

## **CITY OF BROOKSHIRE | HOME RULE CHARTER**

### **ARTICLE I: INCORPORATION**

#### **Section 1. CORPORATE POWERS**

- (a) Corporate Name – The inhabitants of the City of Brookshire, Waller County, Texas, residing within its corporate limits as heretofore or hereafter established, are hereby constituted and shall continue to be a municipal body politic and corporate in perpetuity under the name of the “CITY OF BROOKSHIRE” (the “City”), with such powers, privileges, rights, duties and immunities as are herein provided.
- (b) Boundaries – The boundaries of the City shall be the same as have been heretofore established and now exist and those boundaries established and changed hereafter in all annexation ordinances and proceedings of the City Council of the City (the “Council”) filed in the Office of the City Secretary.
- (c) Extension and Alteration – The Council shall have the power, by ordinance, to: fix the boundary limits of the City; provide for the alteration and extension of said boundary limits; annex additional territory, and to detach, or disannex, territory from the boundary limits of the City in any manner not inconsistent with the laws of the State of Texas. Upon the final passage of any ordinance annexing territory, the corporate limits of the City shall thereafter include the territory so annexed. When any additional territory has been so annexed, the same shall be a part of the City; the property situated therein shall bear its pro rata part of the taxes levied by the City; the inhabitants thereof shall be entitled to all of the rights and privileges of all citizens of the City; and, the inhabitants thereof shall be bound by the acts, ordinances, resolutions, and regulations of the City. Upon the final passage of any ordinance detaching or disannexing territory from the City, the corporate limits of the City shall be reduced by the territory so detached or disannexed.

#### **Section 2. FORM OF GOVERNMENT**

The municipal government provided by this Charter shall be known as the “council-manager” form of government. Pursuant to its provisions, and subject only to the limitations imposed by the Texas Constitution, the laws of the State of Texas, and by this Charter, all powers of the City shall be vested in the Council which shall enact local legislation, adopt budgets, determine policies, and appoint the City Manager, who shall execute the laws and administer the government of the City. All powers of the City shall be exercised in the manner prescribed by this Charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance or resolution.

### **ARTICLE II: POWERS OF THE CITY**

#### **Section 1. GENERAL**

The City shall have all powers possible for a home-rule city to have under the Texas Constitution, the laws of the State of Texas, and this Charter, as fully and completely as though they were specifically enumerated in this Charter, together with the implied powers necessary to carry into execution such granted powers.

**Section 2. EMINENT DOMAIN**

The City shall have the full right, power, and authority of eminent domain where necessary or desirable to execute any power conferred upon it by the Texas Constitution, the laws of the State of Texas, and this Charter, and may condemn either private or public property, whether in or out of the corporate limits of the City, for such purposes.

**ARTICLE III: MAYOR AND CITY MANAGER**

**Section 1. OFFICE CREATED; QUALIFICATIONS; TERM**

- (a) There is hereby established the Office of the Mayor of the City, the incumbent of which shall be: a citizen of the United States; at least eighteen (18) years of age; a qualified voter; and, residing within the City for at least twelve (12) months prior to election. The Mayor shall be elected from the residents of the City at large. The Mayor shall hold office for three (3) years, or until a successor is elected and qualified, unless sooner removed as provided by this Article. No Mayor shall serve more than three (3) full consecutive terms at one time. The Mayor shall preside at the meetings of the Council and shall be recognized as the head of the City's government for all ceremonial purposes, and by the Governor of the State of Texas for purposes of military law, but shall have no regular administrative duties. Subject to the confirmation of the Council, the Mayor, along with any Councilperson, shall have the power to appoint all boards and commissions.
- (b) Disability of the Mayor – If, for any reason, the Mayor fails, is unable, or refuses to perform the duties of the Office of the Mayor, then the Mayor Pro Tem: shall act as the Mayor during such absence or disability; shall possess all of the powers, and perform all of the duties of, the Mayor; and, is entitled to receive the fees and compensation prescribed for the Mayor.

**Section 2. MAYOR PRO TEM**

Each year, at the first regular meeting of the Council, after the newly elected Councilmembers have been inducted into office, or as soon as practicable thereafter, the Council shall select one (1) of the Councilmembers who shall be known and designated as the "Mayor Pro Tem", and shall continue to hold the title and the office until a successor is appointed, but shall receive no extra pay by reason of being or acting Mayor Pro Tem. In the case of the death, resignation, or for any other reason, the Mayor Pro Tem is unable to serve, causing a vacancy to occur, then the Council shall select one (1) of the Councilmembers who shall be known and designated as the "Mayor Pro Tem", and shall continue to hold the title and the office until a successor is appointed, but shall receive no extra pay by reason of being or acting Mayor Pro Tem.

**Section 3. FORFEITURE**

If the Mayor is absent for three (3) consecutive regular meetings of the Council, without being sick or first having obtained a leave of absence at a regular meeting, the office is declared vacated.

**Section 4. VACANCY**

In case of the death, resignation, or permanent disability of the Mayor, or if the Mayor ceases to possess any of the qualifications listed in Section 1 of this Article, or if the Mayor ceases to reside in the City, then the office shall immediately become vacant. Whenever a vacancy in the Office of

Mayor shall occur for any reason, the Mayor Pro Tem shall: act as the Mayor; receive the same compensation as the Mayor; possess all of the rights and powers of the Mayor; and, perform all of the duties of the Mayor under the official title of the “Mayor Pro Tem” until the next available uniform election date, at which time a Mayor shall be elected to fill the unexpired portion of the current Mayor’s term.

**Section 5. PRIVILEGE OF VOTE**

The Mayor shall be entitled to vote only upon a tie vote of the Council on a matter.

**Section 6. COMPENSATION OF MAYOR**

From and after the effective date of this Charter, the annual salary of the Mayor shall be determined by the Council.

**Section 7. CITY MANAGER**

- (a) The Council shall appoint an officer of the City who shall have the title of City Manager and who shall have the powers and perform the duties as provided in this Charter. No elected official shall receive such appointment during the term for which the elected official shall have been elected, nor within one (1) year after the expiration of the elected official’s term of office. The City Manager shall be chosen by the Council solely on the basis of the person’s executive and administrative qualifications. At the time of City Manager’s appointment, the City Manager need not be a resident of the City or State. The City Manager shall have the right to take part in the discussion of all matters coming before the Council, but shall have no vote.
- (b) The City Manager shall have an employment contract with the City which: shall be approved by at least a simple majority of the full Council; shall fix the compensation of the City Manager; and, shall provide for a review of the City Manager by the Council at least once, but not more than twice, per year. The Council shall appoint the City Manager for an indefinite term, and may remove him or her by a super majority vote of its members.

**Section 8. DUTIES AND RESPONSIBILITIES OF CITY MANAGER**

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

- (a) Except for the position of City Attorney, appoint and, when necessary for the good of the City, remove all officers and employees of the City, except as otherwise provided by this Charter and except for the case where the City Manager has authorized the head of a department to appoint and remove subordinates in such department.
- (b) Prepare the budget annually, submit it to the Mayor and the Council, and be responsible for its administration after adoption.
- (c) Prepare and submit to the Council, as of the end of the fiscal year, a complete report on the finances and administrative activities of the City for the preceding year.
- (d) Keep the Council advised of the financial condition and future needs of the City and make such recommendations as may seem desirable to him or her.

- (e) Direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by this Charter or other law.
- (f) Attend all meetings of the Council, where the City Manager shall have the right to take part in discussions, but shall not vote.
- (g) See that all laws, provisions of this Charter, and acts of the Council that are subject to enforcement by the City Manager, or by officers subject to the City Manager's direction and supervision, are faithfully executed.
- (h) Encourage and provide staff support for regional and intergovernmental cooperation.
- (i) Approve the agenda of each meeting of the Council in accordance with this Charter and the rules of procedure adopted by the Council.
- (j) Perform such other duties as may be prescribed by this Charter, or required of him or her by the Council, not inconsistent with this Charter.
- (k) The City Manager shall designate, by letter filed with the City Secretary, a qualified administrative officer of the City to perform the duties during the temporary absence or disability of the City Manager. In the event of incapacitation of the City Manager, the Mayor shall designate with a simple majority approval of the Council, a qualified administrative officer of the City to perform the duties during the temporary absence or disability of the City Manager.

**Section 9. COUNCIL NOT TO INTERFERE IN APPOINTMENTS OR REMOVAL**

Neither the Council, nor any of its members, shall direct the appointment of any person to, or the removal from, office by the City Manager or by any of the City Manager's subordinates; provided, however, that the appointment of department heads shall be subject to the approval of the Council. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager, and neither the Council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately.

**ARTICLE IV: THE COUNCIL**

**Section 1. OFFICE CREATED: QUALIFICATIONS**

There is hereby established a "City Council" of the City. The Council shall consist of five (5) Councilmembers elected from the City at large. A candidate for Council must: reside within the City; be a citizen of the United States; be at least eighteen (18) years of age; be a qualified voter residing within the City for at least twelve (12) months prior to election to office.

**Section 2. TERM & TERM LIMITS**

The term of the Councilmembers shall be three (3) years. The three (3) year terms shall be staggered so that the Mayor and Council Place 1 shall be elected on the May uniform election date

beginning in 2025, unless such date is changed by state law; Council Places 2 and 3 shall be elected on the May uniform election date beginning in 2026, unless such date is changed by state law; and Council Places 4 and 5 shall be elected on the May uniform election date beginning in 2027, unless such date is changed by state law. No Councilmember shall serve more than three (3) consecutive full terms on the Council in a single Councilmember position.

In no event shall a Councilmember, including Mayor, serve for more than twelve (12) consecutive years on Council or as Mayor, regardless of position.

A person who has become ineligible to serve pursuant to this Section shall not be eligible to be elected or appointed to a place on the Council, including Mayor, without having first been off of Council, including Mayor, for at least a full three-year cycle, after which, such person shall regain eligibility for office, if otherwise eligible under this Charter.

### **Section 3. FORFEITURE**

If a Councilmember is absent for three (3) consecutive regular meetings of the Council, without being sick or first having obtained a leave of absence at a regular meeting, the office is declared vacated.

### **Section 4. VACANCY**

If a single vacancy occurs in the Council and the remaining term to be filled is twelve (12) months or less, a majority of the remaining members, excluding the Mayor, may fill the vacancy by appointment. The person appointed to fill the vacancy serves until the next regular municipal election. In lieu of appointing a person to fill a vacancy on the Council, a special election may be ordered to elect a person to fill the vacancy.

If a single vacancy occurs in the Council and the remaining term to be filled is more than twelve (12) months, the vacancy must be filled by a majority vote of the qualified voters at a special election called for such purpose within one hundred and twenty (12) days after such vacancy occurs.

If two (2) or more vacancies on the Council exist at the same time, a special election shall be ordered to fill the vacancies.

### **Section 5. MEETINGS OF THE COUNCIL**

- (a) The Council shall meet at the time and place determined by resolution adopted by the Council.
- (b) The Mayor or City Manager may call a special meeting of the Council. Each member of the Council, the City Secretary, the City Manager, and the City Attorney must be notified of the special meeting. The notice may be given personally or left at the person's usual place of residence. The Council may compel the attendance of an absent member to a special meeting.
- (c) The Council shall determine the rules of its proceedings and the consequences for the violation of the rules of its proceedings.
- (d) Quorum – A majority of the members of the Council established by Section 1 of this Article

shall constitute a quorum to conduct business. However, at a special meeting or a meeting to consider the imposition of taxes, a super majority vote of the Council, established by Section 1 of this Article, shall be necessary for any action.

**Section 8. ORDINANCES**

The Council shall legislate by ordinance, and the enacting clause of every ordinance shall be “Be It Ordained by the City Council of the City of Brookshire:”. All ordinances, unless otherwise provided by law, this Charter, or by the terms of such ordinances, shall take effect immediately upon the final passage thereof.

**Section 9. DUTIES OF THE COUNCIL**

All powers of the City, and the determination of all matters of policy, shall be vested in the Council, except as outlined as duties of the Mayor and City Manager in Article III hereof. The Council shall have such other and further powers as have been or may be from time to time hereafter delegated to home rule cities by the Legislature of the State of Texas, including the powers incident to the exercise thereof.

**Section 10. CREATE BOARDS**

The Council may create boards, commissions or committees. The members of any such boards, commissions, or committees shall be appointed by the Mayor, City Manager or any Councilperson, and confirmed by the Council.

**ARTICLE V: DEPARTMENTS**

**Section 1. DEPARTMENT OF LAW**

There shall be a City Attorney, who shall be appointed by the Council, upon recommendation by the Mayor. The City Attorney shall be the legal advisor of, and attorney for, all of the officers and departments of the City, and shall represent the City in all litigation and legal proceedings at the will of Council. The City Attorney shall draft, approve, or file written legal objections to every ordinance before it is acted upon by the Council and shall pass upon all documents, contracts, and legal instruments in which the City may be required to perform any act, or pay any sum of money.

**Section 2. MUNICIPAL COURT**

- (a) There shall be a Court known as the “Municipal Court”, with such jurisdiction, powers, and duties as are given and prescribed by the laws of the State of Texas.
- (b) Judge of the Municipal Court – The Municipal Court shall be presided over by a magistrate who shall be known as the “Municipal Judge” of the Municipal Court. The Municipal Judge shall be appointed by the Mayor, or any Councilperson, with the approval of Council, for a two (2) year term. In the event the Municipal Judge is unable to act for any reason, the Mayor, with the approval of Council, shall appoint a competent person, possessing the qualifications listed above, to act in the place of the Municipal Judge. The Municipal Judge, or anyone acting in the place of the Municipal Judge, shall receive compensation as may be set by Council.
- (c) Additional Municipal Courts – The Mayor, or any Councilperson, with the approval of the Council, shall have the power to create and establish additional Municipal Courts, and the

Mayor, or any Councilperson, with the approval of the Council, shall appoint a Judge of each Municipal Court, each of whom shall be required to possess the qualifications and shall serve the same term as outlined in subsection (a) of this Section.

- (d) Clerk of the Municipal Court – There shall be a Clerk of the Municipal Court who shall be appointed by the Mayor, or any Councilperson, with the approval of the Council. The Clerk shall have the power to administer oaths and affidavits, make certificates, affix the seal of the Municipal Court thereto, and otherwise perform any and all acts necessary in issuing process of such Municipal Court and conducting the business thereof.
- (e) Deputy Clerks – There shall be such deputy Clerks of the Municipal Court as may be authorized by the Mayor, with approval of the Council, who shall have authority to act for and on behalf of the Clerk of the Municipal Court, and who shall be appointed by the Mayor, or any Councilperson, with the approval of the Council.

**Section 3. CITY SECRETARY**

The Mayor, with the approval of the Council, shall appoint a competent person as City Secretary upon recommendation of the City Manager. Assistants to the City Secretary may be appointed by the City Manager as he or she shall deem advisable, unless the City Manager has granted to the City Secretary the authority to appoint or remove subordinates. The Office of the City Secretary shall: give notice of Council meetings; keep the minutes of the proceedings of such meetings; authenticate, by the City Secretary’s signature and record in full in a book kept and indexed for that purpose, all ordinances and resolutions of the City; and, perform such other duties as the Mayor or the Council shall assign to the City Secretary, and those elsewhere provided in this Charter and the laws of the State of Texas.

**ARTICLE VI: ELECTIONS**

**Section 1. ELECTIONS**

Elections for the Mayor and the members of the Council shall be held in accordance with the laws of the State of Texas. The election for the Mayor and Councilmember Place 1 shall occur every three (3) years beginning May 2025, Councilmember Place 2 and Councilmember Place 3 shall occur every three (3) years beginning May 2026, and Councilmember Place 4 and Councilmember Place 5 shall occur every three (3) years beginning May 2027.

**Section 2. MAJORITY VOTE REQUIRED**

To be elected to an office of the City, including the Mayor or a member of Council, a candidate must receive more than 50% of the vote. If no candidate receives more than 50% of the vote, then a runoff election is required between the top two vote getters.