, in a newspaper of general circulation within the City, any ordinances required by state or federal law to be published. The City Secretary may abbreviate the text of any ordinance for publication purposes. Such ordinances shall take effect upon the date of publication unless otherwise required by law or stated in the ordinance. Ordinances related to emergency measures shall take effect according to their terms.

Sec. 20. - Style of ordinances.

The style of all ordinances of the City of Brenham shall be: "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRENHAM," but the same may be omitted when published in book or pamphlet form.

Sec. 21. - Recording and authenticating documents.

The City Council shall appoint a City Secretary who shall be responsible for the original documentation of all laws, notices, minutes, resolutions, ordinances, and related official records of the governing body; all deeds, easements, leases, titles and related documents of ownership of City property and the municipal charter and seal. Every ordinance or resolution, upon its becoming effective, shall be kept in the permanent files of the City and shall be authenticated by the signature of the Mayor and the City Secretary, or in their absence, the person exercising their duties as appointed by the City Council.

Sec. 22. - Forfeiture and removal from office.

Any Councilmember who is convicted of a felony shall forfeit his office. Any Councilmember who is absent from three (3) consecutive regularly scheduled Council meetings may be removed from office upon the affirmative vote of five (5) councilmembers.

Sec. 23. – Conflicts of Interest.

The Mayor, Councilmembers and other officers and employees, with regard to any contract or other matter authorized by the City, shall comply with the Texas Local Government Code and all other applicable laws governing conflicts of interest of local public officials.

Secs. 24. - Reserved.

ARTICLE IV. - THE CITY MANAGER; FINANCES

Sec. 1. - Appointment; position; qualifications; removal.

The City Council shall appoint a City Manager, who shall be the administrative head of the municipal government and shall be responsible for the efficient administration of all departments. He shall be chosen upon qualification and fitness for the exercise of his duties. He may or may not be a resident of the City of Brenham when appointed but shall establish his residence within Washington County, Texas as directed by the City Council. The City Council may engage a City Manager by agreement for a term not to exceed one year; however, the City Manager is subject to removal at any time, with or without cause, by City Council.

Sec. 2. - Duties generally.

Except as provided in Article III, section 1 of the Charter or other applicable law, the City Manager or the City Manager's designee shall appoint all officers and employees of the City. The City Manager shall exercise control and supervision over all departments and offices that may be created by the City Council or City Manager and all officers and employees appointed by him. He shall attend all meetings of the City Council with the right to take part in the discussion but having no vote. He shall recommend in writing to the City Council such measures as he may deem necessary or expedient. He shall keep the City Council fully advised as to the financial condition and needs of the City and perform such other duties as may be prescribed by this Charter or which may be required of him by ordinance or resolution of the City Council.

The City Manager may create and consolidate appointive offices and positions, may divide the administration of the City's affairs into such departments as he may deem advisable, and may discontinue any such appointive office, position, or department at his discretion, except the office of the City Manager, City Secretary, Deputy City Secretary(ies), Municipal Court Judge, Associate Municipal Court Judge(s), City Attorney and Municipal Court Prosecutor.

Sec. 3. - Annual budget.

The annual budget of the City shall be prepared by the City Manager based on the estimates of each department. These departmental estimates shall include the expenses of the department for the preceding year and indicate where increases or reductions are recommended for the ensuing year. The City Manager shall submit the budget to the City Council for approval.

Sec. 4. - Keeping of accounts and financial records.

The City's accounts shall be kept in such a manner as to show fully at all times the financial condition of the City, and the financial records shall at all times be available to the public for inspection.

Sec. 5. - Accounting procedure.

Accounting procedure shall be devised and maintained for the City, adequate to record in detail all transactions affecting the acquisition, custodianship and disposition of the City's assets, including cash receipts, credit transactions and disbursements; and the recorded facts shall be presented periodically to the City Council and to the public in such summaries and analytical schedules in detailed support thereof as shall be necessary to show the full effect of such transactions for each fiscal year upon the finances of the City and in relation to each department of the City government, including distinct summaries and schedules for each public utility owned and operated.

Sec. 6. - Audit.

The City Council shall cause an audit of the books of account, and of all records and transactions of the administration of the affairs of the City; such audit shall be made annually embracing each fiscal year and shall be made by an accountant to be selected by the Council. The duty of the accountant shall include the certification of all statements required in section 5 herein; summaries of income and expenditures and also comparison, on proper classification, with the last previous audit; such summaries shall be filed with the City Secretary for public inspection within ten (10) days after the completion of such audit.

Sec. 7. - Fixing and determining salaries and wages.

The City Manager shall fix and determine the salaries and wages of all appointive officers and employees of the City, unless otherwise provided in this Charter, and shall provide for the payment thereof.

Sec. 8. - Issuance of checks for payroll and other claims.

No check for the payment of payroll or of any claim shall be issued by the City unless such claims shall be evidenced by an itemized account, in accordance with approved City Budget including amendments, approved by the signature of the City Manager or his designee, and all checks shall be signed by any two of the following: Mayor, City Secretary, City Manager or the Chief Financial Officer.

Sec. 9. - Payroll.

The payroll of the City shall be approved by the City Manager or his designee before any checks are issued. Payroll shall be made in accordance with the annual City budget.

ARTICLE V. - IMPROVEMENT BONDS

Sec. 1. - Purpose.

The City shall have the right and power to borrow money upon the credit of the City and to issue bonds of the City therefor, in such sum or sums as may be deemed expedient, for the purpose of improving the streets, purchasing or constructing sewers, erecting and maintaining public buildings of every kind and for purchasing or constructing waterworks and gas plants and systems and for the purpose of purchasing, erecting, maintaining and operating an electric light and power plant and such other public utilities as the City Council may, from time to time, deem expedient, and for any other purpose authorized by state law.

Sec. 2. - Specifying purpose; sale; interest and sinking fund.

All bonds shall specify for what purpose they are issued and shall be sold for cash. When any bonds are issued by the City a fund shall be provided to pay the interest on those bonds and create a sinking fund to redeem said bonds. Said fund shall not be diverted or drawn upon for any other purpose, and the custodian of the funds of the City shall honor no drafts upon said fund except to pay interest upon or redeem the bonds for which it was provided. The City shall have the power to invest said sinking funds in securities secured by the pledge of United States Bonds or Federal Agency Bonds, Texas State or County Bonds, or Bonds of the City of Brenham, or other municipality, or any school district, or any other investment authorized by state law.

Sec. 3. - Maximum period; signing; specifying places and times of payment; approval by state officials; issuance.

Said bonds shall be issued for a period of time not to exceed forty (40) years; shall be signed by the Mayor, countersigned by the person acting in the capacity of City Secretary, and both principal and interest shall be payable at such places and times as may be fixed by the ordinance of the City Council. All such bonds shall be submitted to the Attorney General of the State for his approval and the Comptroller for registration, as provided by the state law; provided, that any such bonds, after approved, may be issued by the City, either optional or serial, or otherwise, as may be deemed advisable by the City Council.

Sec. 4. - Submitting to referendum.

Before the issuance of any bonds the same shall be submitted to a vote of the qualified voters of the City as required by the General Laws of the State.

ARTICLE VI. - TAXATION

Sec. 1. - Authority for annual levy generally.

Until otherwise provided by ordinance adopted in the manner provided in section 2 hereof, the City Council shall have the power and is hereby authorized, annually, to levy and collect taxes on the assessed valuation of all real estate, personal and mixed property within the City limits, not exempt from taxation by the Constitution and laws of this State, not exceeding one and sixty-five one hundredths dollars (\$1.65) on the one hundred dollar (\$100.00) valuation for any one year for all purposes.

Sec. 2. - Ordinance raising tax rate; election.

The City Council shall have the power and is hereby authorized at any time to propose an ordinance for the levy and collection of taxes on the assessed valuation of all property within the corporate limits of the City not exempt from taxation by the Constitution and laws of this State at a greater rate on the one hundred dollar (\$100.00) valuation than that provided in section 1 hereof not to exceed the rate allowed by the Constitution and laws of this State, which proposed ordinance shall be submitted to a vote of the qualified voters of the City for adoption or rejection at an election held for that purpose. Said election shall be held on the next authorized election date that allows the City sufficient time to comply with all applicable election laws.

The form of ballot for use in an election held for adoption of such proposed ordinance shall state the title of the ordinance and contain a succinct statement of its nature and purpose and to the left of such statement on separate lines there shall be printed the words:

FOR THE ORDINANCE
AGAINST THE ORDINANCE

If a majority of such voters voting in such election shall vote in favor thereof it shall thereupon become an ordinance of the City.

Sec. 3. - Occupation tax.

The City shall have the power to levy and collect occupation taxes consonant with the Constitution and laws of the State of Texas, and shall authorize the granting and issuance of licenses and shall direct the manner of issuing and registering the same and fix the fees thereafter, but no license shall be issued for a longer period than one year and shall not be assignable except by permission of the City Council.

Sec. 4. - Franchise tax; corporation tax.

The City shall have the power, annually, to levy and collect a franchise tax against any person, corporation or other legal entity using and occupying the public streets or grounds of the City, separately from the tangible property of such person, corporation or other legal entity, and to levy and collect, annually, upon the property and shares of corporations, companies and corporate institutions, as the same are now or may be assessed by the State laws and shall have full power to enforce the collection of such taxes.

Sec. 5. - Tax lists, inventories, appraisements, rendition.

The City shall have the power to regulate the manner and mode of making out tax lists, inventories and appraisements of property therein, and to prescribe the oath that shall be administered to each person rendering property for taxation and to prescribe how, when and where property shall be rendered, and to prescribe the number and form of assessment rolls and to adopt such measures as may be deemed advisable to secure the assessment of all property within the City limits and to collect taxes thereon and may provide a fine upon all persons failing, neglecting or refusing to render their property for taxation, and to do any and all things necessary or proper to render effectual the collection of moneys for taxation.

Sec. 6. - Rendition, etc., as to omitted property.

The City shall have the power to provide for the rendition of unrendered property for taxation, and levy and assess taxes thereon annually, and to provide for the rendition, levy and assessment of taxes for previous years on the property omitted from taxation in the manner provided by state law.

Sec. 7. - Property subject to taxation; lien generally.

All real, personal or mixed property held, owned or situated in the City of Brenham shall be liable for all municipal taxes, due by the owner thereof, including taxes on real estate, franchises, personal and mixed property taxes, and all other municipal taxes of whatsoever character. Such municipal taxes are hereby declared to be a lien, charge and encumbrance upon the property so that taxes and special assessments shall be a prior lien to all other claims, sales, assignments, transfers, gifts and judicial writs. Said lien shall exist from the first day of January of each year until all such taxes have been paid; and such lien against any real estate which, for any cause, has failed to be assessed for one or more years shall be good and effective for every year for which assessment has so failed.

Sec. 8. - Liability of personal property.

Personal property of all persons, firms or corporations owing any taxes to the City of Brenham is hereby made liable for all such taxes and subject to seizure and sale, whether the same be upon personal or real property or upon both.

Sec. 9. - Time of levying.

The City Council, at its first meeting in September of each year, or as soon thereafter as practicable, shall levy the annual tax for such year, but special taxes or assessments allowed by this Charter may be levied, assessed and collected at such times as the City Council may provide; provided, that should the City Council fail or neglect to levy the annual tax herein provided for any one year the annual tax levy for the preceding year last made by said governing authority shall and will be considered in force and effect as the tax levy for the year for which no annual tax was made.

Sec. 10. - Providing for collection.

The City shall have full power to provide for the prompt collection, by suit or otherwise, of taxes assessed, levied and imposed, and is hereby authorized, and to that end shall have full power and authority to sell, or cause to be sold, all kinds of property, real and personal, and shall make such rules and regulations and enact all such ordinances as are deemed necessary for the collection of any taxes provided in this Charter.

Sec. 11. - City not required to give bond; payments to city to be in legal currency.

It shall not be necessary in any action, suit or proceeding, in which the City shall be a party, for any bond, undertaking, or security to be executed in behalf of the City. Nothing of value nor anything save official currency of the United States shall be received in payment of taxes, fines, forfeitures, penalties and debts due and owing to said City.

Sec. 12. - Control of finances.

The City Council shall have the power to control and manage the finances of the City, to provide its fiscal year arrangements.

Sec. 13. - Disposition of tax money collected.

All moneys arising from the collection of taxes by the City shall be divided into such funds and be designated as such funds as the Council may deem proper.

Sec. 14. - Effect of irregularities in assessment rolls.

No irregularities in the time or manner of making or returning the City assessment rolls or the approval of such rolls shall invalidate any assessment.

Secs. 15 - 19. - Reserved.

ARTICLE VII. - MISCELLANEOUS PROVISIONS

Sec. 1. - Continuation in effect of existing ordinances, regulations and resolutions-generally.

All ordinances, regulations or resolutions now in the City of Brenham and not in conflict with this Charter shall remain in full force under this Charter until altered, modified or repealed by the City Council of the City of Brenham, herein provided for.

Sec. 2. - Same—Penal ordinances.

All penal ordinances of the present City of Brenham now in force and effect shall remain in full force and effect until repealed by the City Council of the City of Brenham.

Sec. 3. - Debts, etc., prior to charter.

The City of Brenham as herein established hereby assumes all outstanding indebtedness against said City as at present constituted and shall be possessed of and assume all property, right, interests, contracts, debts, franchises, choses in action, equities, taxes and all claims owing to the present City of Brenham.

Sec. 4. - Amending Charter.

This Charter, after adoption, may be amended in accordance with the provisions of applicable state law, as amended.

This Charter shall be reviewed by the City Council or its designee no less than two (2) years, nor more than five (5) years, from the date of the previous charter amendment election.

The City Council may, without approval of the voters, adopt an ordinance that makes the following non-substantive revisions to the Charter:

1. Renumbering, revising titles, and rearranging parts thereof; and
2. Correcting errors in spelling, grammar, cross-references and punctuation.

A formatting or correcting revision adopted by ordinance under this Section is not intended to and is not to be interpreted as making any substantive change in any Charter provision.

Sec. 5. - Severability of Charter provisions.

Should any provision or portion of this Charter be declared unconstitutional by the courts of this State, the remainder thereof shall be unimpaired by such holding and shall be in full force and effect until amended or repealed, as herein provided.

Sec. 6. - Establishment of wards; purpose.

The City shall be divided and established into four (4) wards, having boundaries described by ordinance, for the purpose of securing a more equal distribution of representation on the City Council by the people of the whole City. Newly annexed territory shall be added to the adjacent Ward as City Council may provide. No person shall be a candidate for Councilmember from any ward of the City unless he shall have been, for twelve (12) months preceding the date of the election at which he is a candidate, a resident of the ward represented by the office to which he aspires, and must possess the other qualifications as prescribed in this Charter; provided, however, that the qualifications as to residence in any one ward shall not apply to the Mayor or at-large Councilmembers. Any candidate, Mayor or Councilmember who during his candidacy or term of office moves his place of residence from the City or the ward which he represents automatically forfeits his right to such office.

Sec. 7. - Official bonds.

The person exercising the duties of the City Tax Collector shall give an official bond in such sum as may be prescribed by the City Manager from time to time; such bond shall be payable to the City of Brenham and shall, in each instance, be conditioned for the faithful discharge of the duties of such officer, and for the faithful accounting of all moneys, claims and things of value coming into the hands of such officer. Such bond shall be procured from some regular accredited surety company authorized to do business under the laws of the State of Texas, and the premiums to such surety company shall be paid by the City of Brenham, provided that the City Council may by ordinance, require official bonds from any other appointive officers of the City in such amounts and conditioned as they may deem best for the efficiency of the public service. All official bonds shall be surety company bonds and shall be approved by the City Manager and filed and recorded with the person exercising the duties of City Secretary.

Sec. 8. - Official oaths.

All elected and appointed officers of the City shall, before entering upon the duties of his office, take and subscribe to the oath prescribed by the Constitution of the State of Texas.

Sec. 9. - Nepotism.

No person related within the second degree by affinity, or within the third degree by consanguinity, to the Mayor or to any of the Councilmembers, shall be appointed to any office, position, clerkship or service of the City.

Sec. 10. - City property exempt from execution.

No public property or any other character of property owned or held by said City shall be subject to any execution of any kind or nature.

Sec. 11. - City not subject to garnishment proceedings.

No funds of said City shall be subject to garnishment, and the City shall never be required to answer in any garnishment proceedings.

Sec. 12. - Liability and notice of injury or damage claims.

Before the City of Brenham shall be liable for damages of any kind, the person injured or the owner of the damaged property, or someone on his behalf shall give the Mayor or City Councilmembers notice in writing of such injury or damage within ninety (90) days, or within six (6) months for good cause shown, after the same has been received stating specifically in such notice when, where and how the injury or damage occurred and the extent thereof. Failure to notify the Mayor or City Councilmember within the time and manner specified herein shall exonerate, excuse and exempt the City from any liability whatsoever. Further, this section shall not apply to the taking, damaging or destruction of property as guaranteed and covered by Section 17 of Article I of the Constitution of Texas.

Sec. 13. - City depository.

The City Council shall designate a bank or other authorized financial institution in the City of Brenham as the City depository in accordance with applicable state law, which shall be selected for a period not to exceed five (5) years. The City Council shall have the right to reject any and all applications offered as City depository.

Sec. 14. - Court.

The City Council shall establish and provide for a court, designated as the "Municipal Court" for the trial of misdemeanor offenses, with all such jurisdiction, powers, duties as are now, or may hereafter be prescribed by the laws of the State of Texas relative to municipal courts.

The Municipal Court shall be presided over by a Magistrate who shall be known as the Judge of the Municipal Court. The City Council shall provide for the qualifications of the Judge and any Associate Municipal Judge(s). The Judge and any Associate Judge(s) of said court shall be appointed by the City Council to serve a term of office of two (2) years; however, they shall be removable at any time, with or without cause, by a majority vote of the City Council. Any such judge shall receive such compensation as may be determined by the City Council. In the event a judge is temporarily unable to act for any reason, the Mayor shall appoint a qualified person to temporarily act in the judge's place. In the event a vacancy exists in the office of Judge or Associate Judge for any reason, the City Council, by majority vote, shall appoint a qualified person to fill such vacancy for the remainder of the unexpired term of office.

There shall be a Municipal Clerk of said court appointed by the City Manager. The Clerk of said Court shall have the power to administer oaths and affidavits, make certificates, affix the seal of said court thereto, and generally do and perform any and all acts necessary in issuing process of said Court and conducting business thereof. There may be such Deputy Clerks of the Municipal Court as may be authorized and appointed by the City Manager, which Deputy Clerks shall have authority to act for and on behalf of the Clerk of the Municipal Court. Said Municipal Court Clerk and Deputy Clerks shall receive such compensation as may be determined by the City Manager.

There shall also be an attorney appointed by the City Council to serve as the prosecutor in Municipal Court and said prosecutor shall receive such compensation as may be determined by the City Council.

Sec. 15. - Council investigations.

The City Council may investigate the financial transactions of any office or department of the City government, and the acts and conduct of any official or employee. In conducting such investigation, the City Council may compel the attendance of witnesses, the production of checks and papers, and other evidence and for that purpose may issue subpoenas or attachments which shall be signed by the Mayor, and which may be served and executed by any officer authorized by law to serve subpoenas or other process, or by any peace officer of the City. If any witness shall refuse to appear to testify to any facts within his knowledge, or to produce any papers or books in his possession, or under his control, relating to the matter under investigation before the City Council, the City Council shall have the power to cause the witness to be punished as for contempt, not exceeding a fine of one hundred dollars (\$100.00). No witness shall be excused from testifying to any fact within his knowledge of the matter under investigation in any such inquiry, but such testimony shall not be used against him in any criminal prosecution except for perjury committed upon such inquiry.

Sec. 16. - Power of initiative.

The people of the City reserve the power of direct legislation by initiative, and in the exercise of such power may propose any ordinance not in conflict of this Charter or the Constitution or the Laws of the State of Texas. Any initiated ordinance may be submitted to the Council by a petition signed by the qualified voters of the City equal in number to at least twenty (20) percent of the qualified voters of the City.

Sec. 17. - Power of referendum.

The people reserve the power to approve or reject at the polls any legislation enacted by the Council which is subject to the initiative process under this Charter. Prior to the effective date of any ordinance or within thirty (30) days after the effective date of any ordinance which is subject to referendum, a petition signed by at least twenty (20) percent of the qualified voters of the City may be filed with the City Secretary requesting that any such ordinance be either repealed or submitted to a vote of the people. When such a petition has been certified as sufficient by the City Secretary, the ordinance specified in the petition shall not go into effect, or further action thereunder shall be suspended if it shall have gone into effect, until and unless it is approved by the voters as herein provided.

Sec. 18. - Form of petitions.

Initiative petition papers shall contain the full text of the proposed legislation in the form of an ordinance including a descriptive caption. Referendum petition papers shall contain a sufficient description of the ordinance sought to be referred to identify it, or if the ordinance has been passed by the Council, the full text of the ordinance sought to be referred shall be included in such petition papers. The signatures to the initiative or referendum petitions need not all be appended to one paper, but each signer shall sign his name in ink or indelible pencil, and shall add to his signature his place of residence by street and number or such other document as may be prescribed by the laws of the State of Texas to identify qualified voters under any future legislation. One of the signers of each separate petition shall make an affidavit that he, and he only, personally circulated such petition and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be.

Sec. 19. - Filing, examination and certification of petitions.

Within thirty (30) days after an initiative or referendum petition is filed, the City Secretary shall determine whether the same is signed by the requisite number of qualified voters. The City Secretary shall declare void any petition paper which does not have an affidavit attached thereto as required in Section 18 of this Article. In examining the petition the Secretary shall write the letters "DV" (declared void) in red ink opposite the names of signatures found not qualified to vote. After completing examination of the petition, the Secretary shall certify the result thereof to the Council at its next regular meeting, stating the number of the persons found on the petition who are qualified to vote and the number of persons found on the petition who are not qualified to vote. If the Certificate of the City Secretary shall show an initiative or referendum petition to be insufficient, the Secretary shall notify the persons filing the petition, and it may be amended within ten (10) days from the date of such notice by filing a supplementary petition upon additional papers signed and filed as provided for in the original petition. Within ten (10) days after such amendment is filed, the Secretary shall examine the amended petition and certify as to its sufficiency. If the amended petition is found to be insufficient, the Secretary shall return the petition to the person filing the same, without prejudice to the filing of a new petition for the same purpose.

Sec. 20. - Council, consideration and submission to voters.

When the Council receives an authorized initiative petition certified by the City Secretary to be sufficient, the Council shall either:

- (a) Pass initiated ordinance without amendment within sixty (60) days after the date of the certification to the Council; or
- (b) Submit said initiated ordinance without amendment to a vote of the qualified voters of the City at a regular or special election to be held within ninety (90) days after the date of the certification to the Council.

When the Council receives an authorized referendum petition certified by the City Secretary to be sufficient, the Council shall reconsider the referred ordinance, and if upon such reconsideration such ordinance is not repealed, it shall be submitted to the voters at a regular or special election to be held not more than ninety (90) days after the date of the certification to the Council by the City Secretary. Special elections on initiated or referred ordinances shall not be held more frequently than once each six (6) months, and no ordinance on the same subject as an initiated ordinance which has been defeated or on the same subject as a referred ordinance which has been approved at any election may be initiated by the voters within two (2) years from the date of such election.

Sec. 21. - Ballot form and results of election.

The ballot used in voting upon an initiated or referred ordinance shall state the caption of the ordinance and below the caption shall set forth on separate lines the words, "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE."

Any number of ordinances may be voted on at the same election in accordance with the provisions of this article. If a majority of those are in favor of the initiated ordinance, it shall thereupon be effective as an ordinance of the city. An ordinance so adopted may be repealed or amended at any time after the expiration of two (2) years by a vote of four-fifths (4/5) of the Councilmembers qualified and serving. A referred ordinance which is rejected by a majority of those voting in a referendum election shall be deemed thereupon repealed and may not be reenacted by the Council for a period of two (2) years.

Sec. 22. - Power of recall.

The people of the City reserve the power to recall any elected official, including the Mayor or other Councilmembers, of the City of Brenham, and may exercise such power by filing with the City Secretary a petition, signed by qualified voters of the City equal in number to at least thirty (30) percent of the qualified voters of the City, demanding the removal of such elective officer or officers in case of the Mayor and other City Councilmembers voted on at large. In case of City Councilmembers elected from particular wards, the petition shall be signed by the qualified voters of the particular ward in number equal to at least thirty (30) percent of the qualified voters of the particular ward, demanding the removal of such elected Councilmember. The petition shall be signed and verified in the manner required for an initiative petition, shall contain a general statement of the grounds for which the removal is sought, and one of the signers of each petition paper shall make an affidavit that the statements therein made are true.

Sec. 23. - Recall election.

Within thirty (30) days after a recall petition is filed, the City Secretary shall examine the same. The provisions regulating examination, certification and amendment of initiative petitions shall apply to recall petitions. If the petition is certified by the City Secretary to be sufficient and the officer or official whose removal is sought does not resign within five (5) days after the certification to the Council, the Council shall order and hold a recall election within not less than thirty (30) days nor more than sixty (60) days from the date of such certification. In case of a removal of a Councilmember representing a particular ward the election would be called as above, but for the particular ward only.

Sec. 24. - Recall ballot.

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 (show name of officer) be removed from the office of (name of office)?" and (2) Immediately below each such question there shall be printed the two (2) following propositions, one above the other, in the order indicated: "For the recall of (name of officer)". "Against the recall of (name of officer)."

Sec. 25. - Removal of officer.

If a majority of the votes cast at a recall election shall be against removal of the officer named on the ballot, he shall continue in office. If the majority of the votes cast at such election be for the removal of the officer named on the ballot, the Council shall immediately declare his office vacant and such vacancy shall be filled in accordance with the provisions of this Charter for the filling of vacancies. An officer thus removed shall not be a candidate to succeed himself in any election called to fill the vacancy thereby created. An officer thus removed shall not be eligible to hold office again in the City of Brenham within a period of two (2) years from the date of the recall.

Sec. 26. - Limitation on recall.

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

Sec. 27. - Purchasing requirements.

The City shall observe and comply with all applicable purchasing and procurement laws when expending City funds.

Sec. 28. - Savings clause.

If any section, subclause, sentence or phrase of this Charter is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining Charter provisions.

Secs. 29, 30. - Reserved.