

CITY OF GALENA PARK

HOME RULE CHARTER¹

ARTICLE I

CORPORATE NAME, BOUNDARIES, AND POWERS

SECTION 1: INCORPORATION AND CORPORATE POWERS. The inhabitants of the City of Galena Park, in Harris County, Texas, as the boundaries and limits of the City are now or may hereafter be established shall be a body politic, and corporate by the name of the City of Galena Park and under that name shall have a perpetual succession; may use a corporate seal; may sue and be sued; may acquire property within or without its boundaries for any municipal purpose, in fee simple or lesser interest or estate by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage and control such property as its interest may require; and, except as prohibited by the Constitution and Laws of the State of Texas or restricted by this Charter, the City shall have and may exercise all municipal powers, functions, rights, privileges, and immunities of every nature whatsoever.

SECTION 2: ENUMERATED POWERS NOT EXCLUSIVE. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, but, 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 Galena Park shall have, and may exercise, all powers of local self-government, and all powers enumerated in Chapter 13, Title 28, Article 1175 of the Revised Civil Statutes of the State of Texas of 1925, and any amendments thereof, or any other powers which, under the Constitution and Laws of the State of Texas, it would be competent for this Charter specifically to enumerate. All powers of the City, whether expressed or implied, shall be exercised in the manner prescribed therein, then in the manner provided by the general laws of Texas relating to cities and towns.

SECTION 3: BOUNDARIES. The boundaries and limits of the City of Galena Park as same are now fixed and established are as follows:

BEGINNING at a point 25000 feet north of the thread of the stream of the Houston Ship Channel, the same being 60 feet, more or less, north of the southeast corner, Block 6, Universal City Addition.

THENCE north 4920 feet, more or less, to the north side of the abandoned portion of 19th Street;

THENCE west 2140 feet, more or less, to the west side of Keene Street, if extended north;

THENCE 1500 feet, more or less, in a southwesterly direction to the northeast corner of Lot 505, Woodland Addition, the same being 170 feet, more or less, north of the north side of 18th Street;

THENCE 11511.1 feet, more or less, west to the northwest corner of Lot 521, Woodland Addition;

THENCE 2560 feet, more or less, south to the point of intersection of the

north side of First Street of the Highlands Addition, the same being the street running east and west along the north side of the Highlands Addition, with the west boundary of the Woodland Addition;

THENCE 1170 feet, more or less, west to the west side of Fourth Avenue of Highlands Addition, the same being the street running north and south along the west side of the Highlands Addition;

THENCE 2321 feet, more or less, south along the west side of Fourth Avenue of the Highlands Addition, the same being the street running north and south along the west side of the Highlands Addition, to a point 50 feet north of the center line of Clinton Road;

THENCE 2721.1 feet, more or less, east to the southeast corner of the Woodlands Addition, the same being 50 feet north of the center line of Clinton Road;

THENCE 1800 feet, more or less, south to a point 2500 feet north of the thread of the stream of the Houston Ship Channel;

THENCE in a northeast direction, 2500 feet north of and parallel with the thread of the stream of the Houston Ship Channel to the point of Beginning.

SECTION 4: EXTENSION OF BOUNDARIES. The boundaries of the City of Galena Park may be enlarged and extended by the annexation of additional territory, irrespective of size and configuration, in any of the methods hereinafter designated.

A. Extending Limits in Accordance with Article 974 of The Revised Civil Statutes: Where such additional territory adjoins the corporate limits of the City and contains three (3) or more inhabitants qualified to vote for members of the State Legislature, such adjacent territory may be annexed to the City in the manner and in conformity with the procedure set forth in Article 974 of the Revised Civil Statutes of the State of Texas of 1925; provided the limit of one-half (1/2) mile in width contained in said Article shall not be applied and shall not limit the width of any such area to be annexed.

B. Extending Limits by Action of City Commission: The City Commission shall have power by ordinance to fix the boundary limits of the said City and to provide for the extension of said boundary limits and the annexation of additional territory lying adjacent to said City, with or without the consent of the owners of and/or the inhabitants of the territory annexed. Upon the introduction of an ordinance before the City Commission providing for the annexation of such territory without the consent of the inhabitants thereof, same shall be considered by the City Commission and may be passed upon the first reading thereof. If passed by the affirmative vote of a majority of the City Commission, it shall then be published in the official newspaper of the City of Galena Park one time, and shall not thereafter be finally passed until at least thirty (30) days have elapsed after said publication, and when said ordinance is finally passed, the said territory so annexed shall be a part of the City, and the inhabitants thereof shall be entitled to all the rights and privileges of other citizens, and shall be bound by the acts, ordinances, resolutions and regulations of the said City.

C. Annexation of Unoccupied Lands by Petition of Owners: The owner, or owners of any land which is without residents, contiguous and adjacent to the City may, by petition in writing to the governing body, request the annexation

of such contiguous and adjacent land, describing it by metes and bounds. The governing body shall thereafter, and not less than five (5) and not more than thirty (30) days after the filing of such petition, hear such petition and the arguments for and against the same, and grant or refuse such petition as the governing body may see fit.

If the governing body grants such petition, it may by proper ordinance receive and annex such territory as a part of the City.

D. Annexation by Amendment to Charter: The boundary limits of the City may be fixed and additional territory added or annexed thereto by Amendment to the Charter of the City.

E. Annexation by Any other Method Provided by Law: Additional territory may also be annexed to the City in any manner and in any procedure that may now be provided by law or that may be hereafter provided by law; same shall be in addition to the methods hereinabove provided.

F. Annexed Territory to Become Part of the City: Upon completion of any one of the procedures hereinabove provided, the territory so annexed shall become a part of the City, and said land and its inhabitants and future inhabitants, shall be entitled to all the rights and privileges of other citizens of the City, shall be bound by the acts, ordinances, resolutions and regulations of the City.

SECTION 5: DISCONTINUANCE AND RELINQUISHMENT OF TERRITORY. A. Territory within the corporate limits of the City and adjacent to the corporate boundary thereof may be relinquished and discontinued, as a part of the corporate area upon the terms and under the conditions provided for in Article 973 and 975 of the Revised Civil Statutes of the State of Texas as same now exist or may hereafter be amended.

B. Whenever there exists within the corporate limits of the City and adjacent to the boundary line thereof, territory not exceeding one per cent (1%) of the corporate area, lying contiguous and in a body, inhabited or uninhabited, to which area the City is not able to extend its water system, or sewer system, or police protection, or to lay out and maintain properly therein streets, for adequately serving such area and the inhabitants thereof, without an unreasonable outlay of such funds as it may have available for such purposes, and upon a finding by the City Commission that the City cannot adequately serve said area in one or more of said respects, and upon a finding further by the City Commission that the discontinuance of such area will not materially affect the revenues of the City, nor materially impair the security of the holders of tax obligations and/or bonds of the City, the Mayor and City Commission may, by ordinance duly passed, discontinue said territory as a part of the City; and when said ordinance has been duly passed, same shall be entered on the Minutes of the City, and from and after the entry thereof, said territory shall cease to be a part of the City.

C. Whenever there exists within the corporate limits of the City territory not exceeding one per cent (1%) of the corporate area, lying contiguous and

in a body, inhabited, or uninhabited, and adjoining a boundary line of the City, which area by reason of its location is better suited to industrial development rather than residential improvement, such area may be relinquished and discontinued as a part of the City by ordinance duly passed by the Mayor and City Commission, provided the owners of at least three-fourths (3/4) of any such area shall petition the City Commission to so relinquish and discontinue such territory, provided further that the City Commission finds that the discontinuance of such area will not materially impair the security of the holders of tax obligations and/or bonds of the City, and when such ordinance has been duly passed and entered upon the Minutes of the City Commission, said territory shall cease to be a part of the City.

D. The aggregate of all areas discontinued and relinquished under the terms of Paragraphs "B" and "C" of this Section during any five (5) year period shall not exceed one per cent (1%) of the corporate area as same exists at the time of passage of the ordinance relinquishing such area, and the City Commission shall find and incorporate in each such ordinance relinquishing territory, that the territory relinquished by such ordinance together with all territory theretofore relinquished during the five (5) years prior thereto does not exceed one per cent (1%) of the corporate area as same exists at the time of such ordinance.

ARTICLE II

GENERAL POWERS AND PROVISIONS

SECTION 1: GENERAL POWERS. The City may assess, levy and collect any and all character of taxes for general and special purposes on all subjects or objects, including occupation taxes, license taxes and excise taxes, which the City may lawfully assess, levy and collect under the Constitution and Laws of the State of Texas; may appropriate the money of the City and any department thereof for all lawful purposes; may create, provide for, construct, regulate and maintain all things of the nature of public works and improvements, whether for pleasure or otherwise; may levy and collect assessments for local improvements; may license and regulate persons, corporations, associations and partnerships engaged in any business, occupation, profession or trade not prohibited by the Constitution and Laws of the State of Texas; may define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comforts, safety, convenience and welfare of the inhabitants of the City, and all nuisances and cause thereof; may regulate and restrict the construction, height and the material used in all buildings and the maintenance and occupancy thereof; may regulate and restrict and control the use, for whatever purposes, of the streets, alleys and other public ways and places; may create, establish, abolish and organize offices and fix the salaries and compensations and fees of all officers and employees; may make and enforce local police, health, and sanitary and other regulations; and, may pass such ordinances as may be expedient for maintaining and promoting the peace, good government, safety and welfare of the City, and for the performance of the functions thereof.

SECTION 2: PUBLIC PROPERTY EXEMPT FROM EXECUTIONS. No public property, or any other character of property owned or held by said City shall be subject

to any execution of any kind or nature.

SECTION 3: CITY FUNDS NOT SUBJECT TO GARNISHMENT. No funds of the City shall be subject to garnishment and the City shall never be required to answer in any garnishment proceedings.

SECTION 4: EXEMPTION FROM LIABILITY FOR DAMAGES. Said City shall have the power to provide for the exemption of said City from liability on account of any claim for damages to any person or property, or to fix such rules and regulations, governing the City's liability, as may be deemed advisable.

SECTION 5: RIGHT OF EMINENT DOMAIN. The City shall have the right of eminent domain and the power to condemn and appropriate private property for public purposes, whether such property be within or without the City limits, in such cases as is now or may hereafter be provided by the general laws of Texas governing cities and towns and the procedure to be followed is that prescribed by the general laws of Texas as is now, or may hereafter become, applicable to municipal and political subdivisions of the State of Texas.

SECTION 6: MAY ACCEPT GOVERNMENTAL AID, ETC. The City may accept monetary aid or other character of aid or benefit from the Federal Government, the State Government, the County Government, and from any agency thereof, and/or any individual, and/or a private agency; and shall have the full right, power and authority to do the things and perform the acts necessary to permit the City to receive such aid.

SECTION 7: STREETS AND SUBDIVISIONS. Should any property lying within the City limits or adjacent thereto be hereafter platted into Blocks and Lots, the owner of said property, shall plat and lay the same off to conform to the streets of the City abutting said property, which map and subdivision shall be subject to the approval of the Mayor and City Commission before same can be effective and valid and before same can be filed for record in the Map or Deed Records of Harris County, and after same has been recorded in the Map or Deed Records of Harris County, a completed copy thereof bearing the certificate of the County Clerk showing the date of filing and place of record thereof shall be filed with the City Secretary and retained as a permanent record of the City.

In no case shall the City of Galena Park be required to pay for any of the streets, alleys, or easements shown upon such plat or map, but when opened by reason of the platting of said property, at whatever date platted, such streets, alleys, and easements shall become by such act, the property of the City of Galena Park for public use to which same are dedicated by the plat, and shall be cared for as such.

SECTION 8: FRAME BUILDING REGULATIONS. The City may prohibit the erection, building, placing, moving or repairing of wooden buildings within such limits of the City as it may designate and prescribe, in order to guard against the calamities of fire; and may within said limits prohibit the moving or putting up of any wooden building from without said limits, and may also prohibit the removal of any wooden building from one place to another within said limits, and may direct that all buildings within the limits so designated as aforesaid, shall be made or constructed of fireproof materials, and may declare any dilapidated

building to be a nuisance and direct the same to be repaired, removed or abated in such manner as they shall direct; to declare all wooden buildings in the fire limits which they deem dangerous to contiguous buildings, or in causing or promoting fires, to be nuisances, and require and cause the same to be removed in such manner as they shall prescribe.

SECTION 9: ESTABLISHMENT OF BUILDING LINES AND ASSESSMENTS THEREFOR. The governing body of the City may establish a building line or lines by adopting a resolution or ordinance describing the street, highway or part thereof to be affected, and the location of the building line or lines, and except as herein otherwise provided, by following the same procedure as that authorized by law in the City for the acquiring of land for the opening of streets. After the establishment of any such lines, no building or other structures shall be erected, reconstructed or substantially repaired, and no new buildings, or other structure, or part thereof, shall be erected or re-erected within said lines so established. The procedure for instituting and conducting the condemnation proceedings to condemn the easements and interests necessary to be taken and acquired to establish a building line under the authority of this Section, and to assess and collect benefits against property owners and their property abutting on or in the vicinity of said building line arising out of the establishment of said building line, shall be the same as that authorized by law in the City in connection with the opening of streets. In the condemnation of any tract where the ownership of or interests in said tract is in controversy or is unknown, the award may be made in bulk as to such tract, and paid into Court for the use of the parties owning or interested therein, whoever they may be, as their interests may appear. The awards and findings of the Special Commissioners when filed with the Judge of the County Court, or other Court having jurisdiction over the condemnation proceedings, shall be final, and shall be made the judgment of said Court. Compensation shall be due and payable upon rendition of the judgment by the Court adopting the award. Whenever and wherever a building line shall be established under authority of this Section, all structures extending within such building lines shall be required to conform to the new line within a period of not more than twenty-five (25) years from the time of establishing said lines; such time to be provided in the ordinance providing for the establishment of such line. At any time, however, before or after the expiration of the time so fixed, the proper municipal authorities shall have the power to proceed in the manner then provided by law relating to condemnation proceedings by the City to remove all structures and to condemn any property then within such line, and to assess benefits against property owners and their property benefitted thereby; provided, however, that all owners of property so affected shall receive due notice and hearing in the manner then provided by law in the determination of the additional damages then sustained by the removal of such structures or the taking of land then within the building line and the determination of benefits to be assessed against property owners affected, and their property affected. This Section shall be in addition to and cumulative of any powers not or hereafter conferred by law on the City.

SECTION 10: BUILDING LINES. In addition to the power provided by the above and foregoing section, the City shall have the further power, for the purpose of promoting the public health, safety, order, convenience, prosperity and general welfare, acting through its governing body, under the public power,

to provide by suitable ordinance building lines on any street or streets, or any block of any street or streets, and to require their observance by suitable penalties.

SECTION 11: BROAD POWERS HEREIN GRANTED. The City shall have all the powers that now are, or hereafter may be granted to municipalities by the Constitution or Laws of the State of Texas, and all such powers whether expressed or implied in this Charter, shall be exercised and enforced in the manner prescribed by this Charter, or when not prescribed herein, then in such manner as may be prescribed by the General Laws of Texas, applicable to cities and towns, and if the manner be not therein prescribed, then as same shall be provided by ordinance or resolution of the City Commission.

ARTICLE III

TAXATION

SECTION 1: POWER TO TAX. The City Commission shall have the power and is hereby authorized to annually levy, assess and collect taxes not to exceed the maximum rate provided by the Constitution and Laws of Texas for cities having more than 5,000 inhabitants, which taxes shall be levied and assessed upon all real and personal property within the corporate limits of the City of Galena Park, not exempt from taxation by the Constitution and Laws of the State of Texas.

SECTION 2: LICENSE FEES. The City Commission shall have power to levy and collect taxes commonly known as licenses, in accordance with Article 1031 of the Revised Civil Statutes of Texas. The enumeration in said Article shall not be held to deprive the City Commission of the right to levy and collect other licenses and taxes, and from other persons and firms under the authority which they have by virtue of being a home rule city.

SECTION 3: FRANCHISE TAX. The City shall have the power annually, to levy and collect a franchise tax and/or a gross receipt tax, or ground rental tax, from any public service corporation using and occupying the public streets, alleys, or grounds of the City, separately from the ad valorem tax on the tangible property of such corporation, and to levy and collect, annually, a tax upon the intangible property and values, including the shares of corporations and joint stock associations, as the same is now or may be hereafter permitted by the Laws of Texas, and shall have full power to enforce the collection of all such taxes.

SECTION 4: THE COMMISSION FAILING TO PASS TAX ORDINANCES FOR ANY MUNICIPAL YEAR. The City Commission at its first meeting in June of each year, or as soon thereafter as practicable, shall levy the annual tax for such year, but special taxes or assessments provided by this Charter may be levied, assessed, and collected at such time or times as the Commission may provide; provided that if for any cause, the Commission shall fail or neglect to pass a tax ordinance, levying taxes for that year, then, and in that event, the tax levying ordinance last passed will and shall be considered in force and effect

as the tax levying ordinance, and the failure so to pass such ordinance for any one year shall in no wise invalidate the collection of taxes for that year.

SECTION 5: PROPERTY LIABLE FOR TAXES. All real, personal or mixed property, owned, held or situated in the City, shall be liable for all municipal taxes due by the owners thereof, regardless of where such owners may reside, including taxes on real estate, personal and mixed property. All personal property may be levied upon, seized and sold by the person performing the duties of collector of taxes that may be due and and by the owner thereof, without further warrant of authority than production of his tax roll, which sale, when made, shall convey a prima facie title to the purchaser thereof; or the amount of tax due by any person upon any species of property may be sued in any Court having jurisdiction and a personal judgment may be recovered against any delinquent taxpayer or against any person to whom personal property on which the city tax is due has been sold, or who owns, holds or claims possession of said personal property.

SECTION 6: LIEN FIXED AGAINST PROPERTY FOR TAXES. All taxes levied by the City are hereby declared to be a lien, charge and encumbrance on the property for which the tax is due, which lien, charge and encumbrance the City is entitled to enforce and foreclose in any Court having jurisdiction of the same; and the lien, charge and encumbrance on the property in favor of the City for the amount of taxes due on such property, if such as to give the State Courts jurisdiction to enforce and foreclose said lien on the property on which tax is due, not only as against any resident of the State, or any person whose residence is unknown, but also against the unknown heirs of any person who owns the property on which the tax is due and against nonresidents.

All taxes upon real estate shall especially be a lien and a charge upon the property upon which the taxes are due, which lien may be foreclosed and the tax collected by suit in any Court having jurisdiction.

SECTION 7: The City of Galena Park hereby adopts the General Tax Laws of Texas as applicable to cities and towns, except where otherwise provided by this Charter, and shall be governed thereby in the rendition and assessment of property for taxes, and in the levy and collection thereof, shall keep such records thereof as are prescribed by the General Law, and shall proceed thereunder in the collection of all taxes, including the collection of delinquent taxes, and may enforce its liens for taxes either by summary sale or delinquent tax suits in the manner and in such cases as the General Law may provide.

SECTION 8: ASSESSOR AND COLLECTOR OF TAXES SHALL FURNISH CERTIFICATE. It shall be the duty of the Assessor and Collector of Taxes, whenever written request is filed with him by any person, to furnish a written statement properly certified to by him, showing all taxes due on any particular tract of land situated within the City of Galena Park up to and including the year for which the taxes are last due, and for each such statement so furnished by him, he shall collect not to exceed Fifty Cents (50¢) which shall be paid into the City Treasury.

SECTION 9: BOARD OF APPRAISEMENT AND EQUALIZATION. The governing body of the City shall create annually a Board of Equalization, consisting of three (3) qualified voters and property taxpayers of the City, and said Board of Equalization shall have such powers and duties as are defined in Articles 1048 and

1056 inclusive of the Revised Civil Statutes of Texas. The City Commission shall prescribe the compensation of the members of said Board, and enact all ordinances necessary to regulate and control the equalization of value by such board.

ARTICLE IV

FINANCES AND BONDS

SECTION 1: FISCAL YEAR. The fiscal year for the City of Galena Park shall be from October 1st, to and including September 30th, following.

SECTION 2: SCOPE OF THE CITY BUDGET. The budget for the city government shall present a complete financial plan for the ensuing fiscal year. It shall set forth all proposed expenditures for the administration, operation, and maintenance of all departments and agencies of the city government for which appropriations are required to be made or taxes levied by the City; to said budget there shall be annexed a budget of the water and sewer system, and such system may be shown in the annexed budget as a self-supporting enterprise; all expenditures for capital projects to be undertaken or executed during the fiscal year; all interest and debt redemption charges during the fiscal year; and the actual or estimated operating deficits from prior fiscal years. In addition thereto the budget shall set forth the anticipated income and other means of financing the total proposed expenditures of the city government for the fiscal year.

SECTION 3: THE BUDGET DOCUMENT. The budget document, presenting a financial plan for the city government as outlined in the preceding Section, shall consist of three (3) parts, as follows:

Part I shall contain (1) a budget message prepared by the Mayor which shall outline a fiscal policy for the city government, describing therein the important features of the budget with reference both to proposed expenditures and anticipated income, (2) a general budget summary with a few supporting schedules, which shall be in accordance with the Texas Uniform Budget Law.

Part II shall contain (1) detailed estimates of all proposed expenditures, showing the corresponding expenditures for each item for the current fiscal year and the last preceding fiscal year with explanations of increases or decreases recommended as compared with appropriations for the current fiscal year; (2) detailed estimates of anticipated revenues and other income; (3) delinquent taxes, if any, for current and preceding years, with percentage collectible; (4) statements of the bonded and other indebtedness of the city government, showing the debt redemption and interest requirements, the debt authorized and unissued, the condition of the sinking funds, if any, and the borrowing capacity of the City.

Part III shall contain complete drafts of the budget ordinances, including an appropriation ordinance and such other ordinances as may be required to finance the budget.

SECTION 4: THE PREPARATION AND ADOPTION OF THE BUDGET. At least sixty (60) days prior to the beginning of the fiscal year the departments and agencies of the city government shall transmit estimates of their budgetary requirements to the Mayor. The Commission may revise, alter, increase, or decrease the items of the budget, provided that when it shall increase the total proposed expenditures, it shall also increase the total anticipated income so that the total means of financing the budget shall at least equal in amount the aggregate proposed expenditures. When the Commission shall make such changes, it shall issue a statement setting forth clearly its action on the budget. At least ten (10) days before the beginning of the fiscal year, the Commission shall approve the budget plan and shall enact the appropriation ordinance. As soon thereafter as possible the Commission shall pass the tax levy ordinance and such other ordinances as may be required to make the budget effective.

SECTION 5: TRANSFER OF APPROPRIATIONS. The Commission may, upon the recommendation of the Mayor, transfer any unencumbered appropriation balance or any portion thereof within a department or agency of the city government or from one department or agency to another.

SECTION 6: MONEY TO BE DRAWN FROM TREASURY IN ACCORDANCE WITH APPROPRIATION. No money shall be drawn from the treasury of the City, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation ordinance or of such ordinance when changed as authorized by the next preceding Section of this Charter. At the close of each fiscal year any unencumbered balance of any appropriation shall revert to the fund from which appropriated and shall be subject to reappropriation; but appropriations may be made by the Commission, to be paid out of the income of the current year, in furtherance of improvements or other objects or works which will not be completed within such year, and any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

SECTION 6-A: Nothing in Sections 2 to 6 of this Article shall be construed to affect the authorization of bonds and warrants and the expenditures of the proceeds thereof, whether or not provision has been made therefor in the annual budget.

SECTION 7: CUSTODY OF CITY MONEY. All money received by any department or agency of the City for or in connection with the business of the City shall be paid promptly into the treasury and shall be deposited with responsible banking institutions. These institutions shall be designated by the Mayor, with the approval of the Commission, and in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by ordinance. All interest on money belonging to the City shall accrue to the benefit of the City.

SECTION 8: BONDS. The governing authority of the City, shall have the power to appropriate so much of the general revenue of the City as may be necessary for the purpose of retiring and discharging the accrued interest and indebtedness of the City; to issue bonds to pay for any property or public improvements which the City may lawfully acquire or construct, to pay for any improvement the cost of which is to be assessed wholly or in part against abutting

or benefitting property, or to fund or refund any indebtedness outstanding at the time this Charter takes effect for which inadequate provision for payment has been made; but no bonds shall be issued to pay current expenses; all bonds of the City issued which are a lien on the taxable property located within the City limits of Galena Park shall be authorized by an ordinance passed by an affirmative vote of at least a majority of the members of the Commission, and except funding and refunding bonds, and repair bonds not exceeding \$2,000.00 shall be submitted at an election to the qualified voters who are taxpayers of the City, and should a majority of the votes cast in said election be in favor of issuance of the bonds the same shall be issued in accordance with the laws of Texas and this Charter, but should said election fail to carry, the bonds shall not be issued. The election provided for above shall be conducted as other elections under the state law, after giving notice by publication in accordance with state law.

All bonds hereafter issued by the City shall be subject to call for payment, redemption or refunding at par and accrued interest ten (10) years after the date thereof and on any interest paying date thereafter, and the right of call for payment, redemption or refunding shall be expressly set forth in any and all ordinances of the City Commission providing for the issuance of such bonds, also in the face of the bonds themselves. The City Commission is hereby fully empowered to provide for such call for payment, redemption or refunding privileges, as it may deem advisable and for the best interests of the City of Galena Park, to be exercised on any interest prior to ten (10) years after the issuance of any such bonds, and such privileges shall be expressly set forth in the ordinance of the Commission providing for the issuance of such bonds in the face of the bonds themselves.

All bonds hereafter issued by said City shall specify for what purpose they were issued, shall be signed by the Mayor and countersigned by the person performing the duties of City Secretary with the seal of said City attached.

SECTION 9: FUNDING DEBTS. The Commission shall have the power to pass all necessary ordinances to provide for the refunding of the whole or any part of the bonded debt and time warrant debt of said City, by cancellation of the evidences thereof, and issuing to the holders or creditors, bonds with coupons bearing interest at the same or a lower rate, and no election shall be necessary as a prerequisite thereof.

SECTION 10: LOANS IN ANTICIPATION OF BOND SALES. At any time after a bond ordinance has taken effect as provided in this Charter, the City may borrow money for the purposes for which bonds are to be issued, in anticipation of the receipt of the proceeds of the sale of bonds, and within the maximum authorized amount of the bond issue. Such loans shall be due and payable not later than three (3) years after the time of taking effect of the ordinance authorizing the bonds upon which they are predicated. But the limits of the life of the bonds, as herein prescribed shall be construed to include the terms of such temporary loan.

SECTION 11: CONTRACTS FOR CITY IMPROVEMENTS. Any City improvement costing more than \$3,000.00 shall be executed by contract except where such improvements are authorized by the affirmative vote of a majority of the Commission to be

executed directly by the City in conformity with detailed plans, specifications and estimates. (November, 1979)

SECTION 12: INDEPENDENT AUDIT. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all accounts of the City government by qualified public accountants, selected by the Commission, who have no personal interest directly or indirectly in the financial affairs of the City government or any of its officers. If the City Commission deems it advisable, it may by resolution or ordinance provide for semi-annual or quarterly audits in lieu of the annual audit as herein specified.

SECTION 13: PROMISSORY NOTES. The City is hereby authorized to issue its promissory notes in payment for any real estate which it is authorized and empowered under the laws of Texas and this Charter to purchase for any municipal purpose, including lands needed for public park purposes, which notes if deemed advisable by the City Commission may be secured by the Vendor's lien to be retained in the conveyance thereof to the City, and/or by deed of trust upon such land, containing provisions for sale by trustee and such other terms as the City Commission may deem advisable. Provided, however, that such notes shall never bear a rate of interest in excess of current interest rates, nor mature more than ten (10) years after date thereof, and provided further that at the time of the issuance of such notes, the City Commission shall make such an appropriation of revenues or provision for levy of taxes, as shall be sufficient to create a sinking fund for the payment of the principal of such notes and the interest thereon as same mature. (November, 1979)

SECTION 14: The City of Galena Park shall have all the right, powers and privileges granted to cities and towns by Article 2368-A of Vernon's Annotated Civil Statutes of Texas, known as the "Bond and Warrant Law of 1931", as same now exists and as same may be hereafter amended by the Legislature of the State of Texas.

SECTION 15: There is hereby reserved to the City of Galena Park the power and authority to be exercised by the City Commission of issuing bonds, and other evidence of indebtedness in amounts and under the conditions as authorized by the Constitution and laws of the State of Texas. (November, 1979)

ARTICLE V

ACQUISITION AND OPERATION OF REVENUE PRODUCING PROPERTIES

SECTION 1: The City Commission is hereby authorized in the manner hereinafter provided to acquire through purchase, condemnation, construction or in any other manner, and to own, operate, maintain, extend, improve and equip, either entirely within and without the City, any revenue producing property or properties or any combination of such properties, including, but not in limitation thereof, an electric light and power plant and system, a water works plant and system, a sewer and sewage disposal plant and system, a natural or artificial gas plant and system, causeways, bridges and tunnels and approaches and appurte-

nances thereto, and any part or parts thereof, for the purpose of supplying the commodities and services to be supplied by such properties to the City and its inhabitants and to persons residing outside the corporate limits of said City. Any revenue producing property or properties, including those above defined or any part thereof, or combination thereof, are herein referred to as the "utility" and shall be construed to include flowage rights, easements, franchises, contracts and real and personal property of every nature used or useful in the operation of such utility. No part of any such utility may be located more than fifty (50) miles from the corporate limits of the City. Any such utility may lie wholly or partly within territory over which any other city or town has acquired jurisdiction under authority of Articles 1183 and 1187, inclusive, of the Revised Civil Statutes of Texas and the consent of such other city or town shall not be requisite thereto.

SECTION 2: In acquiring a utility under the provisions of this Article, the City Commission may provide for the acquisition of an existing utility or utilities, or for the acquisition of such part thereof as the City Commission may consider is necessary or desirable to acquire. The City is also authorized to acquire jointly with any other municipality or municipal entity a utility or any part of a utility and to enter into such agreement with such other municipality or entity for the joint or several operation of such utility or part thereof as may be determined by the City Commission.

SECTION 3: The City Commission shall prescribe rates to be charged for services or commodities supplied or furnished by any utility acquired, improved or extended under the provisions of this Article, which rates shall be equal and uniform and shall be fully sufficient to produce revenues adequate to pay, and the City Commission shall cause to be paid, all operating, maintenance, depreciation, replacement, betterment and interest charges, and to provide an interest and sinking fund and reserve therefor sufficient to pay all bonds issued hereunder to acquire, improve, or extend the utility. No free service shall be rendered by any such utility except to the extent that any existing law may require free service or commodities to be rendered to schools or other buildings and institutions operated by the City.

SECTION 4: The City Commission may by resolution authorize the issuance of bonds of the City, payable solely out of the revenues of the utility for the purpose of paying, wholly or in part, the cost of the acquisition, extension, improvement or equipment of the utility or for the purpose of refunding any bonds theretofore issued under authority of this Article. Such bonds shall not constitute an indebtedness or pledge of the credit of the City and shall contain this clause, "The holder hereof shall never have the right to demand payment of this obligation out of any funds raised or to be raised by taxation." The bonds may be in registered or coupon form, and if in coupon form, may be registerable as to principal, and shall be in such denomination or denominations, bear interest at such rate or rates not to exceed five per cent (5%) per annum, and shall mature serially or at one time nor more than forty (40) years from their date in such manner as may be provided by the City Commission. The bonds may be made redeemable prior to maturity at such premium or premiums as the City Commission may determine and shall be sold in such manner and at such times as the City Commission shall determine to

be expedient, or may be delivered at not less than their par value in payment of all or part of the acquisition cost of such utility or any part thereof, provided that if the said bonds shall in no event be sold for a price which will result in an interest yield therefrom of more than five per cent (5%) per annum computed to maturity according to standard bond tables in general use by banks and insurance companies.

If more than one series of bonds shall be issued under this Article, priority of lien against the pledged revenues shall depend on the time of delivery of such bonds, each series enjoying a lien prior and superior to that enjoyed by any series of bonds subsequently delivered; provided, however, that as to any issue or series of bonds which may be authorized as a unit but delivered from time to time in blocks, the City Commission may in the proceedings authorizing the bonds provide that all of the bonds of such series or issue shall be co-equal as to lien regardless of the time of delivery. All bonds issued under this Section shall constitute negotiable instruments within the meaning of the Negotiable Instrument Law.

The resolution or resolutions authorizing the issuance of bonds hereunder may contain such provisions, agreements and covenants as may be considered desirable by the City Commission with respect to the creation, securing and disposition of sinking funds and other funds, pledge, allocation and apportionment of revenues, application of revenues to retirement of the bonds through purchase, redemption prior to maturity, or payment, insurance of the utility, the keeping of records and accounts, and all other matters having to do with the security and payment of the bonds. Provision may be made in the resolution for the execution of a trust indenture for the purpose of securing the bonds, in which event the matters herein mentioned may be provided for in such indenture and such duties may be delegated to and imposed in the Trustee under the indenture as may be considered desirable by the City Commission.

SECTION 5: The management and control of the utility during the time it is encumbered may by the terms of the resolution or trust indenture be placed in the hands of the City Commission or may be placed in the hands of a Board of Trustees to be named therein, consisting of not more than five (5) members, one of whom shall be the Mayor of the City. The terms of office of such board, its powers and duties, the manner of exercising same, the election of the successor trustees, and all matters pertaining to their organization and duties may be specified in such resolution or trust indenture. The compensation of the trustees shall be fixed therein but shall never exceed five per cent (5%) of the gross receipts of the utility in any one year.

SECTION 6: All money received from the sale of any bonds issued under this Article shall be applied solely to the payment of the cost of the acquisition, extension, improvement or equipment of such utility, including all engineers', architects' and attorneys' fees and similar incidental expenses reasonably incurred in connection with such acquisition, extension, improvement or equipment and in connection with the authorization and issuance of such bonds, and including the payment of interest on the bonds prior to and during the period occupied by the construction of the utility and for one year thereafter. If the utility to be acquired consists of a bridge, tunnel, causeway or combination thereof and the City Commission shall consider it desirable to acquire

through purchase or lease existing ferry properties for the purpose of operating such properties during the period of construction over or near the route to be traversed by the utility, such properties may be so acquired and the cost thereof paid from the proceeds of the bonds. Any preliminary expenses paid by the City from its general funds shall be repaid from the proceeds of the bonds when available.

SECTION 7: Any holder of the said bonds or coupons may either at law or in equity by suit, action, mandamus, or other proceeding, enforce and compel performance of all duties required by this Article to be performed by the City of Galena Park, its City Commission, the Board of Trustees charged with the operation of the utility, or any officers thereof, including the making and collection of reasonable and sufficient rates or charges lawfully established for the services and commodities furnished by the utility, the segregation of the income and revenues thereof and the accumulation and application of the respective funds created by the resolution or trust indenture. If there be any default in the payment of the principal or interest on any of such bonds, the holders of a majority in principal amount of the bonds then outstanding shall be entitled to have an administrator or receiver appointed by any court having jurisdiction, to administer and operate the utility in behalf of the City and all of the bond and coupon holders, with power to charge and collect rates sufficient to provide for the payment of operation and maintenance expenses as hereinabove defined, and to pay any bonds or interest coupons payable from the revenues of the utility and to apply the income and revenue thereof in conformity with the provisions of this Article and the proceedings authorizing the bonds.

SECTION 8: The City Commission is hereby granted full power and right of eminent domain in accomplishing the purposes of this Article and full power to condemn all necessary property, franchises, leases and contracts, which powers shall be exercised in the manner provided by general law at the time of such exercise.

SECTION 9: No election need be held on the question of the issuance of bonds or the pledge of revenues under this Article and no notice or opportunity for referendum need be given unless such election, notice or opportunity for referendum shall at the time be required by the provisions of any general law or laws of the State of Texas, in which event such election shall be held or notice or opportunity for referendum shall be given in the manner required by such general law or laws.

SECTION 10: Any bonds authorized under this Article, and the transcript of proceedings relating to their authorization, shall be submitted to the Attorney General of the State of Texas for approval and to the State Comptroller for registration in like manner and with like effect as is provided by general law for the approval and registration of ad valorem tax bonds of Texas municipalities.

SECTION 11: The City may accept any loan, gift or grant from the United States of America or the State of Texas or any agency or instrumentality thereof and may enter into any agreement or agreements not prohibited by law

which may be necessary to obtain such loan, grant, or gift. Construction contracts may be awarded with or without advertised notice for bids in such manner as may be deemed advisable by the City Commission. The City may enter on any lands, waters and premises for the purpose of making surveys, soundings and examinations.

SECTION 12: Prior to the issuance of any bonds authorized under this Article temporary or interim bonds or certificates, with or without coupons, exchangeable for definitive bonds may be issued.

SECTION 13: Where any utility acquired under this Article shall consist of a causeway, bridge, tunnel and approaches thereto, or any combination or part thereof, the City Commission may enter into such agreement as shall be deemed desirable with the State Highway Commission pursuant to which the utility may be operated and maintained by the State Highway Commission under such provisions as may be set forth in the agreement and pursuant to which the State Highway Commission may contribute to the cost of the operation and maintenance of the utility. Such agreement may provide for the lease of the utility to the State Highway Commission under such terms not inconsistent with the provisions of the bond resolution or trust indenture as may be agreed upon.

SECTION 14: This Article without reference to other provisions of the Charter of the City of Galena Park shall constitute full authority for the authorization and issuance of bonds hereunder and for the accomplishment of all things herein authorized to be done and no proceeding, notice or publication relating to the acquisition or issuance of such bonds or the doing of such things shall be necessary except as are in this Article required. The provisions of this Article shall constitute a contract between the City of Galena Park and the holder or holders of any bonds or coupons issued hereunder and after the issuance of such bonds no amendment shall be made hereto which shall in any manner impair the rights of the holders of the bonds and coupons then outstanding.

SECTION 15: The City of Galena Park shall have all the rights, powers and privileges to be exercised by its City Commission, as therein are provided, granted to home rule cities by Articles 1111 to 1118 inclusive of Vernon's Annotated Civil Statutes of the State of Texas, together with all amendments thereto and as same may hereafter be amended by the Legislature of the State of Texas, the provisions of said Articles to be followed by the City Commission in lieu of anything to the contrary in the foregoing sections of this Article, as the City Commission may elect.

ARTICLE VI

PUBLIC UTILITIES

SECTION 1: FRANCHISE. The right of control, easement, user and the ownership of and title to the streets, highways, public thoroughfares and property of the City of Galena Park, its avenues, parks, bridges, and all other public places and property are hereby declared to be inalienable, except

by ordinance duly passed by the affirmative vote of a majority of all the members of the City Commission; and no grant of any franchise, or lease or right to use the same, either on, along, through, across, under or over the same by any private corporation, association, or individual, shall be granted by the City Commission for a longer period than fifty (50) years, unless submitted to the vote of the legally qualified voters of the City; provided, however, that whenever application is made by any person or corporation for any grant or franchise, lease, right, or privilege in or to the streets and public thoroughfares of the City for a longer period than fifty (50) years, the Commission shall submit such proposed grant at an election called for said purpose, the expense of which shall be borne by the applicant for said franchise, and after said election, if the majority of the votes cast by the legally qualified voters shall be in favor of making said grant, as applied for, said grant may be made for such a term of years as is specified in the ordinance submitting the same at said election. (September, 1958)

SECTION 2: FRANCHISE ORDINANCES MAY BE REFERRED ON MOTION OF COMMISSION. The City Commission may also, upon its own motion, submit all applications or ordinances requesting the granting of franchise or special privileges in and to the streets, public thoroughfares and highways of the City, to an election, at which the people shall vote upon the propositions therein submitted; the expense of said election shall be paid by applicant or the applicants therefor.

SECTION 3: FRANCHISE ORDINANCES MUST BE READ AT THREE REGULAR MEETINGS. No such franchise shall ever be granted until the ordinance granting the same has been read in full at three (3) regular meetings of the Commission, nor shall any such franchise, grant, right or easement ever be made to any private individual, corporation or association unless it provides for adequate compensation or consideration therefor to be paid to the City, and in addition to any other form of compensation, grantee shall pay annually such fixed charge as may be prescribed in the franchise.

SECTION 4: RIGHT TO REGULATE CHARGES, ETC. OF HOLDERS OF FRANCHISE OR PRIVILEGE. Said City shall have the power to determine, fix, and regulate the charges, fares and rates of any person, firm or corporation exercising, or that may hereafter exercise, any right of franchise or public privilege in said City, and to prescribe the kind of service to be furnished and the equipment to be used, and the manner in which service shall be rendered, and to change such regulations from time to time. In order to ascertain all of the facts necessary for a proper understanding of what is or should be a reasonable rate or regulation, the City Commission shall have full power to inspect the books and other records of such person, firm or corporation and compel the attendance of witnesses for such purposes; provided that in determining, fixing and regulating such charges, fares or rates of compensation, the same shall be based upon the fair value of the property of such person, firm or corporation devoted to furnishing service to the City, or the inhabitants thereof, and not upon any stocks or bonds issued or authorized to be issued, by, or any other indebtedness of, such person, firm or corporation.

To require proper and adequate extension of plant and service, and the maintenance of the plant and fixtures at the highest practical standard of

efficiency.

To prescribe the form of accounts and at any time to examine and audit the accounts and other records of any such utility and to require annual and other reports by each such public utility; provided, that if a public service commission or any other authority shall be given the power by law to prescribe the forms of accounts for public utilities throughout the state or throughout any district of which the City is a part, the forms so prescribed shall be controlling so far as they go, but the commission may prescribe other and more detailed forms for the utilities within its jurisdiction.

To impose such other regulations as may be conducive to the safety, welfare and accommodation of the public.

SECTION 5: ORDINANCE AMENDING OR RENEWING EXISTING GRANTS. No grant or franchise, or lease, or right of user, in, upon, along, through, or over the public streets, highways or public thoroughfares of the City of Galena Park shall be made or given nor shall any rights of any kind whatever be conferred upon any person, private corporation, individual or association of any kind whatever, except the same be made by ordinance duly passed by the Commission; nor shall any amendment, renewal, extension or enlargement of any rights, or powers previously granted to any corporation, person or association of persons, in, upon, along, through, under or over the streets of the City of Galena Park be made, except in the manner and subject to all the conditions provided in the preceding sections of this Charter for the making of original grants and franchises.

SECTION 6: OCCUPYING STREETS WITHOUT FRANCHISE. It shall be unlawful for any person or corporation or association of persons to use or occupy any public grounds whatever in the City or any space above, or below any public ground for the purpose of conducting any public utility wherein service is rendered to the public for hire or charge, unless permission is first had from the Commission in the manner provided in this Charter. All public utilities whose franchise, or grant expires by limitation expressed in the grant, shall, within six (6) months from date of the expiration of the grant or franchise remove all properties belonging to them from the public grounds and restore the grounds and surface of the streets to its original condition, unless before the expiration of the grant or within ninety (90) days thereafter a new franchise or extension of the old franchise be granted under the same rules governing the granting of a new franchise, as in this Charter provided.

SECTION 7: FORFEITURE OF FRANCHISE. The Commission shall enforce all regulations of public utilities, whether such regulations are prescribed in the franchise under which they may be operating or by ordinances passed thereafter or by this Charter, and may for adequate cause enforce the forfeiture of any franchise in any court of competent jurisdiction; adequate cause shall be deemed to be a persistent refusal, after due notice, to comply with reasonable regulations or demands of the Commission, or refusal to obey and comply with the law and the ordinances of the City or any contract.

SECTION 8: GRANT NOT TO BE EXCLUSIVE. No grant or franchise to construct,

maintain or operate a public utility and no renewal or extension of such grant shall be exclusive.

SECTION 9: VALUATION OF PLANT FOR RATE MAKING PURPOSE. No grant or franchise and no renewal, extension or amendment of such grant, shall be valid unless special contract provision is made therein between the City and the grantee or grantees, to the effect that for all rate making purposes, whether before the Commission of said City or in the Courts of the country, the valuation of such utility shall be the fair value of the property of such grantee devoted to furnishing service to the City, or the inhabitants thereof. (September, 1958)

SECTION 10: ASSIGNMENT OF GRANT. No grant, franchise, or other special privilege, unless expressly granted to the grantee and his or its successors and assigns, shall be leased, assigned or otherwise amended except with the consent of the Commission expressed by an affirmative vote of at least three-fifths (3/5) of its members. (September, 1958)

SECTION 11: EXCLUSIVE RIGHT TO OWN, MAINTAIN AND OPERATE WATER WORKS, ETC. The City shall have the right to own, erect, improve, enlarge, maintain and operate water works systems within or without the City limits, and the exclusive right within the City limits; shall regulate the same and have power to prescribe rates for water furnished, and to acquire by purchase, donation, condemnation or otherwise suitable grounds, within or without the limits of the City, on which to erect any such works and all incidentals necessary to operate and maintain such water works or water works system, and to compel the owners of all property and the agents of such owners or persons in control thereof to pay all charges for water furnished upon such property.

SECTION 12: EXCLUSIVE RIGHT TO OWN, OPERATE AND MAINTAIN SEWER SYSTEMS, ETC. The City shall have the right to own, erect, maintain, and operate sewer systems or sewage disposal plants, filtering beds and emptying grounds for sewage systems, and garbage and incinerator plants, within or without the City limits, and exclusive rights within the City limits; to regulate the same and to have power to prescribe rates for the service so furnished and to acquire by purchase, donation, condemnation or otherwise, suitable grounds within or without the limits of the City, on which to erect any such sewer system, or systems, sewage disposal plant or plants and filtering beds and emptying grounds for all sewer systems, and for garbage and incinerator plants, and the necessary rights of way, and to do and perform whatsoever may be necessary to operate and maintain said sewer system or systems, sewage disposal plants, filtering beds and emptying grounds for sewer systems, and for garbage and incinerator plants, and to compel owners of property and the agents of such owners or persons in control thereof to pay all charges for sewer service furnished upon such property, and shall have the power to compel owners of property and the agents or persons in control thereof to connect with such sewer system, and to pass all ordinances necessary for the enforcement of this power.

SECTION 13: A. The City shall have power to mortgage and encumber its water systems and sewer systems, either, both or all, and the franchise and income thereof and everything pertaining thereto, acquired or to be acquired,

to secure the payment of funds to purchase the same or to purchase additional water powers, riparian rights, or to build, improve, enlarge, extend or repair such system, and to refund any existing indebtedness, or either or all of them, and as additional security therefor by the terms of such encumbrances, may grant to the purchaser under sale or foreclosure thereunder, a franchise to operate the system and properties so purchased for a term of not over twenty (20) years after such purchase, subject to all laws regulating same then in force. No such obligation shall ever be a debt of the City, but solely a charge upon the properties so encumbered, and shall never be reckoned in determining the power of the City of Galena Park to issue any bonds for any purpose authorized by law.

B. No such water or sewer system shall ever be sold until such sale is authorized by a majority of the qualified voters of the City of Galena Park.

C. Whenever the income of any water or sewer system shall be encumbered under these provisions the expense of operation and maintenance, including all salaries, labor, material, interest, repairs and extensions necessary to render efficient service and every proper item of expense, shall always be a first lien and charge against such income. The rates charged for services furnished by said systems shall be equitable and uniform and no free service shall be allowed except for buildings and institutions owned or operated by and/or for said City. There shall be charged and collected for such services a sufficient rate to pay for all operating, maintenance, depreciation, replacement, betterment and interest charges, and for interest and sinking fund sufficient to pay any mortgage indebtedness, to purchase, construct or improve any such system, or of any outstanding indebtedness against same.

SECTION 14: SALE OF WATER AND SEWER SERVICES. The City shall have the power and authority to sell and/or distribute water and to sell and provide for sewer services to any person or corporation outside the limits of the City, and to permit them to connect with said systems under contract with the City, under such terms and conditions as may appear to be for the best interests of the City; provided the charges fixed for such services outside the City limits shall be reasonable when considered in the light of all the circumstances, to be determined by the City Commission.

Also the City shall have the power and authority to prescribe the kind of water or sewer pipes within or beyond the limits of the City of Galena Park, where it furnishes the service, and to inspect the same and require them to be kept in good order and condition at all times and to make such rules and regulations and prescribe penalties concerning same, as shall be necessary and proper.

SECTION 15: UNDERGROUND CONSTRUCTION. The Commission may require the placing of all wires or overhead construction of public utilities, or such part thereof as may be deemed best, from time to time, under the surface of the ground, under such regulations as may be prescribed by the City Commission, any may provide for such construction or change thereof in any franchise hereafter granted, and may require all public service corporations now having their construction of wires and appliances above the ground to place the same, or any part thereof, below the ground under such regulations as the

City Commission may prescribe.

SECTION 16: The provisions of this Article relating to the granting of any franchise are not applicable to the franchise, or franchises, which may be granted as part of an indenture authorized for the purpose of securing the payment of revenue bonds.

SECTION 17: The City of Galena Park shall have all the rights, powers and privileges to be exercised by its City Commission, as therein provided, granted to home rule cities by Articles 1111 and 1118 inclusive of Vernon's Annotated Civil Statutes of the State of Texas, together with all amendments thereto and as same may hereafter be amended by the Legislature of the State of Texas, and nothing in this Charter shall be construed to deny or preclude any of such rights, powers and privileges.

ARTICLE VII

STREET, CURBS, GUTTERS AND SIDEWALKS

SECTION 1: STREET POWERS. The City shall have exclusive dominion, control and jurisdiction in, upon, over and under the public streets, avenues, alleys and highways of the City.

SECTION 2: The City of Galena Park hereby adopts in full Chapter 106 of the General and Special Laws, enacted by the 40th Legislature of the State of Texas at its first called session, in 1927, and all amendments thereto, which act and amendments thereto have been codified as Article 1105b, Vernon's Annotated Civil Statutes of Texas, with reference to construction and improvement of streets, avenues, alleys, highways, boulevards, drives, public places, squares, sidewalks, curbs and gutters, and making provision to pay therefor. Said statute and amendments thereto are hereby adopted in their entirety, as completely as if here copied and set out in full. It is not intended that this section shall be exclusive, and the City of Galena Park shall also have as alternative powers the powers and provisions of all other laws of the State of Texas in anywise relating to the same subject matter.

SECTION 3: SIDEWALKS, IMPROVEMENT, DEFECTIVE MAY BE DECLARED NUISANCE. The City shall have the power to provide for the construction, improvement or repair of any such sidewalk, or the construction of any such curb, by penal ordinance, and to declare defective sidewalks to be a public nuisance.

SECTION 4: REPAIR OF PAVED STREETS. After the paving of any street in the City, it shall become the duty of the City to keep said street in repair, and to pay for same out of the general fund of the City.

SECTION 5: REMOVAL OF OBSTRUCTIONS. The Commission shall have power to order the removal of obstructions on all streets, avenues, alleys and highways of the City.

SECTION 6: The City shall have power to control, regulate and remove all obstructions or other encroachments or encumbrances on any public streets,

alleys or grounds, and to narrow, alter, widen or straighten any such streets, alleys, avenues or boulevards, and to vacate and abandon and to close any such streets, alleys, avenues or boulevards, and to regulate and control the removing of buildings or other structures over or upon such streets of the City, and shall have any and all other powers over streets, alleys, avenues and boulevards of the City as may now be given by the law of Texas to cities adopting home rule charter, or that may hereafter be given to such cities by Acts of the Legislature of the State of Texas.

ARTICLE VIII

MISCELLANEOUS PROVISIONS

SECTION 1: EXECUTION GARNISHMENT, AND ASSIGNMENTS. Any funds belonging to said City, in the hands of any person, shall not be liable to garnishment on account of any debt it may owe or funds it may have on hand due any person, nor shall the City or any of its officers or agents be required to answer to any writ of garnishment on any account whatsoever, nor shall the City be liable to the assignee of any wages of any officer, agent or employee of said City, whether earned or unearned, upon any claim or account whatsoever, and as to the City any such assignment shall be absolutely void.

SECTION 2: POWER TO REMIT PENALTIES. The City Commission shall have the right to remit, in whole or in part, any fine or penalty belonging to the City, which may be imposed under any ordinance or resolution.

SECTION 3: BUILDING PERMITS. The City shall have power to prohibit the erection or construction of any building or structure of any kind within the City without a permit first having been issued by the City for the construction or erection of such building or structure, and may authorize a fee to be charged for such permit, and in pursuance of said authority may authorize the inspection by the City of all buildings or structures during the progress of their construction and may require that all buildings shall be constructed in conformity with the building regulations which exist in said City or which shall hereafter be passed.

SECTION 4:

(Article VIII, Section 4 was repealed by Amendment
No. 4 of a Charter Amendment Election held November 6, 1979.)

SECTION 5: DESIGNATION OF OFFICIAL NEWSPAPER. All ordinances and official notices required to be published shall be published in the official newspaper

of the City, which newspaper shall be selected annually as such official newspaper.

SECTION 6: DESIGNATION OF GOVERNING BODY. The term "City Commission", "City Council", "Governing Body", and/or other similar designation wherever used in this Charter shall mean the City Commission or other governing body of the City of Galena Park.

SECTION 7: This Charter, if adopted by the voters of the City of Galena Park shall be effective immediately upon the entry upon the Minutes of the City of Galena Park of an order by the Board of Commissioners thereof declaring the same adopted in accordance with Article 1169 of the Revised Civil Statutes of the State of Texas, 1925.

SECTION 8: PUBLICITY OF RECORDS. All records and acts of every department of the City shall be open to inspection by any citizen or by any representative of the press at all reasonable times and under reasonable regulations established by the City Commission.

SECTION 9: OFFICIAL BOND. The City Secretary and such other officers or employees as the City Commission may by general ordinance require to do so, shall give bond in such amount and with a solvent surety company as may be approved by the City Commission. The premiums on such bonds shall be paid by the City.

SECTION 10: ABSENTEE VOTING. Absentee voting shall be governed by the election laws of the State of Texas in so far as applicable and where any detail prescribed by the State law is not applicable, absentee voting shall be governed by such ordinance or ordinances as may be passed by the City Commission for controlling the same.

SECTION 11: OATH OF OFFICE. Every officer of the City, whether elective or appointive, shall qualify by taking the oath prescribed by the Constitution of the State of Texas, and by executing such bond as may be required under the provisions of this Charter and the ordinances and resolutions of the City.

SECTION 12: COMPENSATION OF OFFICERS AND EMPLOYEES. The City Commission shall fix and determine the compensation of all elective and appointive officers and employees of the City, and provide for the payment thereof, except where such compensation is fixed by this Charter.

SECTION 13: PAYMENT OF CLAIMS. No warrant for the payment of any claims shall be issued by the City, unless such claim shall be evidenced by an itemized account approved by the Mayor and audited and allowed by the Commission at a regular or special meeting, and all warrants shall be signed by the Mayor and countersigned by the party acting as City Secretary.

SECTION 14: CONTINUANCE OF PRESENT OFFICER. All persons holding administrative office at the time this Charter takes effect shall continue in office and in the performance of their duties until provision shall have been made in accordance herewith for the performance of such duties or the

discontinuance of such office. The powers conferred and the duties imposed upon any officer, commission, board or department of the City by the laws of the state shall, if such office, commission, board or department be abolished by this Charter, be thereafter exercised and discharged by the office or department designated by the City Commission unless otherwise provided herein.

SECTION 15: CONTINUANCE OF CONTRACT. All contracts entered into by the City, or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws or ordinances existing at the time this Charter takes effect may be carried to completion in accordance with the provisions of such existing laws and ordinance provisions.

SECTION 16: SANITARY CODE. In providing for health provisions, the Sanitary Code of Texas shall be followed as far as practicable.

SECTION 17: BUILDING CODE. The City Commission may establish a Building Code for the construction of all buildings in the City.

SECTION 18: FIRE DEPARTMENT. The City shall continue to maintain and support a competent and adequate fire department for the protection of property and lives from fire within the corporate limits and the City Commission shall levy and collect annually a sufficient tax to support, carry on and maintain said department.

SECTION 19: AMENDMENTS. This Charter after its adoption by the qualified voters of the City may be amended in accordance with Article 1170 of the Revised Civil Statutes of Texas of 1925, and any amendments thereto.

SECTION 20: ORDINANCES CONTINUED IN FORCE. All ordinances and resolutions in force at the time of the taking effect of this Charter not inconsistent with its provisions shall continue in full force and effect until amended or repealed.

SECTION 21: NO BOND FOR COSTS. The City shall not be required in any action, suit or proceeding in any court by or against it, to give security for costs.

SECTION 22: REAL ESTATE. All real estate, personal property and rights whatever character owned and/or controlled by the City of Galena Park at the date of the adoption of this Charter shall vest in, inure, remain and be the property of the City.

SECTION 23: WORDS, MEANING OF. The provisions of this Charter shall be liberally construed for the purpose of effecting the objects and ends thereof. Unless some other meaning is manifest the word "City" shall be construed to mean the "City of Galena Park", and the word "and" may be read "or" and the word "or" may be read "and", if the sense requires; the words in the present tense include future tense, except when a more restricted meaning is manifest, and singular may mean plural. Throughout this Charter words used in expressing masculine gender shall be construed to include the feminine. The word "City Secretary" refers to the person performing the

duties of the city secretary. The word "Commission" shall be construed to mean the "City Commission of the City of Galena Park, Texas".

SECTION 24: SAVING CLAUSE, ETC. All powers granted heretofore to cities are hereby preserved. In case of any irreconcilable conflict between the provisions of this Charter and any superior law, the powers of the City and its officers shall be as defined in such superior laws. In case of any insufficiency or omission in this Charter which insufficiency or omission may be supplied by reference to the general laws, such provisions of the general laws are hereby adopted, and the City shall have and exercise all of the powers that it could have acquired by expressly adopting and incorporating into this Charter all of the provisions of such superior and general laws, it being the intent of this Charter that no lawful power of the City shall fail because of any omission, insufficiency or inconsistency in this Charter appearing. The insufficiency or invalidity of any portion or portions of this Charter shall not in anywise affect the remainder of the Charter but the same shall be construed as if adopted without such portion so found invalid or impotent.

ARTICLE IX

ADMINISTRATIVE PROVISIONS

SECTION 1: CITY COMMISSION. The powers of the municipal government and the administration of business affairs of the City shall be conducted by a Mayor and four (4) Commissioners, who together, shall be known and designated as the City Commission, each and all of whom shall be elected by the qualified voters of the City at large, and who shall hold their respective offices for two (2) years, and until their successors are elected and qualified, unless sooner removed as provided by this Charter or the Laws of the State of Texas. The Mayor shall be for all the purposes a member of the City Commission and he shall vote on all ordinances, resolutions and questions presented to the Commission.

SECTION 2: QUALIFICATIONS OF MAYOR AND COMMISSIONERS. No person shall be elected Mayor or Commissioner unless he be a citizen of the United States, shall have been for one (1) year immediately preceding such election a citizen and bona fide inhabitant of the City of Galena Park, and at the time of his election a qualified voter of said City. The City Commission shall be judge of the election and qualifications of its own members, subject to review by the Courts in case of contest. (November, 1979)

SECTION 3: COMMISSIONERS. The four (4) Commissioners to be elected at the regular City election on the first Tuesday in April, 1948, and in each regular biennial City election thereafter shall be designated and denominated as follows:

- Commissioner-Position No. 1,
- Commissioner-Position No. 2,
- Commissioner-Position No. 3,
- Commissioner-Position No. 4.

In all elections each candidate shall have his name placed on the official ballot as a candidate for the particular position he seeks.

SECTION 4: ELECTIONS. There shall be held on the first Tuesday in April, 1948, and every two (2) years thereafter, until otherwise provided by laws, a regular City election for Mayor and four (4) Commissioners, who shall assume their offices upon the first day of May thereafter, and who shall perform the duties and discharge the obligations conferred and imposed by the provisions of this Charter, and by law, and shall hold their offices for two (2) years and until their successors are elected and qualified.

SECTION 5: RESIGNATION OF MAYOR AND COMMISSIONERS. The Mayor and Commissioners may resign upon written application to the City Commission. Such resignation shall be effective at the time indicated in the application. If no time is indicated, it shall be effective at the first meeting of the City Commission.

SECTION 6: VACANCIES IN THE CITY COMMISSION - HOW FILLED. Vacancies in the City Commission, where the same do not exceed two (2) at any one time if within one year of a general City election, shall be filled by a majority vote of the remaining members of the Commission; and, the persons selected to fill such vacancies shall serve only until the next general City election, when such vacancies shall be filled as in the case of an original election. Where more than two (2) vacancies shall occur at any one time a special election shall be called, in the manner provided for general City elections, to elect their successor to fill the unexpired terms. However, if such vacancies shall occur within ninety (90) days of the general City election no special election to fill such vacancies shall be called, but the remaining members of the Commission shall, by majority vote, fill such vacancies, and the persons so selected shall serve until the next general City election when such vacancies shall be filled as in the case of an original election.

SECTION 7: COMPENSATION OF MAYOR AND COMMISSIONERS. The compensation of the Mayor shall be three hundred dollars (\$300.00) per month and the City Commissioners shall be two hundred dollars (\$200.00) per month. In addition, the Mayor and members of the City Commission shall be entitled to be paid for the actual loss of wages and for expenses incurred in behalf of the City of Galena Park as presented to the City Secretary and approved by the City Commission. (November, 1979)

SECTION 8: MAYOR PRO-TEM. The City Commission shall at its first meeting elect one of its members as Mayor Pro-tem who shall perform the duties of the Mayor in case of the absence or inability to perform the duties of his office, and who shall for the time being, be vested with all the powers of the Mayor.

SECTION 9: ACTING MAYOR. In case of the absence or inability of both the Mayor and the Mayor Pro-tem, to perform the duties of their office, the remaining Commissioners shall elect one of their members to act for that

particular meeting in the place of the Mayor or Mayor Pro-tem. An acting Mayor shall be selected to perform such duties for only one meeting of the City Commission, and for that particular meeting he shall be vested with all the powers of the Mayor.

SECTION 10: MEETINGS OF THE CITY COMMISSION. Not less than two regular meetings of the City Commission shall be held in each calendar month, the time thereof to be fixed by the City Commission, and the City Commission by ordinance may provide for additional regular meetings from time to time as may be deemed advisable. As many special meetings as may be necessary to attend to the municipal business may be called by the City Secretary upon the written request of the Mayor or three (3) Commissioners. Notice of special meetings of the City Commission at least twenty-four (24) hours prior to such meeting, which notice shall state the subject to be considered at such meeting and no other subject shall be there considered except with the unanimous consent of the Commissioners. All meetings of the City Commission shall be held at the City Hall in the City of Galena Park, Texas, and shall be open to the public. (November, 1979)

SECTION 11: QUORUM OF CITY COMMISSION. A quorum of the City Commission for the transaction of business shall consist of three (3) members, except where the City Commission is reduced to less than three (3) on account of vacancies, in which event, a quorum shall consist of all the remaining members of the City Commission, provided, however, that all decisions of the Board of Commissioners to be effective, shall require a majority vote. However, a less number than quorum may adjourn from time to time and compel the attendance of absent members. (April, 1963)

SECTION 12: VOTING ON ORDINANCES AND RESOLUTIONS. The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the minutes of the proceedings of the City Commission; and every ordinance and resolution shall require on final passage the affirmative vote of a majority of the members present, except where otherwise specifically provided in this Charter or by Law.

SECTION 13: NO MEMBERS EXCUSED FROM VOTING. Each member of the City Commission present at any meeting shall be required to announce his vote on each question, ordinance and resolution placed before the City Commission, except on matters involving the consideration of his own official conduct or where his financial interests are involved, in which event such member shall not vote, but shall give his reasons for not voting, which reasons shall be spread upon the Minutes of the City Commission.

SECTION 14: CITY COMMISSION MAY SUMMON WITNESSES, ETC. The City Commission shall have power to summon and compel the attendance of witnesses and the production of books and papers before it whenever it may be necessary for the more effective discharge of its duties, and shall have the power to punish for contempt before it with the same fines and penalties as the County Judge may punish for contempt before the County Court at Law. All processes shall be signed by the Mayor (or Mayor Pro-tem as acting Mayor, as the case may be), and attested by the City Secretary and shall be served by any police

officer of the City.

SECTION 15: POWER TO ADMINISTER OATHS. The Mayor, any Commissioner, City Secretary or assistant City Secretary shall have authority to administer oaths in any manner pertaining to municipal affairs.

SECTION 16: CITY SECRETARY. The City Commission shall appoint the City Secretary and prescribe the duties and compensation of said officer and provide him with such assistants as it may deem necessary. He and his assistants shall hold office during the pleasure of the City Commission.

SECTION 17: APPOINTIVE OFFICERS. The City Commission shall appoint a competent person to be City Secretary, who may also be Treasurer and Assessor and Collector of Taxes of the City and may perform such other duties as the City Commission may prescribe. He shall before entering upon the duties of his office give a good and sufficient bond of not less than \$5,000.00, the amount thereof to be fixed by the City Commission and said bond to be approved by said City Commission and filed and recorded in the Minutes thereof. Said City Secretary shall be invested and charged with and shall exercise all the powers, and rights and duties conferred upon and imposed by the General Laws of Texas, upon the Clerk, Treasurer, and Assessor and Collector of Taxes of cities and towns, except such powers, rights and duties as the City Commission may by ordinance delegate to another, and shall exercise such other powers and rights and perform such other duties as may be prescribed by ordinance of the City Commission.

The City Commission shall also have the power and authority by ordinance to create such boards, commissions, agencies and offices, in addition to those specially provided for by this Charter, or by the Laws of the State of Texas, and to appoint the members of such boards, commissions, or agencies, and the officers to such offices as it may create, and to provide for the expense of operation of same and the compensation to be paid such members, officers and/or employees as it may deem advisable. Such boards, commission, agencies and officers shall have all the powers and privileges and perform the duties that may be prescribed by ordinance, and the City Commission may abolish at any time it may see fit any board, commission, agency or office which it creates, and may discharge any officer, member or employee which it appoints; providing the offices of City Secretary may not be abolished under the terms of this section.

SECTION 18: BOND OF OFFICERS. The Mayor and each Commissioner shall enter into a bond in the sum of \$3,000.00 each, conditional for the faithful performance of the duties of their office, and be payable to the City of Galena Park for its use and benefit. The bonds of all other officials and/or employees of the City shall be for such sums as may be fixed by the City Commission, and shall be conditioned for the faithful performance of the duties of their office and shall be payable to the City of Galena Park. All bonds of officers or employees shall be approved by the City Commission.

SECTION 19: GENERAL POWERS OF THE MAYOR AND CITY COMMISSION. The Mayor and City Commission shall have and exercise such powers, prerogatives and authority as conferred upon the governing bodies of cities and towns by

Title 28 of the Revised Civil Statutes of the State of Texas of 1925, as same now exist or may hereafter be amended, including such powers and authority as may be necessary to carry out the provisions of this Charter. And the Mayor shall have further such powers, prerogatives, and authority as may be conferred upon him by the City Commission, not inconsistent with the general purposes and provisions of this Charter, and shall have the power to administer oaths and also the right and privilege of veto.

Subject to the confirmation of the City Commission he shall have the power to appoint all boards, commissions, agencies and officers provided for in this Charter or by ordinance of the City Commission pursuant to the terms hereof.

SECTION 19-A: DUTIES OF CITY COMMISSION. The Mayor and the City Commission shall, by ordinance, within sixty (60) days following the approval of this amendment, designate the powers, functions and duties of each of the following named Commissioners:

1. Water and Sewage Commissioner
2. Police and Fire Commissioner
3. Park and Recreation Commissioner
4. Street and Bridge Commissioner

and, during the term of office of said Commissioners, no powers, functions and duties shall be added or withdrawn except such as shall be consistent with and related to the powers, functions and duties designated as hereinabove provided. (April, 1963)

SECTION 20: VETO. The Mayor shall have the power of veto of any ordinance or resolution passed by the City Commission, and the affirmative vote of all Commissioners shall be required to finally pass any ordinance or resolution over such veto. The provisions of Article 997 of the Revised Civil Statutes of Texas of 1925, pertaining to ordinances and resolutions are hereby adopted as fully as if incorporated verbatim herein, except where same may be in conflict with some other provision of this Charter.

SECTION 21: PASSAGE OF ORDINANCES AND RESOLUTIONS. Ordinances and resolutions shall be introduced in the Commission only in written or printed form. All ordinances, except ordinances making appropriations and ordinances codifying or rearranging existing ordinances or enacting a code of ordinances, shall be confined to one subject, and the subject, or subjects, of all ordinances shall be clearly expressed in the title. No ordinance shall be passed until it has been read on two (2) separate days, unless the requirement for reading it on two separate days be dispensed with by the affirmative vote of a majority of the Commission. The final reading of each ordinance shall be in full unless a written or printed copy thereof shall have been furnished to each member of the Commission prior to such reading. The yeas and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the Journal of the Proceedings of the Commission. The enacting clause of all ordinances shall be "Be it ordained by the City of Galena Park", but the same may be omitted when published in book or pamphlet form.

SECTION 22: PUBLICATION OF ORDINANCES AND RESOLUTIONS. The caption only and the penalty of every ordinance imposing any penalty, fine, or forfeiture for violation of its provisions shall, after passage thereof, be published in one (1) issue of the official newspaper of the City. The affidavit of such publication made by the printer or publisher of such newspaper before any officer authorized to administer oaths and filed with the City Secretary together with a printed copy thereof, shall in all courts be conclusive evidence of the legal publication and promulgation of such ordinance. No other character of ordinance need be published. Amendments and corrections made in digesting any revision for publication in book form need not be so published, even though they be a penal or forfeiture ordinance or amendment thereto. The failure to publish any such ordinance as here required shall not invalidate it as a civil ordinance regulating civil rights and liabilities. (November, 1979)

SECTION 23: PRINTED ORDINANCES ADMITTED IN COURTS. All ordinances of the City, when printed and published and bearing on the title page thereof "Ordained and Published by the City Commission of the City of Galena Park", or words of like import, shall be prima facie evidence of their authenticity and shall be admitted and received in all Courts and places without further proof.

SECTION 24: HOW PLEAD. In all judicial proceedings it shall be sufficient to plead any ordinance by caption, or by the number of sections thereof wanted, and it shall not be necessary to plead the entire ordinance or section.

SECTION 25: AUTHENTICATION OF ORDINANCES AND RESOLUTIONS. Upon final passage each ordinance and resolution shall be authenticated by the signature of the Mayor and City Secretary and shall be recorded in a book kept for that purpose. All such ordinances and resolutions, or certified copies thereof under the seal of the City and the hand of the City Secretary, shall be admissible in evidence in any Court without further proof of their legal adoption by the City Commission.

SECTION 26: REVISION AND CODIFICATION OF ORDINANCES. Should this Charter be adopted by the qualified electors of the City, then all ordinances now in force and effect, and which are not inconsistent with this Charter, shall be and remain in force and effect until repealed or amended by the governing body; and it shall become the duty of the Commission, as soon thereafter as practical, to require the City Attorney to carefully search the various records of the City and compile and report to said Commission a list of the ordinances and resolutions then in force, with his recommendations as to which are obsolete and should be repealed or revised, and which should continue in force; and said Commission shall pass such ordinances or resolutions as may be necessary to repeal all such obsolete ordinances as may then appear to the Commission to be obsolete; and pass and adopt such additional ordinances, in lieu thereof, as may be necessary to properly protect health, life and property, and to prevent and summarily abate and remove all nuisances, and to preserve and enforce good government, order and security of the City and its inhabitants,

and such additional ordinances and resolutions as may be necessary to put into effect those provisions of this Charter which are not self enacting; and in aid of such other provisions as said Commission may deem necessary, including ordinances and resolutions covering departmental regulations; and after said obsolete laws shall have been repealed and such additional ordinances mentioned above shall have been passed by said Commission, it shall be the duty of said Commission to cause this Charter to be properly indexed and the then laws of said City to be carefully codified, by said Attorney, and this Charter and said laws, shall then be published in book or pamphlet form "By authority of the Commission of the City of Galena Park."

SECTION 27:

(Article IX, Section 27 was repealed by Amendment No. 9 of a Charter Amendment Election held November 6, 1979)

ARTICLE X

ELECTIONS

SECTION 1: METHOD OF HOLDING ELECTIONS. A ten (10) day notice of any regular biennial election shall be given by posting at the City Hall and by publication in one issue of the official newspaper of the City, and the provisions of Title 28 of the Revised Civil Statutes of 1925 pertaining to municipal elections as same now exists or may hereafter be amended, are hereby adopted in so far as not in conflict with some provision of this Charter. All elections shall be by non-partisan ballot.

SECTION 2: HOW TO GET NAME ON BALLOT. Any qualified elector of the City, otherwise eligible under the terms of this Charter, shall have the right to file an application to have his name placed on the official ballot as a candidate for any elective office, and such application in writing, signed by such candidate and delivered to the City Secretary not less than thirty (30) days prior to the date of the election, shall entitle such applicant to a place on the official ballot; provided, that all candidates seeking election to the office of Mayor and City Commissioner shall pay a filing fee of One Hundred Dollars (\$100.00) for Mayor, and Fifty Dollars (\$50.00) for Commissioner. The names of such candidates shall be printed on the official ballot in the order in which such candidates file their applications, and the applications

of such candidates shall designate the place which they seek and the number or position thereof if it be for Commissioner. (April, 1963)

SECTION 2-A: RUNOFF ELECTIONS. In all City elections, a majority of all votes cast for an office shall be necessary for election to that office. If no candidate receives a majority of such votes, then a second election, to be known as a "runoff election", shall be held not less than thirty (30) nor more than forty (40) days following the first election. In such "runoff election" only the offices for which no candidate received a majority vote in the first election shall appear on the ballot, and only the two candidates who received the highest and next highest total vote for such offices as appear on the "runoff election" ballot shall have their names on such ballot as candidates for such offices. (April, 1963)

SECTION 3: OFFICIAL BALLOT. The official ballots shall be printed not less than twenty (20) days before the date of the election. They shall be printed with black ink on clear white paper of uniform style and sufficient thickness to prevent the marks thereon to be seen through the paper. Such printing shall be of uniform style and type. At the head of each ballot there shall be printed "Official Ballot." No party designations shall appear thereon. The names of the respective candidates shall be printed on the ballot beneath the designation of the office and position for which they are candidates.

SECTION 4: FAILURE TO QUALIFY. In the event any person who may be elected to any office in the City of Galena Park fails to qualify prior to June 1st next after his election, if elected at a regular election, or within thirty (30) days after the date of his election if elected at a special election, the office which he is elected to fill shall be filled as prescribed by this Charter.

SECTION 5: SPECIAL ELECTIONS. The provisions of this Article shall apply to special elections for municipal officers.

SECTION 6: MISCELLANEOUS. Except as herein provided, all special elections within the City of Galena Park shall be governed by the provisions of Titles 22 and 28 of the Revised Civil Statutes of 1925 and the General Election Laws of Texas so far as they are applicable to cities and towns.

SECTION 7: QUALIFIED VOTERS. Every person who is a qualified voter under the laws of the State of Texas and who shall have resided within the corporate limits of the City of Galena Park for six (6) months preceding an election shall be entitled to vote at such election.

ARTICLE XI

PARKS

SECTION 1: POWER. The City shall have and may exercise all the powers provided by the General Laws of Texas applicable to cities and towns for the purpose of acquiring, establishing, improving and maintaining public parks or a system of public parks within or adjacent to the City of Galena Park.

SECTION 2: When deemed for the best interest of the City by the City Commission, any lands held for park purposes by the City may be disposed of for such consideration and upon such terms as the City Commission may determine provided that the proceeds from the sale of park lands and property shall be used only for the purpose of acquiring, maintaining, and/or improving other public park properties owned by the City.

ARTICLE XII

SUBMISSION OF CHARTER TO VOTERS

SECTIONS 1, 2, and 3:

(Article XII, Sections 1, 2, and 3 were repealed by Amendment No. 10 of a Charter Amendment Election held November 6, 1979.)

SECTION 4: RECORD OF CHARTER. The City Secretary shall record at length upon the records of the City this Charter, and shall furnish the Mayor a copy of the Charter so adopted and authenticated by his signature and the seal of the City, which copy shall be forwarded by the Mayor to the Secretary of State and show the approval of this Charter by a majority vote of the qualified voters of the City of Galena Park.

April 12th, 1946

TO THE MAYOR AND MEMBERS OF THE BOARD OF COMMISSIONERS OF THE CITY OF GALENA
PARK, TEXAS:

We the undersigned members of the Charter Commission appointed by you to prepare a Home Rule Charter for submission to the voters of the City of Galena Park, Texas, do hereby submit the above and foregoing draft of such Charter, with the approval of this Commission, and recommend its submission to the voters of the City as provided by Law.

J. Paul Rodgers, Chairman
J. C. Boyle
C. N. Brinkley
E. Q. Middleton
Z. L. Adams
H. N. Watts
Glenn Gross
C. N. Jarrell
R. P. Childress
E. W. Smallwood
Rogers DuBose
C. B. Smith
Ed Moore
Earl Bowman
W. H. Robb

RECEIPT OF CITY SECRETARY

The official copy of the proposed Home Rule Charter for the City of Galena Park, Texas, was received from the Charter Commission and filed by me on the 12th day of April, 1946.

GIVEN UNDER MY HAND AND SEAL OF OFFICE at Galena Park, Texas, this 12th day of April, 1946.

WILLARD T. HALL, City Secretary.

MINUTES OF BOARD OF COMMISSIONERS
ORDERING ELECTION

The Board of Commissioners of the City of Galena Park met on Friday, the 12th day of April, 1946, for further action with reference to the proposed Home Rule Charter prepared and submitted by the Charter Commission heretofore appointed by this board.

Upon motion made by Commissioner Knight and duly seconded by Commissioner Fargason, and placed upon vote, the Charter was unanimously accepted and approved and the election for its approval or rejection by the qualified voters of the

City of Galena Park, Texas, was set for Friday, the 31st day of May, 1946, as set forth in Order recorded in the Minutes of this Board.

WILLIAM J. PHILPOT, Mayor
JOHN H. FARGASON, Commissioner
C. M. KNIGHT, Commissioner

ATTEST:

WILLARD T. HALL, City Secretary

EDITOR'S NOTE:

¹The Charter is printed herein as adopted May 31, 1946, except when amendments have been worked into their proper places, or when deleted provisions have been removed. The date of such change immediately follows the section so amended or deleted. All Charter amendments approved on or before November 6, 1979 have been included.

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