



MEMORANDUM

To: Mayor and City Council Members
From: Charter Review Commission Committee
Date: November 11, 2021
Subject: Charter Review Commission Final Report

I am pleased to present the following final report of the City Charter Commission:

FINAL REPORT

The City Charter Review Commission of the City of Humble, Texas, recommends that City Council submit to the electorate amendments to the City Charter, including provisions adopting changes related to the City Manager's powers and relationship to City Council; changes related to making Charter consistent with State and Federal election law; and changes granting City Council power to fix the compensation of Mayor and Council and plan and provide neighborhood projects. The Commission also recommends allowing the City Auditor additional time to prepare the City's annual audit, requiring the City Manager to submit the City's proposed budget sooner, and permitting adoption of the budget after notice and publication permitted by state law. Other proposed changes to the Charter include extending the time to file claims against the City as required by law; permitting the City to give notice by posting at City Hall and on the City's website; and incorporating the state law regulating conflicts of interest of officers of the City. The Commission also recommends establishing a periodic citizens' review of the City Charter. Finally, the Commission recommends eliminating several outdated or inapplicable charter provisions, making various non-substantive revisions of the City Charter including spelling corrections and updated terminology, and allowing Council to renumber and reorganize sections of the City Charter.

Respectfully submitted,

Charter Review Commission Committee
Mayor Norman Funderburk
Council Member Charles Cunningham, Jr.
City Manager Jason Stuebe
Interim City Secretary Elanna Killian
Citizen Mark Martin
Citizen Mike Marshall
City Attorney Scott Bounds

Proposition 1

SHALL THE CITY OF HUMBLE CHARTER BE AMENDED BY AMENDING ARTICLES I, II, III, V, AND VIII TO CLARIFY AND DEFINE THE POWERS OF THE CITY MANAGER, AND THE CITY MANAGER'S RELATIONSHIP TO THE CITY COUNCIL, MAYOR, MUNICIPAL COURT JUDGE AND CITY ATTORNEY?

[] YES

[] NO

In the event of the approval of this proposition, Articles I, II, III, IV, VI, and VII of the City Charter shall be amended to read as follows, with additions being underlined and deletions being struck through:

ARTICLE I. - INCORPORATION; FORM OF GOVERNMENT; CORPORATE AND GENERAL POWERS

...

Section 3. - Form of government.

The municipal government provided by this Charter shall be known as the "council-manager" form of government. Pursuant to the provisions of, and subject only to the limitations imposed by, the Constitution and laws of the State of Texas and by this Charter, all powers of the city shall be vested in ~~and exercised by~~ an elected city council, which shall enact ordinances, adopt budgets, determine policies, and appoint the city manager, who shall execute the laws and administer the government of the city and execute other powers and duties as prescribed by this Charter. ~~All powers of the city shall be exercised If this Charter does not prescribe in the manner prescribed by this charter, or if the manner be not prescribed, in which the city council is to exercise any such power, then it shall do so~~ in such manner as may be prescribed by ordinance or state law.

ARTICLE II. - THE CITY COUNCIL AND THEIR ELECTION

Section 1. - City ~~officials~~ Council.

The municipal government of the city shall ~~be consist of a city council~~ composed of a mayor ~~and five councilmembers and city manager.~~ Said mayor and five councilmembers ~~that~~ shall be elected from the city at large by the qualified electors of the city.

~~The city manager shall be appointed by the mayor and councilmembers. Other officers of the city shall be city secretary, assessor-collector, treasurer, city attorney, judge of municipal court, chief of police, city engineer, fire marshal, and such other officers and agents as the city council may from time to time direct, who shall be appointed by the city manager with approval of the city council. The city council may confer the powers and duties of one or more of these offices upon other officers of the city and shall define and prescribe the powers and duties of all appointed officers whose duties are not prescribed herein, and to fix their compensation.~~

...

Section 8. - The mayor ~~and mayor pro tempore.~~

The mayor shall preside at meetings of the city council and shall be entitled to vote on all matters

considered by the council, but shall have no regular administrative duties. The mayor shall exercise such other powers and perform such other duties as are or may be conferred and imposed by this charter and the ordinances of the city. The mayor shall be recognized as the head of the city government for all ceremonial purposes, ~~by the courts for civic process~~ and by the government for purposes of military law. In times of public danger or emergency, the mayor may declare a local state of disaster and shall issue such other orders and take such other actions necessary to command of the police, maintain order and enforce the law. When authorized by the city council, the mayor shall sign official documents, such as ordinances, resolutions, conveyances, grant agreements, official plats, contracts and bonds.

~~At the first meeting of each new council, or as soon thereafter as practicable, one of the councilmembers shall be elected mayor pro tempore, who shall hold such office one year. In case of the failure, inability or refusal of the mayor to act, the mayor pro tempore shall perform the duties of mayor. When serving as the presiding officer at city council meetings, the mayor pro tempore shall have the same rights and privileges as provided for the mayor in this charter. In the case of absence from the city or the failure, inability or refusal of both the mayor and mayor pro tempore to perform the duties of mayor, the city council may, at a council meeting, by a vote of three affirmative votes, elect an acting mayor pro tempore, who shall serve as mayor with all the power and privileges of mayor until either the mayor or mayor pro tempore shall resume the duties of such office.~~

New Section 8-1. The Mayor pro tem.

If a vacancy occurs in the office of mayor or in the case of the mayor's absence or disability, the mayor pro tem shall act as mayor until a successor is elected or appointed and has qualified. At the first meeting of each new council, or as soon thereafter as practicable, one of the councilmembers shall be elected mayor pro tempore, who shall hold such office one year. In case of the failure, inability or refusal of the mayor to act, the mayor pro tempore shall perform the duties of mayor. When serving as the presiding officer at city council meetings, the mayor pro tempore shall have the same rights and privileges as provided for the mayor in this charter. In the case of absence from the city or the failure, inability or refusal of both the mayor and mayor pro tempore to perform the duties of mayor, the city council may, at a council meeting, by a vote of three affirmative votes, elect an acting mayor pro tempore, who shall serve as mayor with all the power and privileges of mayor until either the mayor or mayor pro tempore shall resume the duties of such office.

Section 9-1. - CITY MANAGER AND OTHER MUNICIPAL OFFICERS; ADMINISTRATIVE SERVICES.

Section 1. Appointment of City Manager.

a. Appointment of city manager. The council shall appoint an officer of the city who shall have the title city manager, and who shall have the powers and perform the duties in this charter provided. The city manager shall be an at-will employee and shall be appointed for an indefinite term. No council member shall receive such appointment during the term from which the councilmember is elected, nor within one year after the expiration of that term.

b. Acting City Manager. By letter filed with the city secretary, the city manager may designate, subject to council approval, a qualified city administrative officer to be acting city manager during

the city manager's temporary absences or disabilities. The council may revoke such designation at any time and appoint another person as acting city manager to serve during such times; and if the city manager fails to make such designation, the council may appoint an acting city manager to serve during such times. The council may remove an acting city manager at any time.

New Section 9-2: The city manager's powers and duties.

The city manager shall be the chief executive officer and the head of the administrative branch of the city government. The City Manager shall be responsible to the council for the proper administration of all affairs of the city. To that end, the City Manager shall have power and shall be required to:

- (1) Appoint and, when necessary for the good of the service, remove all officers and employees of the city except as otherwise provided by this charter and except as the city manager may authorize the head of a department to appoint and remove subordinates in such department.
- (2) Prepare the budget annually and submit it to the council and be responsible for its administration after adoption.
- (3) Prepare and submit to the council as of the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year.
- (4) Attend council meetings and keep the council advised of the financial condition and future needs of the city and make such recommendations as may seem to the city manager desirable.
- (5) Enforce the charter and ordinances;
- (6) Control the work of all departments created by the charter and ordinances;
- (7) Execute documents as the executive for the city;
- (8) Conduct investigations as deemed necessary, or as directed by council; and
- (9) Perform such other duties as may be prescribed by this charter or required of the city manager by the council, not inconsistent with this charter.

New Section 9-3. Other officers of the City.

Other officers of the city shall be city secretary, ~~assessor-collector, treasurer, city attorney, and judge of the municipal court, judge of municipal court, chief of police, city engineer, fire marshal, and such other officers and agents as the city council may from time to time direct, who shall be appointed by the city manager with approval of the city council.~~ The city council may confer the powers and duties of one or more of these offices upon other officers of the city and shall define and prescribe the powers and duties of all appointed officers whose duties are not prescribed herein, and to fix their compensation. The council may create, consolidate, and abolish offices, departments or agencies of the city other than the offices, departments and agencies established by this charter.

...

New Section 10-1. City Attorney.

The city attorney shall be the legal advisor of and attorney and counsel for the City and all officers and departments thereof.

New Section 10-2. Municipal Court; Appointment of municipal judge.

a. The judge of the municipal court shall serve a term of two years concurrent with that of the Mayor. The judge may be removed for incompetency, misconduct, or malfeasance. The judge shall receive such compensation as may be fixed by the council from time to time. The judge shall be the judge of the municipal court which shall have the jurisdiction and shall be conducted in the

manner prescribed and authorized by law.

b. The city manager shall appoint the clerk and deputy clerks of the municipal court who shall have the power to administer oaths, affidavits, make certificates, affix the seal of the municipal court, and perform all acts usual and necessary by the clerks of the court, in conducting the business thereof, including but not limited to, the keeping of the records and accounts of the municipal court.

c. All fines, special expenses and penalties imposed by the municipal court shall be paid into the city treasury for the use and benefit of the city, as may be consistent with the present and future state laws.

Section 11. Director of Finance. Administrative Departments.

~~The director of finance shall perform the duties of a city treasurer, including receiving and securely keeping all monies belonging to the city and making all payments from same upon authorization of the mayor or city council, rendering to the city council, when so required, full and correct statements of receipts and payments, and performing such other acts and duties as the city council may require.~~

~~The director of finance shall further perform the duties of a city accountant, including keeping books of receipts and disbursements for the city, and keeping a register of bonds and bills issued by the city and evidence of all debt due and payable to it, including the particulars thereof and all facts connected therewith as they occur.~~

~~The director of finance shall give bond in favor of the city in such amount and in such form as the city council may require, with sufficient security to be approved by the city council, conditioned for the faithful discharge of the required duties of such office.~~

~~If deemed appropriate by the city council, duties of the director of finance may be segregated and accounting duties assigned to a city accountant and/or treasure duties assigned to a city treasurer, which offices are hereby authorized.~~

There are hereby created the following administrative departments: Finance, Police, Fire and Public Works. The City Council may, upon the advice of the City Manager, consolidate into one department no more than two of the departments hereby established; and by ordinance may create, change, and abolish offices, departments or agencies other than the offices, departments and agencies established by this Charter.

New Section 11-1. Directors.

At the head of each administrative department there shall be a director, appointed by the city manager with the approval of city council, who shall have supervision and control of the department subject to the city manager. Two or more departments may be headed by the same individual; the city manager may head one or more departments, and directors of departments may also serve as chiefs of divisions.

New Section 11-2. Departmental Divisions.

The work of each administrative department may be distributed among the divisions thereof subject to approval of the city manager.

New Section 11-3. No interference with administration.

Neither the city council nor any of its members shall direct the appointment or removal of any person from office by the city manager or by and of the city manager's subordinates. Except for the purpose of inquiry in accordance with Article II, Section 10 of the Charter, the city council and its members shall deal with the administrative service solely through the city manager, and neither the city council nor any member thereof shall give orders to any of the subordinates of the city manager, either publicly or privately.

ARTICLE III. – THE BUDGET

...

Section 2. - Preparation and submission of budget.

The city manager ~~mayor~~, at least ~~forty-five (45)~~ sixty (60) days prior to the beginning of each budget year, shall submit to the council a proposed budget. The budget shall provide a complete financial plan for the fiscal year. It shall contain an itemization of proposed expenditures and estimated revenues of the city, together with the appropriation ordinance and the tax levy ordinance.

Section 7. - Date of final adoption; effective; filing.

~~The budget shall be finally adopted not later than the fifteenth day of the last month of the fiscal year. Should the council take no final action on or prior to such day, the budget as submitted by the mayor shall be deemed to have been finally adopted by the council. Upon final adoption, the budget shall be in effect for the fiscal year. A copy of the budget, as finally adopted, shall be filed with the city secretary and certified by him~~ the city secretary as being a correct copy thereof.

ARTICLE V. – FINANCIAL POLICIES

...

Section 4. - Disbursement of funds.

All checks, vouchers or warrants for the withdrawal of money from the city depository shall be signed by the ~~city treasurer~~ city manager, or ~~his deputy~~ a person authorized by the city manager, and countersigned by the mayor. In the absence of the mayor, checks may be countersigned by the ~~city secretary~~ mayor pro tem.

ARTICLE VIII. – GENERAL PROVISIONS

...

~~Section 3. – Removal of appointed officer.~~

~~The city council shall have the power to remove any appointed officer for incompetency, corruption, misconduct or malfeasance in office, after due notice and an opportunity to be heard~~

~~in his defense. The city council shall also have the power at any time to remove any appointed office [officer] by resolution declaratory of its want of confidence in such appointed officer provided that a majority of the council votes are cast in favor of such resolution.~~

Proposition 2

SHALL THE CITY OF HUMBLE CHARTER BE AMENDED BY AMENDING ARTICLE II, SECTIONS 7 AND 9, TO AUTHORIZE CITY COUNCIL TO SET COMPENSATION OF ELECTED AND APPOINTED OFFICERS, AND TO ADOPT AND CARRY OUT PLANS FOR THE IMPROVEMENT OF NEIGHBORHOODS, AS PERMITTED BY STATE LAW?

[] YES

[] NO

In the event of the approval of this proposition, Section 7 and Section 9 of Article II of the City Charter shall be amended to read as follows, with additions being underlined and deletions being struck through:

ARTICLE II. – THE CITY COUNCIL AND THEIR ELECTION

...

Section 7. - Meetings and compensation of mayor and councilmembers.

The city council shall hold at least one regular monthly meeting and the mayor or three councilmembers may call as many special meetings as may be necessary to attend to the municipal business. Each councilmember and the mayor shall receive for ~~his or her~~ their services a salary of ~~three hundred dollars (\$300.00) per month~~ as established by ordinance. An officer's compensation set under this section may not change during the term for which the officer is elected or appointed. In addition, members of the city council may be reimbursed for actual expenses incurred in the performance of their official duties with the approval of the city council at a regular meeting.

...

Section 9. - Powers.

....

(4) ~~Adopt~~ Approve or provide for approval of subdivision plats.

(5) Adopt and modify the official map of the city.

(6) May provide for the establishment and designation of fire limits and to prescribe the ~~kind of~~ character of buildings or structures or improvements to be erected therein, and to provide for the erection of fireproof buildings within certain limits, and to provide for the condemnation of dangerous structures or buildings or dilapidated buildings calculated to increase the fire hazard, and the manner of their removal or destruction.

(8) Adopt, modify, and carry out plans for the clearance of slum districts and rehabilitation of blighted areas.

(9) Adopt, modify and carry out plans for the replanning, improvement and redevelopment of neighborhoods and for the replanning, reconstruction or redevelopment of any area or district which may have been destroyed in whole or in part by disaster.

Proposition 3

SHALL THE CITY OF HUMBLE CHARTER BE AMENDED BY AMENDING ARTICLE VIII, SECTIONS 7 AND 14, TO AUTHORIZE CITY COUNCIL TO REARRANGE AND RENUMBER PROVISIONS IN THE CHARTER BY ORDINANCE AND TO REQUIRE THE PERIODIC REVIEW OF THE CHARTER BY A CHARTER COMMISSION?

YES

NO

In the event of the approval of this proposition, Section 7 and Section 12 shall be added to Article VIII of the City Charter to read as follows, with additions being underlined and deletions being struck through:

ARTICLE VIII. – GENERAL PROVISIONS

...

Section 7. - ~~Reserved.~~ Rearrangement and renumbering.

The city council shall have the power, by ordinance, to renumber and rearrange all articles, sections, subsections, paragraphs, and subparagraphs of the Charter or any amendments thereto, as it shall deem appropriate.

...

Section 14. ~~Submission of charter to electors.~~ Charter Review Commission

~~The charter commission in preparing this charter finds and decides that it is impracticable to segregate each subject so as to permit a vote of "yes" or "no" on the same, for the reason that the charter is so constructed that in order to enable it to work and function it is necessary that it should be adopted in its entirety. For these reasons the charter commission directs that said charter be voted upon [as] a whole and that it shall be submitted to the qualified voters of the City of Humble at an election to be held for that purpose on the nineteenth day of December, 1970. If a majority of the qualified voters voting in such election shall vote in favor of the adoption of this charter, it shall become the charter of the City of Humble and after the returns have been canvassed, the same shall be declared adopted and the city secretary shall file an official copy of the charter with the records of the city. The mayor shall forthwith certify to the secretary of state an authenticated copy thereof under the city's seal showing the approval of such charter by majority vote of the qualified voters voting at such election.~~

~~In not less than thirty (30) days prior to such election the council shall cause the city secretary to mail a copy of this charter to each qualified voter of the City of Humble as appears from the tax collector's roll for the year ending January thirty first preceeding said election.~~

~~We hereby certify that this publication constitutes a true copy of the proposed charter for the City of Humble, Texas.~~

~~City of Humble charter commission~~

~~Dwayne McGaughey, Chairperson~~

~~Walker Griffith, Vice-chairperson~~

~~Mrs. Louise Panzarella, Secretary~~

Elliott Curtis	James Smith
Mrs. Juanita Harvey	Paul Thames
Gilbert Johnson	Arthur Tipton
Haden Kersh	Preston Tullos
Leroy Kruppa	A. C. Whitney, Sr.
W. A. Odom, Sr.	Lester Winter

-
City officials

E. W. Robbins, Mayor

Donald R. Clark, Alderman

R. Lee Fields, Alderman

Glen E. Herron, Alderman

Dr. H. E. McKay, Alderman

Oscar Williams, Alderman

Fred Underwood, City secretary

CHARTER COMPARATIVE TABLE

~~This table shows the location of the sections of the basic Charter and any amendments thereto.~~

At least every ten (10) years, the city council shall appoint a charter review commission of citizens of the city to inquire into the operation of the city government under the charter provisions and determine whether any such provisions require revision, and to report its findings and present its proposed amendments, if any, to the city council.

Proposition 4

SHALL THE CITY OF HUMBLE CHARTER BE AMENDED BY AMENDING ARTICLE II, SECTION 14, ARTICLE III, SECTION 4, AND ARTICLE V, SECTIONS 2 AND 3, TO PERMIT THE AUDIT REPORT, BUDGET NOTICES AND BUDGET HEARINGS, AND CITY CONTRACTS TO BE ADOPTED AND MADE AS REQUIRED BY STATE LAW AND CITY COUNCIL POLICIES?

[] YES

[] NO

In the event of the approval of this proposition, Article II and Article III of the City Charter to read as follows, with additions being underlined and deletions being struck through:

ARTICLE II. - "THE CITY COUNCIL AND THEIR ELECTION"

...

Section 14. - Independent audit.

Prior to the end of each fiscal year, the council shall designate a certified public accountant, who is licensed by the State of Texas, to make an independent audit of accounts and other evidences of financial transactions of the city government and submit a report to the council within one hundred ~~twenty (120)~~ eighty (180) days from the closing date of the city's fiscal year. ~~Notice shall be given by publication in the official newspaper in the City of Humble that the annual audit is on file at the city hall for inspection. Such accountant shall have no personal interest, direct or indirect in the fiscal affairs of the city government. The accountant shall not maintain any accounts or records of the city business, but, within specifications approved by the council, shall post audit the books and documents kept by the city treasurer and any separate or subordinate accounts kept by any other office, department or agency of the city government.~~

ARTICLE III. - THE BUDGET

...

~~**Section 4. - Publication of notice of public hearing.**~~

~~At the meeting of the city council at which the budget and budget message are submitted, the city council shall determine the place and time for a public hearing on such budget, and shall cause notice of such hearing to be published in the city's official newspaper not less than ten days nor more than thirty (30) days prior to the date of such public hearing.~~

Section 5. - Public hearing on budget.

~~At the time and place so advertised, or at any time and place to which such public hearing shall from time to time be adjourned, t~~The council shall hold a public hearing on the budget as submitted, at which all interested persons shall be given an opportunity to be heard, for or against the estimates or any item thereof.

ARTICLE V. - FINANCIAL POLICIES

Section 2. - Purchase procedure.

~~Before the city makes any purchase for supplies, materials, equipment, or contractual services, opportunity shall be given for competition.~~ All contracts and purchases shall be made in compliance with applicable state ~~competitive bidding~~ statutes and the city's purchasing policies approved by city council.

Section 3. - Contracts for city improvements.

No contract shall be awarded for a city improvement except in accordance with applicable state ~~competitive bidding~~ statutes.

Proposition 5

SHALL THE CITY OF HUMBLE CHARTER BE AMENDED BY AMENDING ARTICLES II, V, AND VII TO MAKE THE CHARTER CONSISTENT WITH STATE AND FEDERAL LAW REGARDING THE CONDUCT OF ELECTIONS AND QUALIFICATIONS FOR CITY COUNCIL?

YES

NO

In the event of the approval of this proposition, Articles II, V, and VII of the City Charter shall be amended to read as follows, with additions being underlined and deletions being struck through:

ARTICLE II. -THE CITY COUNCIL AND THEIR ELECTION

...

Section 4. - Conduct of elections.

All city elections shall be governed, except as otherwise provided by the charter, by the laws of the State of Texas governing general and municipal elections, so far as ~~the~~the same may be applicable thereto; and in ~~the~~the event there should be any failure of the general laws of ~~or~~or this charter to provide for some feature of the city elections, then the council shall have the power to provide for such deficiency, and no informalities in conducting a city election shall invalidate the same, if it be conducted fairly and in substantial compliance with the general laws, where applicable, and the charter and ordinances of the city. The city council shall be the judge of the election and qualification of its own members, subject to judicial review in the case of contests.

~~Any qualified elector of the city who is otherwise qualified may have his name printed upon the official ballot for the particular office at any election by filing his sworn application with the mayor at least thirty (30) days prior to the election date. The full names of all such candidates for office shall be printed on the official ballots without party designations. If candidates with the same or similar surnames are nominated, their residence shall be placed on the ballots. The order of the names on the ballot shall be determined by lot. Returns of all elections shall be made by the election officers to the city council not later than their next regular meeting following the election in accordance with State law,~~[,]~~ at after which time the council shall canvass and declare the results of the election as the first item of business. Newly elected officers may enter upon their duties immediately thereafter upon qualifying for office. If any officer fails to qualify within thirty (30) days after ~~his~~ their election, ~~his~~ their office shall be deemed vacant and such vacancy filled in accordance with the provisions of this charter for filling vacancies in office.~~

Section 5. - Qualifications for city council.

The mayor and each ~~alderman-councilmember~~ shall be at least eighteen (18) years of age ~~and a resident citizen of the City of Humble,~~ and have qualifications of electors therein shall be a qualified and registered voter of the City of Humble; ~~and shall have owned real property in said city for a period of at least one year immediately prior to the date application is made election for his name to be placed on the ballot. The mayor and councilmembers and other officers and employees of the city shall not be indebted to the city; shall not hold any other elected public office. and shall not be in violation of Article VIII, Section 5 of this charter. Any [sic] further, any~~

~~officer or employee~~ Failure of a member of the city council to maintain the residency requirement shall result in such office being automatically vacated. ~~of the city who shall cease to possess any of the qualifications herein required shall forfeit his office or position and any contract in which any officer or employee shall or may become interested shall be declared void by the council.~~

ARTICLE VII. – INITIATIVE, REFERENDUM AND RECALL

...

Section 5. - Consideration by council.

When the council receives a certified initiative or referendum petition, it shall proceed at once to consider such petition and take final action thereon not later than sixty (60) days thereafter. If the council fails to pass the ordinance proposed by the initiative petition, or if the council fails to repeal the ordinance specified in the referendum petition, then a proposed or a referred ordinance shall be submitted to the qualified electors of the city ~~within thirty (30) days from the date the council takes its final vote thereon~~ at the next uniform election date. Ordinances submitted to a vote in accordance with the initiative and referendum provisions of this charter shall contain the following propositions:

"For the ordinance"; and

"Against the ordinance."

Said proposition shall be adopted by a majority vote of the electors voting therein.

Proposition 6

SHALL THE CITY OF HUMBLE CHARTER BE AMENDED BY AMENDING ARTICLE 1, SECTION 5, AND ARTICLE II, SECTION 13, TO INCREASE THE NOTICE PERIOD FOR PERSONAL INJURY OR DAMAGE TO PROPERTY LAWSUITS AGAINST THE CITY, AND TO AUTHORIZE CITY COUNCIL TO GIVE NOTICE BY POSTING AT CITY HALL AND ON THE CITY'S INTERNET WEBSITE?

YES

NO

In the event of the approval of this proposition, Section 5 of Article I and Section 13 of Article II of the City Charter shall be amended to read as follows, with additions being underlined and deletions being struck through:

ARTICLE I. - INCORPORATION; FORM OF GOVERNMENT; CORPORATE AND GENERAL POWERS

...

Section 5. - Special provisions for damage suits.

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 is damaged or someone in ~~his~~their behalf shall give the ~~city secretary~~ city manager notice in writing within ~~thirty (30) days~~ six (6) months after the occurring of the alleged injury or damage stating specifically in such notice when, where and how the injury or damage was sustained and setting forth the extent of the injury or damage as accurately as possible, and giving the names and addresses of all witnesses upon whose testimony such person is relying to establish the injury or damage. No action at law for damage shall be brought against the city for personal injury or damage to property prior to the expiration of sixty (60) days after the notice hereinbefore described has been filed with the ~~city secretary~~ city manager. After the expiration of sixty (60) days aforementioned, the complainant may then have two years from the date of the alleged injury or damage in which to bring an action of law.

ARTICLE II. – THE CITY COUNCIL AND THEIR ELECTION

...

Section 13. - Procedure for passage of ordinances.

Every ordinance shall be introduced in written ~~or printed~~ form and, upon passage, shall take effect at the time indicated therein; provided that any ordinance imposing a penalty, fine or forfeiture for a violation of its provisions shall become effective not less than ten days from the date of its passage. Except as required by state law, The~~the~~ city secretary shall give notice of the passage of every ordinance imposing a penalty, fine or forfeiture for a violation of the provisions thereof, by causing the caption or title, including the penalty, of any such ordinance to be published (i) in the official newspaper in the City of Humble at least once within ten days after the passage of said ordinance, or (ii) by posting on the municipal bulletin board at City Hall and on the City's internet website continuously for twenty (20) days after passage. The city secretary shall note on every ordinance, ~~the caption of which is hereby required to be published, and on the record thereof, the~~

fact that same has been published as required by the charter, and the date of such publication, ~~and promulgation of such ordinance~~; provided that the provisions of this section shall not apply to the correction, amendment, revision and modification of the ordinances of the city for publication in book or pamphlet form. It shall not be necessary to the validity of any ordinance that it shall be read more than one time or considered at more than one session of the council. Every ordinance shall be authenticated by the signature of the mayor and city secretary and shall be systematically recorded in an ordinance book in a manner approved by the council. It shall only be necessary to record the caption or title of ordinances in the minutes of journal of council meetings. The council shall have power to cause the ordinances of the city to be corrected, amended, revised, codified and printed in code form as often as the council deems advisable, and such printed code, when adopted by the council, shall be in full force and effect without the necessity of publishing the same or any part thereof in a newspaper. Such printed code shall be admitted in evidence in all courts and places without further proof. Except as otherwise provided by law or this Charter, any requirement of the city council, or any board, department or officer of the city, to provide notice with respect to any real or personal property, act, event, hearing or other occurrence, by advertisement or notice, publication of such advertisement or notice on the municipal bulletin board and on the city's internet website continuously for at least seventy-two hours (72) shall be sufficient public notice.

Proposition 7

SHALL THE CITY OF HUMBLE CHARTER BE AMENDED BY AMENDING ARTICLE VIII, SECTION 5, TO PROHIBIT CITY OFFICERS OR EMPLOYEES FROM PARTICIPATING IN A VOTE OR DECISION IN WHICH THE INDIVIDUAL HAS A SUBSTANTIAL INTEREST AS PROVIDED BY STATE LAW?

YES

NO

In the event of the approval of this proposition, Section 5 of Article VIII the City Charter shall be amended to read as follows, with additions being underlined and deletions being struck through:

ARTICLE VIII. – GENERAL PROVISIONS

...

Section 5. - Personal interest.

~~No member of the city council or any appointed officer or employee of the city shall have a direct financial interest in any contract, or in any sale to the city, or to a contractor supplying the city, of any land, materials, supplies, or service; provided, however, that the provisions of this section shall [not] be applicable to a councilperson, appointed officer or employee who is merely a stockholder or a business entity making a contract with the city[,] provided that the stock owned by such person does not exceed ten percent of the total capital stock of the corporation. Any contract in which any officer or employee shall or may become interested shall be declared void by the council. No officer or employee of the city shall participate in a vote or decision 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.~~

Proposition 8

SHALL THE CITY OF HUMBLE CHARTER BE AMENDED BY AMENDING ARTICLE I, SECTIONS 2, 4, 8, AND 9, ARTICLE V, SECTION 1, AND ARTICLE VIII, SECTION 11, TO ELIMINATE UNNECESSARY AND OUTDATED PROVISIONS?

[] YES

[] NO

In the event of the approval of this proposition, Article I and Article VII of the City Charter shall be amended to read as follows, with additions being underlined and deletions being struck through:

ARTICLE I. - INCORPORATION; FORM OF GOVERNMENT; CORPORATE AND GENERAL POWERS

...

~~Section 2. - Boundaries establishing the city limits.~~

~~The boundaries and limits of the City of Humble shall be the same as have heretofore been established and now exist, and which boundaries and limits are recorded in Volume 8188, page 288 of the deed records of Harris County, Texas.~~

...

Section 4. - Powers of the city.

The city shall have all the powers granted to municipal corporations and to cities by the Constitution and laws of the State of Texas, together with all the implied powers necessary to carry into execution all the powers granted. The city may acquire property within or without its corporate limits for any city purpose in fee-simple or any lesser interest or estate by purchase, gift, devise, lease or condemnation and may sell, lease, mortgage, hold, manage and control such property as its interest may require; and, except as prohibited by the constitution and statutes of this state or restricted by this Charter, the city shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The city may use a corporate seal; may be sued and may sue; may contract and be contracted with; may implead and be impleaded in all courts and places and in all matters whatever; may cooperate with the government of the State of Texas or any agency thereof, or with any political subdivision of the State of Texas to accomplish any lawful purpose for the advancement of the interest, welfare, health, morals, comfort, safety and convenience of the city and its inhabitants; and may pass such ordinance as may be expedient for maintaining the peace, welfare of the city and for the performance of the functions thereof. The enumeration of particular powers by this Charter shall not be deemed to be exclusive and in addition to the powers enumerated therein or implied thereby or appropriate to the exercise of such powers it is intended that the City of Humble shall have and may exercise all powers of local ~~self-government~~ self-government and all powers ~~enumerated in Chapter 13, Title 28, Article 1175 of the Revised Civil Statutes of the State of Texas 1925 and amendments thereto and hereinafter enacted~~ not expressly prohibited by the constitution and laws of the State of Texas.

...

Section 8. - Street improvements.

The City of Humble shall have exclusive dominion, control and jurisdiction in, upon, over and under the public streets, avenues and alleys of the city, and may provide for the improvement thereof of paving, repaving, raising, draining or otherwise. ~~All powers and authority specified in Chapter 9 of Title 28, Revised Civil Statutes of Texas, 1925, and all amendments thereto, are expressly adopted and made a part of this charter. Such exclusive dominion, control and jurisdiction shall include, but not be limited to, the right to regulate, locate, relocate, remove or prohibit the location of all utility pipes, lines wires or other property.~~

~~**Section 9. - Extending city limits upon petition.**~~

~~Whenever a majority of the qualified voters who are citizens of the State of Texas and inhabitants of any territory adjoining the City of Humble, or in case there are not qualified voters in said territory, then when persons owning a majority of the land in area in said territory desire the annexation of such territory to the City of Humble they may present a written petition to that effect to the city council and shall attach to said petition the affidavit of one or more of their number to the effect that said petition is signed by a majority of such qualified voters, or in case there are no qualified voters in said territory and [sic] that the person signing said petition own [sic] a majority of the land in area in said territory. Thereupon, within ninety (90) days, the city council may by ordinance annex such territory to the city, and thenceforth such territory shall be part of the city for all purposes.~~

ARTICLE V. FINANCIAL POLICIES

Section 1. - Sale of city property; procedure for.

All sales of city property shall comply with applicable notice and bidding procedures of state law. The city council shall have the power to reject all bids and repeat required procedures when it deems it appropriate to do so. ~~The same procedures shall be used whenever the city acts as transfer agent.~~

ARTICLE VIII. - GENERAL PROVISIONS

...

~~**Section 11. - Present officers to continue in office.**~~

~~The mayor and aldermen of the City of Humble holding office at the time of the adoption of this charter shall continue in office until the next regular city election to be held following the adoption of this charter, at which time the mayor and alderman place one, and alderman place two, whose term of office expire at such time, shall be filled in the election held for such purpose; and the remaining members of the city council shall continue in office until their term of office shall have expired.~~

...



Proposition 9

SHALL THE CITY OF HUMBLE CHARTER BE AMENDED BY AMENDING ARTICLES I, II, V, VII, AND VIII TO CORRECT MISSPELLINGS AND MAKE OTHER NONSUBSTANTIVE CHANGES?

YES

NO

In the event of the approval of this proposition, Articles I, II, III, V, VII, AND VIII of the City Charter shall be amended to read as follows, with additions being underlined and deletions being struck through:

ARTICLE I. – INCORPORATION; FORM OF GOVERNMENT; CORPORATE AND GENERAL POWERS

...

Section 7. - Street powers.

The City of Humble shall have the power to lay out, establish, name, open, alter, widen, narrow, straighten, change, lower, extend, grade, vacate, abandon, discontinue, abolish, close, care for, pave, supervise, maintain and improve streets, alleys, sidewalks, parks, squares, public places and bridges; and regulate the use thereof and require the removal of all obstructions and encroachment of every nature or character from streets, sidewalks, alleys and other public property or places.

...

Section 12. - Garbage disposal.

The city council ~~shall~~ may by ordinance adopt and prescribe rules and regulations for the handling and disposition of all garbage, trash and rubbish within the ~~C~~city of Humble and ~~shall~~ may fix charges and compensation to be charged for the removal of garbage, trash, and rubbish, and may ~~provide~~ing rules and regulations ~~of~~ for the collection thereof.

Section 13. - Nuisances, etc.

The city shall have the power to ~~define~~ all nuisances and prohibit the same within the city and outside the city limits for a distance of five thousand (5,000) feet; to have power to police all parks or grounds, speedways, or boulevards owned by said city and lying outside of said city, to prohibit the pollution of any stream, drain or tributaries, thereof, which may constitute the source of water supply of any city and to provide for policing the same as well as to provide for the protection of any watersheds and the policing of same, to inspect dairies, slaughter pens, and slaughterhouses inside and outside the limits of the city, from which meat or milk is furnished to the inhabitants of the city.

ARTICLE II. – THE CITY COUNCIL AND THEIR ELECTION

...

Section 2. - Municipal elections.

Elections for the mayor and members of city council shall be held on dates prescribed by the Texas Election Code. An elected officer may be a candidate for reelection to the office ~~he or she~~ they

then ~~hold~~hold, but otherwise no person may be a candidate for mayor or councilmember who is then either an elected or appointed officer, employee, or agent of the City of Humble. Candidates for city council shall run for Place No. One, Place No. Two, Place No. Three, Place No. Four, Place No. Five or for mayor, as the case may be.

At any regular or special election held for such purpose, the candidate who shall have received the majority of votes cast for the office or place for which ~~he or she is~~ they are a candidate shall be declared elected; provided, however, tie votes shall be determined as provided by the Texas Election Code.

ARTICLE V. – FINANCIAL POLICIES

...

Section 5. - Borrowing in anticipation of property taxes.

In any budget year, in anticipation of the collection of the property tax for such year, whether levied or to be levied in such year, the council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the city, each of which shall be designated "tax anticipation note for the year ~~19~~ 20-____," (stating the budget year). Such notes shall mature and be payable not later than the end of the fiscal year in which the original notes shall have been issued.

ARTICLE VII. – INITIATIVE, REFERENDUM AND RECALL

...

Section 3. - Form of petitions; committee or petitioners.

Initiative petition papers shall contain the full text of the proposed ordinance. The signatures to initiative or referendum petitions need not all be appended to one paper. Each signer of any petition paper shall sign ~~his~~ their name in ink or indelible pencil and shall indicate after their ~~his~~ name their ~~his~~ place of residence by street and number, or other description sufficient to identify the place.

...

Section 6. - Recall procedure.

a) ____ The mayor or any member of the city council may be removed from office by recall. Any elector of the city shall make and file with the city secretary an affidavit containing the name or names of the officer or officers whose removal is sought and a statement of the grounds for removal. The city secretary shall thereupon deliver an adequate number of blank copies of the recall petition for use in demanding such removal. The recall petition must be returned and filed with the city secretary within thirty (30) days after the filing of the aforementioned affidavit, and it must be signed by a majority of the then qualified voters of the city.

b) No recall petition shall be filed against the mayor or any city councilperson within six months after the officer takes office or more often than once every six months thereafter.

c) Should the city council fail or refuse to order any election provided in this article, then it shall be the duty of any district judge of Harris County, Texas, upon proper application being made, to order such elections and to enforce the carrying into effect of the provisions of this article.

Section 7. - Recall election.

The city secretary shall at once examine the recall petition and if it is found to be sufficient and in compliance with provisions of this charter, the city secretary shall within five days submit it to the city council with ~~his~~ a certificate to that effect and notify the officer or officers sought to be recalled of such action. If each officer whose removal is sought does not resign within five days after such notice, the city council shall thereupon order and fix a date for holding a recall election to be held not less than twenty (20) nor more than thirty (30) days after the petition was presented to the city council. The ballots used at such recall elections shall contain the following questions:

"Shall (name of person) be removed from office (name of office) by recall?"

Immediately following such question there shall be printed the following propositions:

"For the recall of (name of person)"; and

"Against the recall of (name of person)."

If a majority of the votes cast at such recall election are against the recall of the officer, the officer shall continue in office. If a majority of the votes at such election are for the recall of the officer, the officer shall be deemed removed from office and the vacancy filled by the city council as in other vacancies. ~~No recall petition shall be filed against the mayor or any city councilperson within six months after the officer takes office or more often than once every six months thereafter. Should the city council fail or refuse to order any election provided in this article, then it shall be the duty of any district judge of Harris County, Texas, upon proper application being made, to order such elections and to enforce the carrying into effect of the provisions of this article.~~

ARTICLE VIII. – GENERAL PROVISIONS

...

Section 1. - Publicity of records.

All records and accounts of every office, department or agency of the city shall be open to inspection by any citizen, at all reasonable times and under reasonable regulations established by the council in accordance with the Texas Public Information Act, Texas Government Code Chapter 551.

Section 2. - Oath of office.

All officers of the city, whether elected or ~~appointive~~ appointed, shall qualify by taking the oath described by the constitution of this state and by executing such bond as may be required under the provisions of this charter and the ordinances and resolutions of the city council.



Proposition 1

SHALL THE CITY OF HUMBLE CHARTER BE AMENDED BY AMENDING ARTICLES I, II, III, V, AND VIII TO CLARIFY AND DEFINE THE POWERS OF THE CITY MANAGER, AND THE CITY MANAGER'S RELATIONSHIP TO THE CITY COUNCIL, MAYOR, MUNICIPAL COURT JUDGE, AND CITY ATTORNEY?

YES

NO

Proposition 2

SHALL THE CITY OF HUMBLE CHARTER BE AMENDED BY AMENDING ARTICLE II, SECTIONS 7 AND 9, TO AUTHORIZE CITY COUNCIL TO SET COMPENSATION OF ELECTED AND APPOINTED OFFICERS, AND TO ADOPT AND CARRY OUT PLANS FOR THE IMPROVEMENT OF NEIGHBORHOODS, AS PERMITTED BY STATE LAW?

YES

NO

Proposition 3

SHALL THE CITY OF HUMBLE CHARTER BE AMENDED BY AMENDING ARTICLE VIII, SECTIONS 7 AND 14, TO AUTHORIZE CITY COUNCIL TO REARRANGE AND RENUMBER PROVISIONS IN THE CHARTER BY ORDINANCE AND TO REQUIRE THE PERIODIC REVIEW OF THE CHARTER BY A CHARTER COMMISSION?

YES

NO

Proposition 4

SHALL THE CITY OF HUMBLE CHARTER BE AMENDED BY AMENDING ARTICLE II, SECTION 14, ARTICLE III, SECTION 4, AND ARTICLE V, SECTIONS 2 AND 3, TO PERMIT THE AUDIT REPORT, BUDGET NOTICES AND BUDGET HEARINGS, AND CITY CONTRACTS TO BE ADOPTED AND MADE AS REQUIRED BY STATE LAW AND CITY COUNCIL POLICIES?

YES

NO

Proposition 5

SHALL THE CITY OF HUMBLE CHARTER BE AMENDED BY AMENDING ARTICLES II, V, AND VII TO MAKE THE CHARTER CONSISTENT WITH STATE AND FEDERAL LAW REGARDING THE CONDUCT OF ELECTIONS AND QUALIFICATIONS FOR CITY COUNCIL?

YES

NO

Proposition 6

SHALL THE CITY OF HUMBLE CHARTER BE AMENDED BY AMENDING ARTICLE 1, SECTION 5, AND ARTICLE II, SECTION 13, TO INCREASE THE NOTICE PERIOD FOR PERSONAL INJURY OR DAMAGE TO PROPERTY LAWSUITS AGAINST THE CITY, AND TO AUTHORIZE CITY COUNCIL TO GIVE NOTICE BY POSTING AT CITY HALL AND ON THE CITY'S INTERNET WEBSITE?

YES

NO

Proposition 7

SHALL THE CITY OF HUMBLE CHARTER BE AMENDED BY AMENDING ARTICLE VIII, SECTION 5, TO PROHIBIT CITY OFFICERS OR EMPLOYEES FROM PARTICIPATING IN A VOTE OR DECISION IN WHICH THE INDIVIDUAL HAS A SUBSTANTIAL INTEREST AS PROVIDED BY STATE LAW?

YES

NO

Proposition 8

SHALL THE CITY OF HUMBLE CHARTER BE AMENDED BY AMENDING ARTICLE I, SECTIONS 2, 4, 8, AND 9, ARTICLE V, SECTION 1, AND ARTICLE VIII, SECTION 11, TO ELIMINATE UNNECESSARY AND OUTDATED PROVISIONS?

YES

NO

Proposition 9

SHALL THE CITY OF HUMBLE CHARTER BE AMENDED BY AMENDING ARTICLES I, II, V, VII, AND VIII TO CORRECT MISSPELLINGS AND MAKE OTHER NONSUBSTANTIVE CHANGES?

YES

NO