

**Excerpts from the City Charter
Revised – 2019 Charter Election**

ARTICLE I. - INCORPORATION, FORM OF GOVERNMENT, GENERAL POWERS, AND BOUNDARIES

Section 1.01. - Incorporation.

The inhabitants of the City of West University Place, Harris County, Texas, residing within its corporate limits as established before or after this Charter takes effect, are hereby constituted and shall continue to be a municipal body politic and corporate in perpetuity under the name of the City of West University Place (the City).

Section 1.02. - Form of Government.

The municipal government provided by this Charter shall be known as Council-Manager government. Pursuant to the provisions of and subject only to the limitations imposed by the Constitution and laws of the State of Texas and this Charter, all powers of the City shall be vested in and exercised by an elective City Council (the Council), which shall enact legislation, adopt budgets, establish policies, and appoint the City Manager.

State Law reference— Form of government in home-rule municipality, V.T.C.A., Local Government Code § 26.001 et seq.

Section 1.03. - General Powers.

The City shall have all the powers granted to cities by the Constitution and laws of the State of Texas, and all of the implied powers necessary to execute those granted powers. The City may use a corporate seal; may sue and be sued; may contract; may cooperate with the State of Texas or any agency or political subdivision thereof and with the United States of America or any agency thereof to accomplish any lawful purpose for the advancement of the interest, welfare, health, morals, comfort, safety, or convenience of the City and its inhabitants; may acquire property within or without its corporate limits for any municipal purpose, in fee simple or in any other lesser interest or estate by purchase, gift, devise, lease, or condemnation and, subject to the provisions of this Charter and the Constitution and laws of the State of Texas, may sell, lease, mortgage, hold, manage, improve, develop, and control property it now or later owns; and may enact ordinances, rules, and regulations as required for the maintenance and promotion of good government, order, and peace of the City, and the welfare, health, safety, morals, comfort, and convenience of its inhabitants. The powers hereby conferred upon the City shall include, but are not limited to, those powers of home rule cities enumerated by the laws of the State of Texas, as heretofore or hereafter amended, all of which powers are hereby adopted. In addition to the powers enumerated herein, subject only to the limitations imposed by the Constitution and laws of the State of Texas and by this Charter, the City shall have, without the necessity of express enumeration in this Charter, every power which, by virtue of the Constitution of the State of Texas, the people of the City are empowered by election to grant to the City. All powers shall be exercised as prescribed in this Charter, or, if not prescribed herein, as prescribed by ordinance.

State Law reference— Home-rule municipality has full power of local self-government, .T.C.A., Local Government Code § 51.072; adoption and use of seal, V.T.C.A., Local Government Code § 51.016.

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Section 1.04. - Boundaries and Annexation.

The Council shall have the power by ordinance to extend the boundaries of the City and to annex additional territory adjoining the City. Upon final passage of an ordinance annexing territory, the corporate limits of the City shall thereafter include the territory annexed, that territory shall be a part of the City, the property situated therein shall bear its pro rata part of the taxes levied by the City, and the inhabitants thereof shall be entitled to the rights and privileges of citizens and shall be bound by the ordinances, resolutions, rules, and regulations of the City. No part of the City as presently established may be disannexed.

ARTICLE II. - CITY COUNCIL

Section 2.01. - Composition of Council and Term of Office.

The Council shall be composed of five persons, a Mayor and four Council Members, each of whom shall be elected from the City at large for a term of two years. They shall take office on the first day of the calendar month next following the seventh day after the election day.

Section 2.02. - Qualifications.

- a. To qualify to be a candidate for or to serve as Mayor or Council Member, a person must:
 - (1) Be at least 21 years of age;
 - (2) Be a resident of and have resided in the City for at least 12 months immediately preceding the election; and
 - (3) Be qualified to vote in the City.
- b. If the Mayor or a Council Member no longer qualifies, the Council at its next regular meeting shall declare the position vacant and fill the vacancy as provided in this Charter.

Section 2.03. - Limit on Successive Terms.

No person shall serve as Mayor for more than three successive terms and no person shall serve as Council Member for more than three successive terms.

(Ord. No. 2071, 5-15-2019)

Section 2.04. - Compensation.

The Mayor and Council Members shall be entitled to compensation. The rate of compensation may be established or changed by the Council; however, no increase in the rate of compensation shall take effect unless ratified by a majority of the voters in the next regular City election. The City shall pay or reimburse reasonable expenses incurred by the Mayor or Council Members in the performance of specific duties, limited to the amount appropriated for such expenses in the current budget.

Section 2.05. - Vacancies.

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If at any time a vacancy exists on the Council, Council shall fill the vacancy with an appointment by a majority vote of the remaining Council members, with such appointee to serve until the next regularly scheduled election. Council shall fill the vacancy within 60 days. Any person appointed or elected to the Council under this provision, shall meet all qualifications to serve as a Council member under Section 2.02 as of the date of such appointment or election.

(Ord. 1847, § 1, 5-21-2007; Ord. No. 2071, 5-15-2019)

Section 2.06. - Mayor.

The Mayor shall preside at all meetings of the Council and shall be the head of the City government. The Mayor shall vote upon all matters voted upon by the Council, but shall have no veto power.

Section 2.07. - Mayor Pro Tem.

The Council shall elect one of its members Mayor Pro Tem, who shall perform the duties and have the power of the Mayor during the absence or inability of the Mayor to perform the duties of that office. Election of the Mayor Pro Tem shall be at the Council's first meeting or, in the event of a vacancy, within 60 days.

(Ord. No. 2071, 5-15-2019)

Section 2.08. - Powers of Council.

All power and authority of the City shall be vested in and exercised by the Council except that the Council shall not exercise powers expressly conferred on other City officers by this Charter.

Said power and authority shall include the authority to:

- a. Create, abolish, consolidate, and divide offices and departments in the interest of the City, except that no office or department established and required to be maintained by this Charter may be abolished.
- b. Remit, in whole or in part, fines and penalties imposed by penal ordinance, except for fines and penalties imposed by the Municipal Court.
- c. Inquire into the conduct of any office, department, agency, officer, or employee of the City and make investigations as to municipal affairs, and for these purposes to subpoena witnesses, administer oaths, and compel the production of books, papers, and other evidence. The Council shall have the power to punish for contempt.

Section 2.09. - Meetings of Council.

- a. The Council shall hold at least two regular meetings each month at a time the Council shall designate.
- b. Regular meetings are Council meetings required to be held semi-monthly and designated as regular. All regular meetings shall be held within the City limits.

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- c. Special meetings may be called by the City Secretary at the request of the Mayor or two members of Council. The City Manager shall be notified of all special meetings. Special meetings may be held in the City or other places within Harris County.
- d. All meetings of Council shall be open to the public except as authorized by law.

State Law reference— Open governing and open meetings, V.T.C.A., Government Code, § 551.001 et seq.

(Ord. 1847, § 1, 5-21-2007)

Section 2.10. - Rules of Procedure.

The Council shall by ordinance determine its own rules and order of business. A majority of Council, qualified and serving, shall constitute a quorum at all meetings for the transaction of business, and no action of the Council shall be of any effect unless it is adopted by the favorable vote of a majority of Council present unless otherwise provided by this Charter. The Council may adopt rules and prescribe penalties to enforce the attendance of its members at all regular and special meetings of the Council or its committees. Each member of Council present shall vote on every action taken by Council unless the action involves the member's own conduct or presents a possible conflict of interest. In that case, the member shall file with the City Secretary a written statement of the reason for abstaining. Each vote of the Mayor and each Council Member shall be reported in the minutes. Minutes of all Council Meetings shall be taken and recorded and shall be a public record.

Section 2.11. - Procedure to Enact Legislation.

The Council shall legislate by ordinance. Every ordinance shall be introduced in writing or printed form and have a clearly summarized and fully descriptive title or caption. The enacting clause of every ordinance shall be: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE. Every ordinance enacted by the Council shall be signed by the Mayor or Mayor Pro Tem, or in their absence by two Council Members, and shall be filed with and recorded by the City Secretary. All ordinances shall be read and considered at two regular meetings of Council before final passage, except when a state of emergency is declared by the Council or as otherwise provided by this Charter. The reading aloud of the title or caption of the ordinance shall suffice as a reading provided that printed copies of the ordinance, in the form required for adoption, are available to all members of Council and that a reasonable number of additional copies is available to interested citizens present at the Council meeting. A majority of the Council qualified and serving may require an ordinance to be read in its entirety. An ordinance, including an ordinance enacted prior to May 6, 1989, may not be held invalid on the basis of an insufficient title, caption, or enacting clause.

Section 2.12. - Publication of Ordinances.

Except as otherwise provided by law or this Charter, the City Secretary shall give notice of enactment of every ordinance imposing a criminal penalty for violation of its provisions, and notice of every other ordinance required by law or this Charter to be published, by having the ordinance, or its fully descriptive caption and penalty, published at least once in the official newspaper of the City within ten days after final passage. The affidavit of publication, if signed by a representative of the newspaper, taken before any officer authorized to administer oaths,

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and filed with the City Secretary, shall be conclusive proof of the legal publication and promulgation of the ordinance in all courts. The ordinance shall take effect ten days after publication.

State Law reference— Publication of ordinances by home-rule municipality, V.T.C.A., Local Government Code § 52.013.

Section 2.13. - Code of Ordinances.

The Council has the power to have ordinances of the City compiled and printed in code form. Every general ordinance enacted after that codification shall be enacted as an amendment to the Code. The Council may have ordinances recodified and reprinted when that is considered desirable. When adopted by the Council, the printed Code of General Ordinances shall be in full effect and publication of the Code in whole or part in the official newspaper of the City shall not be necessary. The Code may omit descriptive clauses and other formal parts of ordinances without affecting the validity of the ordinances.

State Law reference— Municipal power to codify, V.T.C.A., Local Government Code § 53.001; effect of codification, V.T.C.A., Local Government Code § 53.005.

ARTICLE III. - ELECTIONS^[2]

Footnotes:

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State Law reference— Application for home-rule city office, V.T.C.A., Election Code § 143.005; age and residency requirements for home-rule city office, V.T.C.A., Election Code § 141.003.

Section 3.01. - Regular Elections.

The regular election of members of the Council shall be held on the last uniform election date allowed by state law prior to June 1 of each odd numbered year. Each qualified voter of the City may vote for not more than one candidate for Mayor and for not more than four candidates for Council Member. The election shall be ordered by the Mayor or by the Council. The City Secretary shall give notice of the election in the manner required by the laws of the State of Texas.

Section 3.02. - Special Elections.

The Council shall by ordinance call special elections as required or authorized by the laws of the State of Texas or this Charter, and fix the time and place of holding these elections. Every special election shall be called and held as nearly as practicable according to the provisions governing regular elections.

Section 3.03. - Conduct of Elections.

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All elections shall be held in accordance with the laws of the State of Texas, this Charter, and City ordinances. The Council shall appoint election judges and other election officials and shall provide for their compensation, and for all other expenses of holding City elections.

Section 3.04. - Filing for Office.

A qualified citizen who desires to become a candidate for City office shall file with the City Secretary a signed, sworn application for the citizen's name to appear on the ballot and a petition signed by at least 25 qualified voters recommending the candidacy. The time of filing shall be determined by the provisions of the Texas Election Code or other applicable State Law.

Section 3.05. - Votes Required and Canvassing of Returns.

Within the time required by law after a City election, the Council shall meet, canvass the returns, and declare the results of the election. The candidate for Mayor who receives a plurality of the votes cast and the four candidates for Council Member who individually receive the greatest number of votes cast shall be declared elected.

Section 3.06. - Petitions, Qualified Voters, Etc.

The Texas Election Code shall govern petitions filed by candidates for office and other similar petitions, including petitions for initiative, referendum and recall. Any additional requirements prescribed by this Charter shall also apply. The number of qualified voters of the City, if required to determine the number of signatures needed on a petition, shall be determined by the City Secretary. Determinations shall be made as of the date of the earliest signature on a petition. For this purpose, the City Secretary may rely upon the most recent official list of registered voters, as may be on file with the City.

(Ord. 1847, § 1, 5-21-2007)