

HOME RULE CHARTER

Hutto, Texas



Mayor

Mike Snyder

Mayor Pro Tem

Vacant

Councilmembers

| | |
|------------------------|---------|
| Robin Sutton | Place 1 |
| Dan Thornton | Place 2 |
| Mandi Villarreal Salvo | Place 3 |
| Peter Gordon | Place 4 |
| Mike Arismendez | Place 5 |
| Tanner Rose | Place 6 |

Amended: May 1, 2021

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Adopted: February 7, 2004

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We, the people of Hutto, Texas in order to establish a home rule municipal government that will provide for the future progress of our City through local self government, do hereby adopt this Home Rule Charter, hereinafter referred to as “Charter,” in accordance with the statutes of the state of Texas; and do hereby declare the citizens of the City of Hutto, Williamson County, Texas, residing within the legally established boundaries of said City, to be a political subdivision of the state of Texas incorporated forever under the name of the “City of Hutto” with such powers, rights and duties as are herein provided.

ARTICLE 1 - FORM OF GOVERNMENT AND BOUNDARIES

SECTION 1.01 FORM OF GOVERNMENT

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

SECTION 1.02 THE BOUNDARIES

The bounds and limits of the City are hereby established and described as being those boundaries heretofore established in the original incorporated proceedings of the said City, filed of record on January 1, 2004 in the office of the Clerk of the County Court of Williamson County, Texas and those boundaries established and changed thereafter in all annexation ordinances and proceedings of the City.

SECTION 1.03 EXTENSION OF BOUNDARIES

The boundaries of the City may be enlarged and extended by the annexation of additional territory, irrespective of size and configuration, in any manner and by any procedure provided by applicable state law. Upon completion of annexation, the territory so annexed shall become a part of the City, and said land and its residents and future residents shall be entitled to all the rights and privileges of other citizens of the City and shall be bound by the acts, ordinances, resolutions and regulations of the City. *(Amended May 6, 2017) (Amended May 1, 2021)*

ARTICLE 2 - POWERS OF THE CITY

SECTION 2.01

The said City of Hutto 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 Hutto 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 Hutto 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 pleasure.

SECTION 2.02 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 of this Charter, and shall be prosecuted and collected for the use and benefit of said City of Hutto 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. *(Amended May 6, 2017)*

SECTION 2.03 LOCAL SELF-GOVERNMENT

The City of Hutto 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.

SECTION 2.04 OTHER 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 Hutto, 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 Hutto 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 pages 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 that Purpose to Adopt and Amend their Charters," etc.; and such powers are hereby conferred upon the City of Hutto 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 Hutto, all the powers conferred by the Constitution and Laws of this State upon cities having more than five thousand inhabitants. *(Amended May 6, 2017)*
- c) The City shall have the rights and powers granted to municipalities and general law or home rule cities under the general laws, and it shall have all the rights and powers of self-government that now exist or may hereafter be granted to home rule cities by the Constitution and the general and special laws of the State of Texas.

SECTION 2.05 EMINENT DOMAIN

The City shall have the full power and right to exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred upon it by this Charter or by the constitution and laws of the state of Texas. The City may exercise the power of eminent domain in any manner authorized or permitted by the Constitution and laws of this state. The power of eminent domain hereby conferred shall include the right of the City to take the fee in land so condemned and such power and authority shall include the right to condemn public property for such purposes. The City shall have and possess the power of condemnation for any municipal or public purposes even though not specifically enumerated in this Charter.

SECTION 2.06 ZONING IN GENERAL

The City Council shall have full power and authority to zone the City and to pass all necessary ordinances, rules and regulations governing the same under and by virtue of the authority given to cities and legislative bodies thereof by applicable state law. *(Amended May 6, 2017)*

ARTICLE 3 - THE CITY COUNCIL

SECTION 3.01 NUMBER, SELECTION AND TERM

The City Council shall be composed of the Mayor and six (6) Council members (collectively “Members of the City Council” or “City Council” and individually as “Mayor” or “City Council member”). The Mayor and all City Council members shall be elected from the City at large and each City Council member shall occupy a position on the City Council, such positions being numbered 1 through 6 consecutively. The Mayor and City Council members shall be elected in the manner provided in Article 5 of this Charter to serve for three (3) year terms.

The Mayor and City Council members shall be limited to two consecutive full terms in the same office. A person who has served two consecutive full terms as a City Council member, regardless of place number, may not again hold the same office until at least one year out of office has passed. However, such person is eligible to be elected to the Office of the Mayor for two consecutive terms.

A person who has served two consecutive full terms as Mayor may not again hold the same office or be eligible to be elected to the office of City Council member until at least one year out of office has passed.

(Term limits omitted - amended November 7, 2006) (Terms transitioned from two (2) year to three (3) year terms – amended November 3, 2009; term limits added in May 6, 2017) (Amended May 1, 2021)

SECTION 3.02 QUALIFICATIONS

In addition to any other qualifications prescribed by law, the Mayor and each Council member shall meet the conditions of Section 5.02 while in office, and shall reside within the City while in office.

SECTION 3.03 JUDGE OF ELECTIONS AND QUALIFICATIONS

The City Council shall be the final judge of all elections and of qualifications of its members and any other elected officials of the City.

SECTION 3.04 COMPENSATION

- a) The Mayor shall receive as compensation the sum of five hundred dollars (\$500.00) for attendance at each regular City Council meeting; provided, however, that the Mayor shall not receive compensation for more than two (2) meetings in any one month.
- b) City Council members shall receive as compensation the sum of four hundred dollars (\$400.00) for attendance at each regular City Council meeting; provided, however, that no City Council member shall receive compensation for more than two (2) meetings in any one month.
- c) The Mayor and City Council members shall be entitled to all necessary expenses incurred in the performance of their official council duties upon approval by the City Council.

(Amended May 1, 2021)

SECTION 3.05 MAYOR AND MAYOR PRO-TEM

The Mayor shall be the ceremonial head of the City government. The Mayor shall be the chairman of, and shall preside at all meetings of the City Council. The Mayor shall vote on every proposition before the City Council, but shall have no power to veto. The Mayor shall, when authorized by the City Council, sign all official documents such as ordinances, resolutions, conveyances, grant agreements, official plats, contracts, and bonds, except for the documents which the City Manager is authorized to sign in accordance with Section 4.01(f) of this Charter. The Mayor shall perform such other duties consistent with this Charter or as may be imposed upon him or her by the City Council.

The Mayor Pro-tem shall be: a Council member, elected by the City Council at the first regular City Council meeting following each regular City election. The Mayor Pro-tem shall act as Mayor during the disability, absence, or failure of the Mayor to carry out the duties of the office, and in this capacity shall have the rights conferred upon the Mayor. If the City Council Member serving as Mayor Pro-Tem, resigns for any reason, is removed from office in any manner authorized by law, or a forfeiture of his or her office occurs, the City Council shall at the next regular City Council meeting after the office is declared vacant, elect a Mayor Pro-Tem. *(Amended May 6, 2017) (Amended May 1, 2021)*

SECTION 3.06 VACANCIES, FORFEITURE, FILLING OF VACANCIES

- a) Vacancies

The office of a City Council member or office of the Mayor shall become vacant upon his or her death, resignation, removal from office in any manner authorized by law, or forfeiture of his or her office.

b) Forfeiture of Office

If the Mayor or any City Council member:

- 1) fails to maintain the qualifications as required in this Charter;
- 2) has been found by the affirmative vote at least a five (5) Members of the City Council to have violated any express prohibition of this Charter;
- 3) is convicted of a crime involving moral turpitude; or
- 4) fails to attend five (5) regular City Council meetings in any twelve (12) month period, *(Amended May 1, 2021)*

the City Council shall, at its next regular meeting, declare the office to be vacant and shall fill such vacancy as set forth in Subsection (c) below of this Section 3.06. *(Amended May 6, 2017)*

c) Filling of Vacancies

- 1) When any vacancy or vacancies shall occur on the City Council, a majority of the remaining Members of the City Council shall appoint a qualified replacement to fulfill the remainder of the vacant term should the remainder of the term be less than one (1) year. A special election shall be called in accordance with state law to fill the vacancy or vacancies in the same manner as described herein for regular elections should more than one (1) year remain of the vacant term.

SECTION 3.07 GENERAL POWERS AND DUTIES

All powers of the City shall be vested in the City Council, except as otherwise provided by law or this Charter, and the City Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.

SECTION 3.08 PROHIBITIONS

a) Holding Other Office

Except where authorized by law, no Mayor or City Council member shall hold any other City office or City employment during his or her term as Mayor or City Council member and no former Mayor or City Council member shall hold any compensated appointive City office or City employment until one year after the expiration of his or her term as Mayor or City Council member.

b) Appointments and Removals

Neither the City Council nor any of its members shall in any manner dictate the appointment or removal of any City administrative officers or employees whom the City Manager or any of his or her subordinates are empowered to appoint, but the City Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.

c) Interference with Administration

Except for the purpose of inquiries and investigations under Section 3.16 of this Charter, the City Council or its members shall deal with City officers and City employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the City Council nor its members shall give orders to any such officer or employee, either publicly or privately, except as otherwise provided in this Charter.

SECTION 3.09 MEETINGS OF THE CITY COUNCIL

The City Council shall hold at least two regular meetings each month and as many additional meetings as it deems necessary to transact the business of the City and its citizens. The City Council shall fix, by ordinance, the days and time of the regular meetings. Special meetings of the City Council shall be held on the call of the Mayor or three (3) City Council members. Notice of all meetings of the City Council shall be given in accordance with the provisions of applicable state law. *(Amended May 6, 2017)*

SECTION 3.10 QUORUM

Five (5) Members of the City Council shall constitute a quorum for the purpose of transaction of business and no action of the City Council, except as provided in Section 3.06, shall be valid or binding unless adopted by the affirmative vote of four (4) or more Members of the City Council.

SECTION 3.11 RULES OF PROCEDURE

The City Council shall, by ordinance, determine its own rules and order of business and the rules shall provide that citizens of the City shall have a reasonable opportunity to be heard at any meeting. Public comments shall be allowed at all public meetings of the City of Hutto and shall be held before any business is conducted, including moving the meeting into Executive Session. *(Amended May 1, 2021)*

SECTION 3.12 VOTING

The City Council shall provide for minutes being taken and recorded of all meetings, and such minutes shall be a public record. Except as required by state law, there shall be no requirement for the taking and recording of minutes of meetings held in executive or closed session in accordance with applicable state law. Voting shall be by roll call and shall be recorded in the minutes.

All Members of the City Council present shall vote upon every resolution or ordinance, except where there is a conflict of interest, the reason for which shall be stated concisely in the records. *(Amended May 6, 2017)*

SECTION 3.13 ORDINANCES IN GENERAL

Ordinances and resolutions shall be introduced in the City Council only in written or printed form.

Ordinances making appropriations shall be confined to the subject of appropriations.

Any ordinance which levies a fine or penalty and those dealing with budget and/or tax, franchises, public utilities or the setting of their rates, shall be read at two regular meetings followed by publication in full or by caption in two successive issues of the official newspaper of the City before the same shall become effective.

All other ordinances shall not be finally passed until they have been read on two separate days not less than twelve (12) hours apart; provided, however, if an ordinance has been introduced at a regular meeting of the City Council, the requirements for reading on two separate days may be dispensed with by affirmative vote of all the Members of the City Council present. *(Amended November 7, 2006)*

The final reading of each ordinance shall be read in full unless written or printed copy thereof shall have been furnished to each Member of the City Council prior to such meeting. The enacting clause of all ordinances shall be: "Be it ordained by the City Council of the City of Hutto, Texas."

SECTION 3.14 EMERGENCY ORDINANCES

To meet a public emergency involving an urgent public necessity or involving an imminent threat to public health and safety that requires immediate action by the City Council, the City Council may adopt emergency ordinances. Such ordinances shall not levy taxes, grant or renew or extend a franchise, or regulate the rate charged by any public utility for its services. Neither shall they authorize the borrowing of money, except as provided in Section 8.07(b) of this Charter. An emergency ordinance shall be introduced in the form and manner generally prescribed for ordinances, except that it shall be plainly designated in the title as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced. After adoption, the ordinance shall be published as required for other adopted ordinances and shall become effective in the same manner. Every emergency ordinance so adopted, except one authorizing the borrowing of money as described herein, shall automatically stand repealed as of the sixty-first day following the day on which it became effective, but this shall not prevent re-enactment of the ordinance. *(Amended May 6, 2017)*

SECTION 3.15 BONDS FOR CITY EMPLOYEES

City employees, who receive or pay out monies of the City, shall be covered under a blanket crime coverage. The amount of the bonds or crime coverage shall be determined by the City Council and the cost thereof shall be borne by the City. *(Amended November 3, 2009)*

SECTION 3.16 INVESTIGATIVE BODY

The City Council shall have the power to inquire into the official conduct of any department, agency, office, officer, or employee of the City and for that purpose shall have the power to administer oaths, subpoena witnesses, compel the production of books, papers, and other evidence material to the inquiry. The City Council shall provide by ordinance, penalties for contempt in failing or refusing to obey any such subpoena or to produce any such books, papers or other evidence, and shall have the power to punish any such contempt in the manner provided by such ordinance. *(Amended May 6, 2017)*

ARTICLE 4 - ADMINISTRATIVE SERVICE

SECTION 4.01 CITY MANAGER

a) Appointment and Qualifications

The City Council, by the affirmative vote of five (5) or more Members of the City Council shall appoint a City Manager. The method of selection shall be left to the discretion of the City Council so long as the method insures orderly, nonpartisan action toward securing a competent and qualified person to fill the position. The City Manager shall be chosen solely upon the basis of such person's executive and administrative training, experience and ability. The City Manager shall be bonded at City expense in an amount of not less than ten thousand dollars (\$10,000). *(Amended May 6, 2017)*

b) Compensation

The City Manager shall receive compensation as may be fixed by the City Council according to his or her experience, education, and training. The compensation shall be agreed upon before appointment with the understanding that the City Council may change it at its discretion. *(Amended May 6, 2017)*

c) Term and Removal

The City Manager shall not be appointed for a definitive term but may be suspended or removed at the discretion of the City Council, by the affirmative vote of five (5) or more Members of the City Council. The action of the City Council in suspending or removing the City Manager shall be final. It is the intention of this Charter to vest all authority and fix all responsibilities of such suspension or removal in the City Council. *(Amended May 6, 2017)*

d) Powers and Duties

The City Manager shall be the Chief Administrative Officer of the City, and shall be responsible to the City Council for the proper administration of all the affairs of the City and to that end shall have the power and shall be required to:

- 1) see that all state laws and City ordinances are effectively enforced;
- 2) appoint, suspend or remove all or any one of the directors of departments, except as otherwise provided in this Charter;
- 3) attend all meetings of the City Council except when excused by the City Council, and shall have the right to take part in the discussions;
- 4) prepare the budget annually and submit it to the City Council and be responsible for its administration after its adoption;
- 5) prepare and submit to the City Council at the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year;

- 6) keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may seem advisable;
- 7) make other such reports as the City Council may require concerning the operations of City departments, offices and agencies subject to his or her discretion and supervision; and
- 8) perform such other duties as may be prescribed by this Charter or required by the City Council, as consistent with this Charter.

e) Contracts and Purchases

The City Council may by ordinance set a maximum amount for which the City Manager shall be authorized to execute contracts and/or to expend funds for budgeted items; provided here, that all contracts and expenditures must comply with applicable state laws requiring competitive bids or authorizing alternative procurement methods. The City Council may by ordinance establish a dollar amount above which all, or certain types of, contracts, or expenditures must be approved in advance by the City Council. *(Added May 6, 2017)*

f) Execution of Documents

The City Manager shall have the authority to execute, on behalf of the City, certain documents, including but not limited to deeds, conveyances, release of liens, rental agreements, easements, right-of-way agreements, joint use agreements, and other similar documents, under the following condition.

- 1) The execution of the document is necessary to carry out a public works project; utilize, maintain or improve a City facility, street, right-of-way, easement, park or other City property; or to implement other City policies; provided that such project, program, or policy has been approved by the City Council;
- 2) That all blanks are filled in on any document correctly and that such document is consistent with the objectives approved by the City Council; and
- 3) That the form of such document shall be approved by the City Attorney. *(Added May 6, 2017)*

(Amended May 1, 2021)

SECTION 4.02 ADMINISTRATIVE DEPARTMENTS

There shall be such administrative departments as are established by this Charter and may be established by ordinance and, excepting as otherwise provided in this Charter, these administrative departments shall be under the direction of the City Manager.

The head of each department shall be a director who shall have supervision and control over said department. Two or more departments may be headed by the same individual and the City Manager may head one or more departments. *(Amended May 6, 2017)*

SECTION 4.03 MUNICIPAL COURT

- a) There shall be established and maintained a court, designated as a “Municipal Court” for the trial of misdemeanor offenses, with all such powers and duties as are now, or may hereafter be prescribed by laws of the state of Texas relative to municipal courts.
- b) The judge of said court shall be appointed by the City Council to serve at the discretion of the City Council. The judge shall be an attorney licensed and practicing in the State of Texas and shall receive such salary as may be fixed by the City Council. *(Amended May 1, 2021)*
- c) There shall be a clerk of said court appointed by the City Manager.
- d) The clerk of said court and deputies 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 usual, and necessary to be performed, by the clerks of courts, in issuing process of said courts, and conducting the business thereof.
- e) The City Council shall have the power to create additional judges as provided by law. The City Council shall appoint such additional judges. *(Amended May 1, 2021)*
- f) All costs and fines imposed by the Municipal Court shall be paid into the City Treasury for the use and benefit of the City.

SECTION 4.04 CITY ATTORNEY AND DEPUTY CITY ATTORNEY

The City Council shall appoint a competent and duly licensed attorney practicing law in the state of Texas, who shall be the City Attorney. The City Attorney shall hold office at the pleasure of the City Council. The City Attorney, or such other attorneys selected by the City Attorney with the approval of the City Council, shall represent the City in all litigation. The City Attorney shall be the legal advisor of, and attorney and counsel for, the City and all officers and departments thereof. *(Amended May 6, 2017)*

The City Council may appoint a competent and duly licensed attorney practicing law in the state of Texas, who shall be the Deputy City Attorney. The Deputy City Attorney shall hold office at the pleasure of the City Council. The Deputy City Attorney, or such other attorneys selected by the Deputy City Attorney with the approval of the City Council, shall conduct all prosecutions in the Municipal Court. *(Added May 1, 2021)*

SECTION 4.05 CITY SECRETARY

The City Manager shall appoint the City Secretary and such Assistant City Secretaries as the City Council shall deem advisable. The duties of the City Secretary, and Assistant City Secretaries, shall be as follows: *(Amended May 1, 2021)*

- a) to give notice of City Council meetings;
- b) to keep the minutes of the proceedings of such meetings;
- c) to authenticate by his or her signature and record in full a book kept and indexed for the purpose, all ordinances and resolutions; and
- d) to perform such other duties as the City Council shall assign, and those elsewhere provided for in this Charter.

ARTICLE 5 - NOMINATIONS AND ELECTIONS

SECTION 5.01 CITY ELECTIONS

a) Schedule

The regular City Election will be held annually on the first Saturday in May, or as otherwise provided by state law. Elections for candidates who are unopposed may be canceled in accordance with the provisions of applicable state law. The City Council shall be responsible to specify places for holding such election. *(Amended May 6, 2017)*

b) Special Elections

The City Council may, by ordinance or resolution, order a special election under conditions specified elsewhere in this Charter, for initiative or referendum of ordinances, bond issues, Charter amendments, recall of the Mayor or City Council members or other purposes deemed appropriate by City Council. The City Council will fix the time and place for holding such special elections, and provide all means for holding same. *(Amended May 6, 2017)*

c) Voter Eligibility or Voter Registration List

A certified list of voter registrants within the City, as prepared by the County Election Administrator, shall be maintained on file in the office of the City Secretary. If for a purpose relating only to a City election or to candidates or issues involved in such election, any organization, group or person requests a list of qualified voters of the City, permission to copy the current list shall be granted by the City Secretary.

d) Conduct and Regulation of Elections

All City elections shall be governed by the Constitution of the state of Texas, general laws of the state, this Charter, and ordinances of the City, in the order named. Municipal elections shall be conducted by the election officials appointed or approved by the City Council. Sample ballots identical to the voting machine format for the specific election shall be posted in the voting place(s) for purpose of voter orientation.

SECTION 5.02 FILING FOR OFFICE

a) Eligibility to File. Each candidate for an elective City office shall meet the following qualifications:

- 1) be a registered voter of the City;
- 2) have resided for at least twelve (12) months preceding the election within the corporate limits of the City, including territory annexed prior to the filing deadline; and
- 3) be at least eighteen (18) years of age at the time of filing. *(Amended May 6, 2017)*

- b) Additional restrictions. In addition to the foregoing qualifications, the following restrictions shall apply:
- 1) An incumbent seeking reelection must file for the same position number presently serving unless filing for the office of Mayor.
 - 2) No candidate may file for more than one office or position number per election.
 - 3) No employee of the City shall continue in such position after filing for an elective office of the City.
 - 4) No candidate shall be placed on the ballot unless his or her application is accompanied by either (1) a filing fee of fifty dollars (\$50.00), or (2) a petition signed by qualified voters residing in the City equal in number to at least the greater of: (a) twenty-five, or (b) one-half of one percent of the total votes received by all candidates for mayor in the most recent mayoral regular election. The signed petition shall be filed with the City Secretary, together with the candidate's sworn application. Each signer next to his or her signature shall indicate the signer's date of birth, date of signing, the signer's printed name, and the street address of his or her place of residence, including the county of residence.

SECTION 5.03 OFFICIAL BALLOTS

a) Names on Ballot

The name of each candidate nominated for office, except those who have withdrawn, died or become ineligible, shall be printed on the official ballots without party designation or symbol, and in the form designated by the candidate. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion, their residence addresses shall be printed with their names on the ballot. *(Amended May 6, 2017)*

b) Order of Listing

The order on the ballot of the names of the candidates shall be determined by lot in a drawing to be held under the supervision of the City Secretary. *(Amended May 6, 2017)*

c) Early Voting Ballots

Procedures for early voting shall be consistent with applicable state law.

d) Ballots for Ordinances, Bond Issues, and Charter Amendments

An ordinance, bond issue or Charter amendment, to be voted on by qualified voters of the City shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement, approved by majority of the entire City Council describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described (ordinance) (bond issue) (Amendment) be adopted?" Immediately below or to the left of such question shall appear, in the following order, the words "Yes" and "No" each with a box in which the voter may cast his or her vote by marking a cross (X).

e) Write-In Votes

Procedures for write-in votes shall be consistent with applicable state law. *(Amended May 6, 2017)*

SECTION 5.04 CANVASSING

The City Council shall, at a special meeting called for that purpose or at its next regular meeting, canvass the returns from any municipal election and declare the results of said election to be official. The returns of every municipal election shall be recorded in the minutes of the City Council, by totals for each candidate, or, for or against each issue submitted.

SECTION 5.05 ELECTION BY MAJORITY

A majority vote for an elective office is that number of votes which is greater than one-half of the total number of valid ballots cast for the office concerned. Any candidate for elective office who receives a majority vote shall be declared elected. If none of the candidates for an elective position receives a majority vote, none of such candidates shall be elected.

SECTION 5.06 RUN-OFF ELECTION

In the event no candidate for an elective office receives a majority of the votes cast for that position in the regular or special election or there is a tie for first place, a run-off election shall be held between the two (2) candidates who received the greater number of votes. Such run-off election shall be held in accordance with applicable state law. *(Amended May 6, 2017)*

ARTICLE 6 - RECALL OF OFFICERS

SECTION 6.01 SCOPE OF RECALL

Any elected City official, whether elected to office by the qualified voters of the City or appointed by the City Council to fill a vacancy, shall be subject to recall and removal from the office by the qualified voters of the City.

SECTION 6.02 PETITION FOR RECALL

Before the question of recall of such officer shall be submitted to the qualified voters of the City, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of the City Secretary; which said petition shall be signed by qualified voters of the City equal in number to at least twenty percent (20%) of the number of qualified voters as currently certified to by the County Elections Administrator. Such petition shall contain a general statement of the grounds for which the removal is sought.

A signature on a petition for recall is valid only if the petition includes the following information with respect to each signer:

- a) the signer's residence address, including the county;
- b) the signer's date of birth or the signer's voter registration number;
- c) the date of signing; and
- d) the signer's printed name.

(Amended May 6, 2017)

When filed, each paper of a petition shall have attached to it an affidavit executed by the circulator thereof stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be, and that the purpose of the petition was explained to each signer. *(Amended May 1, 2021)*

SECTION 6.03 RECALL PROCEDURE

Any qualified voters of the City may make and file with the person performing the duties of City Secretary an affidavit containing the name or names of the officer(s) whose removal is sought and a statement of the grounds for removal. The City Secretary shall immediately notify in writing the officer(s) sought to be removed that the affidavit has been filed and shall inform the officer(s) of its statement of grounds. The City Secretary shall within a period of two (2) working days from the time the affidavit was filed thereupon make available to the qualified voters making such affidavit copies of petition blanks demanding such removal. The City Secretary shall keep a sufficient number of such printed petition blanks on hand for distribution. Such blanks when issued by the City Secretary shall bear the signature of the City Secretary and be of such form as prescribed in Section 6.04 of this Article, and shall be numbered, dated, and indicate the name of the person to whom issued. The City Secretary shall enter in a record to be kept in his or her office the name of the qualified voters to whom the petition blanks were issued and the number to said person.

SECTION 6.04 FORM OF RECALL PETITION

The recall petition mentioned above must be addressed to the City Council of the City of Hutto, must distinctly and specifically state the ground(s) upon which such petition for removal is predicated, and, if there be more than one ground, such as for violation of the ethics ordinance, noncompliance with this Charter, misconduct or indictment for crimes of moral turpitude in office, shall specifically state each ground with such certainty as to give the officer sought to be removed, notice of such matters and things with which he or she is charged. Each petition shall be in the form and validated in the manner prescribed by state law for a petition to initiate a charter amendment. *(Amended May 1, 2021)*

SECTION 6.05 VARIOUS PAPERS CONSTITUTING RECALL PETITION

- a) The petition may consist of one or more copies, or subscription list, circulated separately, and the signatures thereto may be upon the paper or papers containing the form of petition, or upon other papers attached thereto. Verifications provided for in the next preceding section of this Article may be made by one or more petitioners, and the several parts or copies of the petition may be filed separately and by different persons; but no signatures to such petition shall remain effective or be counted which were placed thereon more than forty-five (45) days prior to the filing of such original petition or petitions with the person performing the duties of City Secretary on the same day, and the said Secretary shall immediately notify, in writing by registered mail, the officer so sought to be removed, by mailing such notice to such officer's address.
- b) Certification procedures as described in Section 7.04 shall be followed in certification of the recall petition.

SECTION 6.06 PRESENTATION OF RECALL PETITION TO CITY COUNCIL

The person performing the duties of City Secretary shall present such certified petition to the City Council at the next regular City Council meeting.

SECTION 6.07 PUBLIC HEARING TO BE HELD ON RECALL PETITION

The officer whose removal is sought may, within five (5) days after such recall petition has been presented to the City Council, request that a public hearing be held to permit such officer to present facts pertinent to the charges specified in the recall petition. In this event, the City Council shall order such public hearing to be held, not less than five (5) days nor more than fifteen (15) days after receiving such request for a public hearing.

SECTION 6.08 RECALL ELECTION TO BE CALLED

If the officer whose removal is sought does not resign, then it shall become the duty of the City Council to order an election and fix a date for holding such recall election, the date of which election shall be in accordance with the applicable state law. *(Amended May 6, 2017)*

SECTION 6.09 BALLOTS IN RECALL ELECTION

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

- a) With respect to each person whose removal is sought, the question shall be submitted: “Shall (Name of Person) be removed from the office of (Name of Office) by recall?”
- b) Immediately below each such question there shall be printed the two following propositions, one above the other, in order indicated:

“FOR”

“AGAINST”

(Amended May 6, 2017)

SECTION 6.10 RESULT OF RECALL ELECTION

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

In no instance shall an officer removed from office by recall election succeed himself or herself, or be appointed to board or commission of the City, nor shall such officer’s name appear on a ballot for elective office of the City within a period of five (5) years following the date of the election at which such officer was removed from office. *(Amended May 1, 2021)*

SECTION 6.11 RECALL; RESTRICTIONS THEREON

No recall petition shall be filed against any officer of the City within one-hundred eighty days (180) days after such officer's election or appointment, nor within one-hundred eighty (180) days after an election for such officer's recall.

SECTION 6.12 FAILURE OF CITY COUNCIL TO CALL AN ELECTION

In case all of the requirements of this Charter shall have been met and the City Council shall fail or refuse to receive the recall petition, or to order such recall election, or to discharge any other duties imposed upon said City Council by the provisions of this Charter with reference to such recall, then the County Judge of Williamson County, Texas, or other judge of competent jurisdiction shall discharge any such duties herein provided to be discharged by the person performing the duties of City Secretary or by the City Council.

ARTICLE 7 - INITIATIVE AND REFERENDUM

SECTION 7.01 GENERAL AUTHORITY

a) Initiative

The qualified voters of the City shall have power to propose ordinances to the City Council, except ordinances appropriating money or levying of taxes, or applicable to zoning, not in conflict with this Charter, the state Constitution, or the state laws; and, if the City Council fails to adopt an ordinance so proposed, to adopt or reject it at a City election.

b) Referendum

The qualified voters of the City shall have power to require reconsideration by the City Council of any adopted ordinance and, if the City Council fails to repeal an ordinance so reconsidered, to approve or reject it at a City election, provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money or levy of taxes, or applicable to zoning, or to bonds issued pursuant to the authority of an election or elections theretofore held.

SECTION 7.02 COMMENCEMENT OF PROCEEDINGS; PETITIONERS COMMITTEE; AFFIDAVIT

Any five (5) or more qualified voters of the City may commence initiative or referendum proceedings by filing with the City Secretary an affidavit stating that they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address(es) to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

Immediately after the affidavit of the petitioners' committee is filed, the person performing the duties of City Secretary shall issue the appropriate petition blanks to the petitioners' committee.

SECTION 7.03 PETITIONS

a) Number of Signatures

Initiative and referendum petitions must be signed by qualified voters of the City equal in number to at least twenty percent (20%) of the number of total qualified voters of the City as currently certified to by the County Elections Administrator.

b) Form and Content

All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

A signature on a petition for initiative or referendum is valid only if the petition includes the following information with respect to each signer:

- 1) the signer's residence address, including county;
- 2) the signer's date of birth or voter registration number;
- 3) the date of signing; and
- 4) the signer's printed name.

(Amended May 6, 2017)

c) Affidavit of Circulator

When filed, each paper of a petition shall have attached to it an affidavit executed by the circulator thereof stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

d) Time for Filing Referendum Petitions

Referendum petitions must be filed within forty-five (45) days after issuance of the appropriate blanks for reconsideration of any ordinance adopted by the City Council. Initiative petitions must be filed within forty-five (45) days after issuance of the appropriate blanks to the petitioners' committee. Additional time as specified in Section 7.04 shall be allowed for amending petitions. *(Amended May 1, 2021)*

SECTION 7.04 DETERMINATION OF SUFFICIENCY

a) Certificate of City Secretary

Within fifteen (15) working days after the petition is filed, the person performing the duties of City Secretary shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall immediately upon completion of certification send a copy of the certificate to each member of the petitioners' committee by registered mail. *(Amended May 1, 2021)*

b) Sufficient Petition, Final Determination

If the petition is certified sufficient, the person performing the duties of City Secretary shall present the certificate to the City Council by the next regular City Council meeting and the certificate shall be a final determination as to the sufficiency of the petition.

c) Insufficient Petition, Final Determination

If a petition is certified insufficient, and the petitioners' committee does not elect to amend or request City Council review under subsections (d) and (e) of this section within the time required, the City Secretary shall present a certificate to the City Council by the next regular City Council meeting which shall be a final determination of the insufficiency of the petition.

d) Insufficient Petition, Appeal

If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it as in Section 7.04(e), the committee may, within three (3) working days after receiving the copy of such certificate, file a request that it be reviewed by the City Council. The City Council shall review the certificate at its next regular meeting following the filing of such request and approve or disapprove it, and the City Council's determination shall then be a final determination. *(Amended May 1, 2021)*

e) Insufficient Petition, Amending

A petition certified insufficient for lack of required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the City Secretary within three (3) working days after receiving the copy of such certificate, and files a complimentary petition with additional names within ten (10) working days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of Sections 7.03(b) and (c). Within five (5) working days after the amended petition is filed, the person performing the duties of City Secretary shall complete a certificate as to the sufficiency of the petition as amended and shall before the end of the next business day send a copy of such certificate to each member of the petitioners' committee by registered mail as in the case of an original petition. The final determination as to the sufficiency of an amended petition shall be determined in the same manner as prescribed for original petitions in Sections 7.04(b), (c), and (d), except that no petition, once amended, may be amended again. *(Amended May 1, 2021)*

f) Court Review: New Petition

A final determination as to the sufficiency of a petition shall be subject to review in a court of competent jurisdiction. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

SECTION 7.05 REFERENDUM PETITIONS; SUSPENSION OF EFFECT OF ORDINANCE

When a referendum petition is determined to be sufficient, the ordinance sought to be reconsidered shall be suspended, and such suspension shall continue until the City Council repeals the ordinance or the ordinance is upheld by election.

SECTION 7.06 ACTION ON PETITIONS

a) Action by City Council

Within thirty (30) days after the date the initiative or referendum petition has been finally determined sufficient, the City Council shall: *(Amended May 1, 2021)*

- 1) adopt a proposed initiative ordinance without any change in substance; or
- 2) repeal a referred ordinance; or
- 3) call an election on the proposed or referred ordinance as specified in Section 7.06(b).

b) Submission to Voters

The election on a proposed or referred ordinance shall be held on the next available uniform election date as required by state law. Said called election may coincide with a regular City election should such City election fall within the specified period. Special elections on initiated or referred ordinances shall not be held more frequently than once each six (6) months, and no ordinance substantially the same as an initiated ordinance which has been defeated or on substantially the same 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. Copies of the proposed or referred ordinance shall be made available at the polls.

c) Publication of Proposed and Referred Ordinance.

The person performing the duties of City Secretary shall publish at least once in the official newspaper of the City the proposed or referred ordinance within fifteen (15) working days of the election, and shall give such other notices and do such other things relative to such election as are required in general municipal elections or by the ordinance calling said election.

d) Withdrawal of Petition.

An initiative or referendum petition may be withdrawn at any time prior to the time the petition has been determined to be sufficient by filing with the City Secretary a request for withdrawal signed by at least eighty percent (80%) of the members of the petitioners' committee. Upon filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

SECTION 7.07 FORM OF BALLOTS

The ballots used when voting upon such proposed and referred ordinances shall also set forth their nature sufficiently to identify them and shall set forth upon separate lines the words:

“FOR THE ORDINANCE,” and “AGAINST THE ORDINANCE.”

SECTION 7.08 RESULTS OF ELECTION

a) Initiative

If a majority of the qualified voters voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the City Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail.

b) Repeal or Amendment of an Initiated Ordinance

An ordinance adopted by initiative may be repealed or amended at any time after the expiration of two (2) years by the affirmative vote of five (5) or more of the City Council members. *(Amended May 6, 2017)*

c) Referendum

If a majority of the qualified voters voting on a referred ordinance vote against the ordinance, it shall be considered repealed upon certification of the election results. If a majority of the qualified voters voting on a referred ordinance vote for the ordinance, it shall be considered in effect and petition shall become void.

d) Adoption of an Ordinance Repealed by Referendum

An ordinance repealed by referendum may be re enacted at any time after the expiration of two (2) years by the affirmative vote of five (5) or more of the City Council members. *(Amended May 6, 2017)*

ARTICLE 8 - FINANCIAL ADMINISTRATION

SECTION 8.01 FISCAL YEAR

The fiscal year of the City shall begin on October 1, each year and end on the following September. The fiscal year may be changed by the City Council by ordinance, provided that no change shall be effective until six (6) months after the passage of such ordinance.

SECTION 8.02 SUBMISSION OF BUDGET AND BUDGET MESSAGE

On or before the 15th day of August of each fiscal year, the City Manager shall submit to the City Council a budget for the ensuing fiscal year and an accompanying message.

SECTION 8.03 BUDGET MESSAGE

The City Manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget and indicate any major changes from the current year in financial policies, expenditures and revenues together with the reasons for such changes. The message shall also summarize the City's debt position and include such other material as the City Manager deems desirable.

SECTION 8.04 BUDGET

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the City Manager deems desirable or the City Council may require. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections as follows:

a) **Goals and Objectives**

The proposed goals, objectives and expenditures for current operations during the ensuing fiscal year, detailed for each fund by organization unit and program, purpose or activity, and the method of financing such expenditures;

b) **Capital Budget**

Proposed capital expenditures during the ensuing fiscal year, detailed for each fund by organization unit when practicable, and the proposed method of financing each capital expenditure; and

c) Enterprise Funds

The anticipated income and expense and profit and loss for the ensuing year for each public utility or other proprietary enterprise fund, as defined in this Charter, operated by the City. For any fund, the total of proposed expenditures shall not exceed the total of estimated income plus any fund balance carried forward, exclusive of reserves.

d) Appropriation

To ensure a higher quality of life and security for the citizens of Hutto, the following appropriations will be mandated in each and every Annual Budget:

- 1) A minimum of ten (10) percent of the Annual Budget shall be placed in a Contingency Fund to be used for Emergency Purposes as outlined in Section 8.07 of the Charter. *(Amended November 7, 2006: Sections 8.4(d) (1-4) repealed; Section 8.4 (d) (5) renumbered as 8.4 (d) (1))*

SECTION 8.05 CITY COUNCIL ACTION ON BUDGET

a) Notice and hearing

The City Council shall publish in one or more newspapers of general circulation in the City and as files available for download via the Internet, the general summary of the budget and a notice of the date, time, and location of the public hearing on the budget, in the form and manner as required by applicable state law. *(Amended May 6, 2017)*

b) Amendment Before Adoption

After the public hearing, the City Council may adopt the budget with or without amendment. In amending the budget, the City Council may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for an estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than estimated income and other available funds. *(Amended May 6, 2017)*

c) Adoption

The City Council shall adopt the budget on or before the last day of the last month of the current fiscal year. If the City Council fails to adopt the budget by this date, the budget proposed by the City Manager shall go into effect.

SECTION 8.06 APPROPRIATION AND REVENUE ORDINANCES

To implement the adopted budget, the City Council shall adopt the following prior to the beginning of the ensuing fiscal year:

a) Ordinance Adopting Budget

An ordinance shall be made adopting the budget and making the appropriations set forth therein by department or major organizational unit and authorizing a single appropriation for each program, capital project or activity.

b) Tax Levy Ordinance

A tax levy ordinance shall be made authorizing the property tax levy or levies and setting the tax rate or rates.

c) Revenue Ordinances

Any other ordinances required to authorize new revenues or to amend the rates or other features of existing taxes or other revenue sources shall be made.

SECTION 8.07 AMENDMENTS AFTER ADOPTION

a) Supplemental Appropriations

If, during the fiscal year, the City Manager certifies that there are revenues available for appropriation that are in excess of those estimated in the budget, the City Council by ordinance may make supplemental appropriations for the year up to the amount of such excess.

b) Emergency Appropriations

To meet a public emergency affecting life, health, property, or the public peace, or to avoid a material cost or public expense, the City Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of 3.14 of this Charter. To the extent that there are no available unappropriated revenues or a sufficient fund balance to meet such appropriations, the City Council may by emergency ordinance authorize the issuance of emergency notes or other debt instruments. Such notes and debt instruments may be renewed from time to time; however, an emergency note or debt instrument and renewal for any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made. *(Amended May 6, 2017)*

c) Reduction of Appropriations

If at any time during the fiscal year it appears probable to the City Manager that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the City Manager shall report to the City Council within no more than two weeks, indicating the estimated amount of the deficit, any remedial action taken by the City Manager and recommendations as to any other steps to be taken. The City Council shall then take such further action as it deems necessary to prevent or reduce any deficit and for that purpose it may by ordinance reduce one or more appropriations.

d) Transfer of Appropriations

At any time during the fiscal year the City Council may by ordinance transfer part or all of the unencumbered appropriation balance from one department or major organizational unit to the appropriations for other departments or major organizational units. The City Manager may transfer part or all of any unencumbered appropriation balances among programs within a department or organizational unit and shall report such transfers to the City Council no later than the next regular City Council meeting. *(Amended May 6, 2017)*

e) Limitations and Effective Dates

No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of its unencumbered balance. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this Section may be made effective immediately upon adoption.

SECTION 8.08 LAPSE OF APPROPRIATIONS

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until expended, revised or repealed. The purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation.

SECTION 8.09 ADMINISTRATION OF THE BUDGET

The City Council shall provide by ordinance the procedures for administering the budget.

SECTION 8.10 OVERSPENDING OF APPROPRIATIONS PROHIBITED

No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with authorized appropriations and unless the City Manager and his designee first certify that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment made shall be illegal. A violation of this provision shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation. Such officer may also be liable to the City for any amount so paid. Except as prohibited by law, however, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed in whole or in part by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, but only if such action is made or approved by ordinance. *(Amended May 1, 2021)*

SECTION 8.11 DEPOSITORY

All moneys received by any person, department or agency of the City for or in connection with affairs of the City shall be deposited daily in the City depository or depositories. The City Council shall designate depositories in accordance with regulations and subject to security requirements for deposits and accrued interest as may be established by ordinance. All checks, vouchers, or warrants for the withdrawal of money from the City depositories shall be signed by the City Manager and countersigned by a City official designated by the City Council. The City Council may by ordinance authorize the use of machine- imprinted facsimile signatures of the City Manager on checks, vouchers and warrants. However, two original signatures shall be required for all checks in excess of \$5,000.00. *(Amended May 6, 2017)*

SECTION 8.12 PURCHASE PROCEDURE

All purchases made and contracts executed by the City shall be pursuant to requisitions from the heads of the offices, departments or agencies whose appropriations will be charged. No contract or order shall be binding upon the City unless the Finance Officer certifies that there is to the credit of such office, department or agency a sufficient unencumbered appropriation to pay for the supplies, materials, equipment, or contractual services for which the contract or order is to be issued. All contracts or purchases of property shall be made in accordance with State law or ordinance provided that the City Council or the City Manager, in such cases as he/she is authorized to contract for the City, shall have the right to reject any and all bids. *(Amended May 6, 2017)*

SECTION 8.13 SALE OF REAL PROPERTY

The sale of real property owned by the City of Hutto shall be governed by State Law. In addition, all sales of real property owned by the City of Hutto shall be subject to the approval of the City Council. *(Amended May 6, 2017)*

SECTION 8.14 INDEPENDENT AUDIT

At the close of each fiscal year and at other times as necessary, the City Council shall have a certified public accountant conduct an independent audit of all accounts of the City. The certified public accountant shall have no personal interest in the financial affairs of the City or of its officers. A summary of the results of the completed audit shall be on file in the City Secretary's office as a public record and shall be posted on the City's website. *(Amended May 6, 2017)*

ARTICLE 9 - TAXATION

SECTION 9.01 TAXATION POWERS

The City Council shall have power to levy taxes to the extent and for all purposes authorized by the laws of the State of Texas and by this Charter, in accordance with the limitations thereon fixed by the Constitution of the State of Texas, and to provide for the mode and manner of levying, assessing and collecting the same, and to apportion such taxes as in the discretion of the City Council shall be deemed to be in the best interest of the City. *(Amended May 6, 2017)*

SECTION 9.02 DUTY TO LEVY

It shall be the duty of the City Council annually, to levy, assess and collect such taxes on the assessed valuation of all taxable property within the City as may be necessary for general purpose and current expenses of the City, provided that the rate of taxation shall never exceed the limit prescribed by the Constitution and laws of the State of Texas. *(Amended May 6, 2017)*

SECTION 9.03 SINKING FUND

The City Council shall have power to annually levy, assess and collect such taxes as may be necessary to pay the interest on, and create a sinking fund or funds for, the bonded or other indebtedness of the City now existing or hereafter to be created. *(Amended May 6, 2017)*

SECTION 9.04 TAX LIABILITIES

The property of all persons owing any taxes to the City of Hutto is hereby liable for all taxes, whether the same be due upon personal or real property, or both, and a lien is hereby expressly fixed upon all such property to secure the payment of said taxes. *(Amended May 6, 2017)*

SECTION 9.05 COLLECTION OF TAXES

The City Council shall have power to provide by ordinance for the prompt collection of taxes levied, assessed and imposed under this Charter and the ordinances of said City, and it 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, ordain and pass such ordinances, as it may consider necessary to the levying, imposing, assessing and collecting of any and all taxes provided for in this Charter and unless otherwise provided by ordinance, all property in said City liable and subject to taxation shall be assessed, and said taxes shall be levied and collected, in accordance with the provisions of the general laws of the State of Texas. *(Amended May 6, 2017)*

SECTION 9.06 COLLECTIONS FOR BONDED AND OTHER INDEBTEDNESS

All moneys arising from the collection of taxes levied for the payment of interest on, and providing a sinking fund for, bonded or other indebtedness of the City, shall be maintained in a separate fund, to be designated "Interest and Sinking Fund," and a separate account shall be kept of the funds applicable to each series of indebtedness.

SECTION 9.07 FORCED COLLECTION OF TAXES

The City Council may provide by ordinance for the prompt collection by suit, sale or otherwise, of all taxes due the City, of every kind. The Council may also provide penalties for the failure to pay taxes by a given date, provided the penalty shall never exceed that imposed by the State law. The City may proceed in the matter of the forced collection of taxes in all things as provided by applicable law. *(Amended May 6, 2017)*

ARTICLE 10 - BONDS

SECTION 10.01 BORROWING FOR CAPITAL IMPROVEMENTS

a) Borrowing

The City Council shall have the power, except as prohibited by law, to borrow money by whatever method it may deem to be in the public interest.

b) General Obligation Bonds and Certificates of Obligation

The City shall have the power to borrow money on the credit of the City and to issue general obligation bonds and certificates of obligation for permanent public improvements or for any other public purpose not prohibited by the Constitution and laws of the state of Texas, and to issue refunding bonds to refund outstanding bonds of the City previously issued. All such bonds or certificates of obligation shall be issued in conformity with the laws of the State of Texas and shall be used only for the purpose for which they were issued.

c) Revenue Bonds

The City shall have the power to borrow money for the purpose of constructing, purchasing, improving, extending or repairing of public utilities, recreational facilities or any other self-liquidating municipal function not prohibited by the Constitution and laws of the State of Texas, and to issue revenue bonds to evidence the obligation created thereby. Such bonds shall be a charge upon and payable from the properties, or interest therein pledged, or the income therefrom, or both. The holders of the revenue bonds shall never have the right to demand payment thereof out of monies raised or to be raised by taxation. All such bonds shall be issued in conformity with the laws of the State of Texas and shall be used only for the purpose for which issued. *(Amended May 6, 2017)*

d) Bonds Incontestable

All bonds of the City having been issued and sold and having been delivered to the purchaser thereof, shall thereafter be incontestable and all bonds issued to refund in exchange for outstanding bonds previously issued shall and after said exchange, be incontestable.

e) The procedure for adoption of any ordinance relative to borrowing for capital improvements shall be:

- 1) A copy of the proposed ordinance shall be furnished to (1) each Member of the City Council, (2) the City Attorney, and (3) any citizen of the City for inspection upon request to the City Secretary, at least three (3) days before the date of the meeting at which the ordinance is to be considered.
- 2) Any ordinance relative to borrowing for capital improvements may be adopted and finally passed at the meeting at which it is introduced.

ARTICLE 11 - FRANCHISE OF PUBLIC UTILITIES

SECTION 11.01 POWERS OF THE CITY

In addition to the City's power to buy, construct, lease, maintain, operate and regulate public utilities and to manufacture, distribute and sell the output of such utility operations, the City shall have such further powers as may now or hereafter be granted under the Constitution and laws of the State of Texas. *(Amended May 6, 2017)*

SECTION 11.02 FRANCHISE; POWER OF CITY COUNCIL

The City Council shall have power to grant, amend, renew or extend by ordinance all franchises of all public utilities of every character including any person, business or corporation providing cable television or community antenna television service, operating within the City, and for such purposes is granted full power. No public utility franchise shall be transferable except to persons, firms or corporations taking all or substantially all of the holder's business in the City and except with the approval of the City Council expressed by ordinance. No franchise shall be granted for an indeterminate term. No exclusive franchise shall ever be granted.

SECTION 11.03 FRANCHISE VALUE NOT TO BE ALLOWED

In determining the just compensation to be paid by the City for public utility property which the City may acquire by condemnation or otherwise, nothing shall be included as to the value of any franchise granted by the City.

SECTION 11.04 RIGHT OF REGULATION

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

- a) repeal the same by ordinance at any time for failure to begin construction or operation within the time prescribed or for failure otherwise to comply with the terms of the franchise, such power to be exercised only after due notice and hearing;
- b) require an adequate and reasonable extension of plant and service, and the maintenance of the plant and fixtures at the standard necessary to render the highest reasonable quality of utility service to the public;
- c) establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates;
- d) prescribe the form of accounts kept by each such utility. If the franchise or ordinance does not prescribe the form of accounts kept by each utility, then it shall keep its accounts in accordance with the utility system of accounts for said utility prescribed by the appropriate state and/or Federal utility regulatory agencies;
- e) examine and audit the accounts and other records of any such utility at any time and to require annual and other reports, including reports on local operations by each such public utility;

- f) impose such reasonable regulations and restrictions as may be deemed desirable or conducive to the safety, welfare and accommodation of the public;
 - g) adopt procedural rules and regulations dealing with public utilities which shall conform to the requirements of the appropriate state regulatory agencies; and
 - h) prescribe penalties for noncompliance with any provision of this Article or the ordinances pertaining to franchises, public utilities, public services and proprietary enterprises.
- (Amended May 6, 2017)*

SECTION 11.05 CONSENT OF PROPERTY OWNERS

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

SECTION 11.06 EXTENSIONS

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

SECTION 11.07 OTHER CONDITIONS

All franchises heretofore granted are recognized as contracts between the City and the grantee, and the contractual rights as contained in any such franchises shall not be impaired by the provisions of this Charter, except that the power of the City to exercise the right of eminent domain in the acquisition of any utility property is in all things reserved, and except the general power of the City heretofore existing and herein provided for to regulate the rates and services of a utility, which shall include the right to require adequate and reasonable extension of plant and service and the maintenance of the plant fixtures at the standard necessary to render the highest reasonable quality of utility service to the public. Every public utility franchise hereafter granted shall be held subject to all the terms and conditions contained in the various sections of this Article whether or not such terms are specifically mentioned in the franchises. Nothing in this Charter shall operate to limit in any way, as specifically stated, the discretion of the City Council or the voters of the City in imposing terms and conditions as may be reasonable in connection with any franchise grant, including the right to require such compensation or rental as may be permitted by the laws of the State of Texas.

SECTION 11.08 FRANCHISE RECORDS

Every public utility and every owner of public utility franchise shall file with the City certified copies of all franchises owned or claimed, or under which such utility is operated in the City. The City shall compile and maintain a public record of public utility franchises. *(Amended May 1, 2021)*

Section 11.09 (Repealed by Special Election held on November 7, 2006) Dealt with regulating the price of water, gas, electric lights, electric power and steam heat, and to regulate and fix the fares, charges of all public transportation of every kind, whether transporting passengers freight or baggage, and generally to fix and regulate the rates and charges of all public utilities of every kind operating within the corporate limits of the City, including any person, business or corporation providing cable television or community antenna television services.

ARTICLE 12 - BOARDS AND COMMISSIONS

SECTION 12.01 BOARDS AND COMMISSIONS

The City Council shall have authority to establish by ordinance such boards and commissions as it may deem necessary for the conduct of City business and management of municipal affairs. The authority, functions and responsibilities of such boards and commissions shall be such as are spelled out in the ordinance establishing them. All existing boards and commissions heretofore established shall be continued in accordance with the ordinance or other acts under which they have been created, or until the City Council shall by ordinance abolish, modify or alter the ordinance or acts under which they exist. Notwithstanding any other provision of this Charter, the City Council shall have paramount authority over all matters affecting the budgets, appropriation of funds, expenditures, purchases and sale of properties and procedures for accounting therefore, consistent with the express provisions of this Charter and applicable provisions of the state constitution and laws of this state.

SECTION 12.02 QUALIFICATIONS

Qualifications shall be set by ordinance rather than Charter. *(Amended November 7, 2006)*

SECTION 12.03 MEMBERS ELECTED OR APPOINTED TO CITY COUNCIL

No member of a Board or Commission shall continue in such position after being elected or appointed to the City Council. *(Amended May 6, 2017) (Amended May 1, 2021)*

SECTION 12.04 PLANNING AND ZONING COMMISSION

There shall be a City Planning and Zoning Commission which shall be established by ordinance consisting of seven (7) members serving staggered terms of three (3) years. *(Amended May 1, 2021)*

For purposes of transitioning from two-year terms to three-years terms the following shall apply: After June 30, 2021, the Commissioners for Place 6 and Place 7 (Mayor) shall be appointed to a one-year term, and the Commissioner for Place 4 shall be appointed to a two- year term. After June 30, 2022, the Commissioner for Place 1 shall be appointed to a one-year term, the Commissioners for Place 2 and Place 5 shall be appointed to two-year terms, and the Commissioners for Place 3, Place 6, and Place 7 (Mayor) shall be appointed to three-year terms.

The Commission shall have the power and be required to:

- a) be responsible to and act as an advisory body to the City Council;
- b) recommend to the City Council for its action an official zoning map and recommend any changes to the map;
- c) approve or disapprove plats and plans of proposed subdivisions and insure that all plats and plans conform to the City's subdivision and development ordinances; *(Amended May 1, 2021)*

- d) annually recommend a five (5) year Capital Improvement Program to the City Council;
- e) annually recommend an annexation plan to the City Council;
- f) annually review the General Plan for the City and recommend to the City Council any change; and
- g) perform such other functions as may be duly delegated to them from time to time by the City Council.

ARTICLE 13 - GENERAL PROVISIONS

SECTION 13.01 PUBLICITY OF RECORDS

All public records of every office, department, or agency of the City shall be open to inspection by any person at all reasonable times, provided that records closed to the public by law, shall not be considered public records for the purpose of this section. During normal office hours, any person or any duly authorized representative of the press or other news media shall have the right to examine any such public records belonging to the City and shall have the right to make copies thereof under such reasonable rules and regulations as may be prescribed by the City Council or by this Charter.

SECTION 13.02 OFFICIAL NEWSPAPER

The City Council shall contract annually with, and by resolution designate, a public newspaper of general circulation in the City as the official newspaper thereof, and to continue as such until another is designated, and shall cause to be published therein all ordinances, notices and other matter required by this Charter, by the ordinances of the City, or by the Constitution and/or laws of the State of Texas to be published.

SECTION 13.03 ETHICS

The City shall implement and maintain an Ethics Ordinance that shall include the following elements and provisions:

a) Conflicts of Interest

The use of public office for private gain is prohibited. The City Council shall implement this prohibition by ordinance. Regulations to this end shall include but not be limited to acting in an official capacity on matters in which the official has a private financial interest clearly separate from that of the general public, the acceptance of gifts and other things of financial value, acting in a private capacity on matters dealt with as a public official, the use of confidential information, and appearances by City officials before other City agencies on behalf of private interests. This ordinance shall provide for reasonable public disclosure of finances by officials with major decision-making authority over monetary expenditures and contractual matters and, insofar as permissible under State law, shall provide fines and punishment for violations.

b) Board of Ethics

The City Council shall by ordinance establish an independent Board of Ethics to administer and enforce the conflict-of-interest and financial-disclosure ordinances. No member of the Board may hold any political party office. Insofar as possible under State law, the City Council shall authorize the Board to issue binding advisory opinions, conduct investigations on its own initiative, and on referral or complaint, refer cases for prosecution, impose administrative fines, and hire independent counsel. The City Council shall appropriate sufficient funds to the Board of Ethics to enable it to perform its assigned duties.

c) Nepotism

No person related within the second degree by affinity or within the third degree by consanguinity to the Mayor or any other City Council member or to the City Manager shall be employed or appointed by the City. No person so related to the Director of Finance shall be employed or appointed under him/her. This prohibition shall not apply to a person who is a current City employee and has been a City employee or appointee for one (1) year or longer at the time of the election of the Mayor or City Council Member or not less than ninety (90) days at the time of the appointment of the City Manager or other appointed City officer. *(Amended May 6, 2017)*

d) Personal Financial Interest

No member of the City Council or employee of the City shall participate in a vote, decision or deliberation on any matter involving a business entity or real property in which the official or employee has a substantial interest as provided by state law. Each member of the City Council and each employee of the City shall comply with the provisions of Texas Local Government Code, Chapter 171, as amended, regulating conflicts of interest of local public officials. Any willful violation of this section shall constitute malfeasance in office, and any official or employee of the City found guilty thereof shall thereby forfeit his or her office or position. Any violation of this section with the knowledge, express or implied, of the persons or corporation contracting with the City shall render the contract voidable by the City Manager or the City Council. *(Amended May 6, 2017)*

SECTION 13.04 PERSONNEL POLICY

The administration of human resources of the City shall be governed by written rules and regulations to be known as "Personnel Policies." The City Manager or his/her designee shall prepare such policies and recommend their adoption to the City Council. Such policies shall become effective when approved by the City Council and the City Council shall act within thirty (30) days upon such proposed Personnel Policies. Thereafter the City Manager or his/her designee shall have power to recommend additions to, modifications of, or deletions from such policies to the City Council in the same manner used for adoption of the original policies. *(Amended May 6, 2017)*

SECTION 13.05 COMPREHENSIVE PLAN

The purpose of the Comprehensive Plan is to guide, regulate and manage the future development within the corporate limits and extraterritorial jurisdiction of the City to assure the most appropriate and beneficial use of land, water, and other natural resources, consistent with the interests of the City of Hutto.

The City Council shall review the comprehensive plan no later than every four (4) years, hereafter.
(Amended May 6, 2017)

SECTION 13.06 ASSIGNMENT, EXECUTION AND GARNISHMENT

The property, real and personal, belonging to the City shall not be liable to be sold or appropriated under any writ or execution or cost bill. The funds belonging to the City, in the hands of any person, firm or corporation, shall not be liable to garnishment, attachment, or sequestration; nor shall the City be liable to garnishment on account of any debt it may owe or funds or property it may have on hand or owing to any person. Neither the City nor any of its officers or agents shall be required to answer any such writ of garnishment on any account whatever. The City shall not be obligated to recognize any assignment of wages or funds by its employees, agents or contractors.

SECTION 13.07 POWER TO SETTLE CLAIMS

The City Council shall have the authority to compromise and settle any and all lawsuits of every kind and character in favor of or against the City, except suits by the City to recover delinquent taxes.

SECTION 13.08 NOTICE OF CLAIM AGAINST CITY

Before the City shall be liable to damage, claim, or suit for personal injury, or damage to property, the person who is injured or whose property has been damaged or someone in such person's behalf shall give the City Manager or the City Secretary notice in writing under oath within forty-five (45) days after the date of the alleged damage or injury stating specifically in such notice when, where and how the injury or damage was sustained, setting forth the extent of the injury or damage as accurately as possible, and giving the names and addresses of all witnesses known to claimant upon whose testimony claimant is relying to establish the injury or damage. In case of injuries resulting in death, the person or persons claiming damage shall within forty-five (45) days after the death of the injured person give notice as required above. Provided that nothing herein contained shall be construed to mean the City waives any rights, privileges, defenses or immunities in tort actions which are provided under the common law, the Constitution and laws of the State of Texas.

SECTION 13.09 PROHIBITIONS

a) Activities Prohibited

- 1) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any City positions or appointive City administrative office because of race, sex, political or religious opinions or affiliations.
- 2) No person who seeks appointment or promotion with respect to any City position or appointive City administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion.
- 3) No City officer or candidate for City office shall orally, by letter or otherwise solicit or assist in soliciting any assessment, subscription or contribution for any candidate or for any political party or political purpose whatever from any person holding any compensated City position.
- 4) No officer or employee of the City who receives compensation as such shall make, solicit or receive any contribution to the campaign funds of any candidate or of any political party to be used in a City election or for or against any candidate for City office or take any part in the management, affairs or political campaign of any political party in a City election, but such officer or employee may exercise all rights as a citizen to express opinions and to cast his or her vote. Nothing in this paragraph is intended to prohibit said person from participating in school district, special district, county, state, or national campaigns, elections, and political parties.

b) Penalties

Any person who either individually or with others willfully violates any provisions of the foregoing Sections 13.09(a) shall be ineligible for appointment or election to a position in the City for a period of four (4) years, and if such person is an officer or employee of the City at the time of such violation, he or she shall immediately forfeit the office or position such person holds.

SECTION 13.10 SEPARABILITY

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

SECTION 13.11 AMENDMENT OF CHARTER

Amendments to this Charter may be framed and submitted to the voters of the City in the manner provided by applicable state law. *(Amended May 6, 2017)*

SECTION 13.12 CHARTER REVIEW COMMISSION

The City Council shall appoint a commission no later than every fourth year hereafter, a Charter Review Commission of seven (7) citizens of the City, and each member of the governing body shall appoint one member to the commission.

- a) The duties of the Charter Review Commission are as follows:
 - 1) Inquire into the operation of the City Government under the Charter provisions and determine whether any such provisions require revision. To this end public hearings may be held; and the Commission shall have the power to compel the attendance of any officer or employee of the City and require the submission of any of the City records which it may deem necessary to the conduct of such hearing;
 - 2) Propose any recommendations it may deem desirable to insure compliance with the provisions of the Charter by the departments of the City;
 - 3) Propose, if it deems desirable, amendments to this Charter to improve the effective application of the Charter to current conditions; and
 - 4) Report its findings and present its proposed amendments, if any, to the City Council.
- b) Action by the City Council. The City Council shall receive and have published in the official newspaper of the City any report presented by the Charter Review Commission, or a summary thereof, shall consider any recommendations made, and if any amendments be presented as of such report, may order such amendment or amendments to be submitted to the voters of the City in a manner provided by applicable state law.
- c) Term of Office. The term of office of such Charter Review Commission shall be six (6) months, or said term shall expire sooner if a report is presented to the City Council prior to the expiration of said six (6) month term of office. If during such six (6) month term no report is presented to the City Council, then all records of the proceedings of such Commission shall be filed with the person performing the duties of the City Secretary and shall become public record. *(Added May 6, 2017)*

SECTION 13.13 REARRANGEMENT AND RENUMBERING OF CHARTER PROVISIONS

In order to preserve unity, the City Council shall have the power, by ordinance, to renumber and rearrange all articles, sections, and paragraphs of this Charter or any amendments thereto, and upon the passage of any such ordinance, a copy thereof, certified by the City Manager shall be forwarded to the Secretary of State for filing.

SECTION 13.14 SECURITY OR BOND NOT REQUIRED

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 on behalf of the City, but all actions, suits, and proceedings shall be conducted in the same manner as if such bond, undertaking or security had been given. The City shall have all remedies of appeal provided by law to all courts without bond or security of any kind. For the purposes of all such actions, suits, proceedings and appeals, the City shall be liable in the same manner and to the same extent as if the bond undertaking or security has been executed and given.

SECTION 13.15 CLERICAL CHARTER AMENDMENTS BY COUNCIL

The City Council shall have the power, by ordinance, to renumber and rearrange all articles, sections, subsections, paragraphs and subparagraphs of this Charter or any amendments hereto, as the City Council shall deem appropriate, including the power to correct typographical errors and to conform cross-references in the body of the text of this Charter, so long as no substantive change is made, without complying with Section 13.11 of this Charter. *(Added May 1, 2021)*

ARTICLE 14 - TRANSITIONAL PROVISIONS

SECTION 14.01 EFFECTIVE DATE

This Charter shall take effect immediately following adoption by the voters of the City of Hutto. However, in no case shall the Charter be in effect until the City Council records with the City Secretary an order declaring that the Charter is adopted. The order declaring adoption shall be entered into City record as soon as is practicable following the election.

SECTION 14.02 EFFECT OF CHARTER ON EXISTING LAW

All codes, ordinances, resolutions, rules and regulations in force on the effective date of this Charter, and not in conflict with this Charter, shall remain in force until altered, amended or repealed by the City Council. All taxes, assessments, liens, encumbrances and demands, of or against the City, fixed or established before such date, or for the fixing or establishing of which proceedings have begun at such date, shall be valid when properly fixed or established either under the law in force at the time of the beginning of such proceedings or under the law after the adoption of this Charter.

SECTION 14.03 PENDING MATTERS

All rights, claims, actions, orders, contracts, franchises, and legal or administrative proceedings in existence at the time of the adoption of this Charter shall continue until consummation. All renewals or new rights, claims, actions, orders, contracts, franchises, and legal or administrative proceedings arising after the adoption of this Charter shall be conducted pursuant to this Charter.