



WEDNESDAY, APRIL 17, 2024

CHARTER REVIEW COMMISSION

CITY HALL

BRAZOS ROOMS I & II

2700 TOWN CENTER BOULEVARD NORTH

SUGAR LAND, TX 77479

<https://youtube.com/live/TZsUq4Q2-ag?feature=share>

5:00 P.M.

**I. ATTENTION**

- A. *Members of the City Council, Board and/or Commission may participate in deliberations of posted agenda items through videoconferencing means. A quorum of the City Council, Board and/or Commission will be physically present at the above-stated location, and said location is open to the public. Audio/Video of open deliberations will be available for the public to hear/view, and are recorded as per the Texas Open Meetings Act.*

*The meeting will live stream at <https://youtube.com/live/TZsUq4Q2-ag?feature=share>.*

**II. PUBLIC COMMENT**

- A. Citizens who desire to address the City Council, Board and/or Commission in person with regard to matters on the agenda must complete a "Request to Speak" form and give it to the City Secretary, or designee, prior to the beginning of the meeting.

Each speaker is limited to three (3) minutes, speakers requiring a translator will have six (6) minutes, regardless of the number of agenda items to be addressed. Comments or discussion by the City Council, Board, and/or Commission Members, will only be made at the time the subject is scheduled for consideration.

**Disclaimer:** *The City of Sugar Land reserves the right to remove any individual for comments deemed inappropriate, impertinent, profane, slanderous and/or for not adhering to the public comment rules outlined in this notice.*

*For questions or assistance, please contact the Office of the City Secretary (281) 275-2730.*

**III. WORKSHOP**


- A. Review of and discussion on the City of Sugar Land Charter.

*Daniel Harris, Chair*

**IF YOU PLAN TO ATTEND THIS PUBLIC MEETING AND YOU HAVE A DISABILITY THAT REQUIRES SPECIAL ARRANGEMENTS AT THE MEETING, PLEASE CONTACT THE CITY SECRETARY, (281) 275-2730. REQUESTS FOR SPECIAL SERVICES MUST BE RECEIVED FORTY-EIGHT (48) HOURS PRIOR TO THE MEETING TIME. REASONABLE ACCOMMODATIONS WILL BE MADE TO ASSIST YOUR NEEDS.**

**I HEREBY CERTIFY THAT THE ABOVE NOTICE WAS POSTED ON THE OUTSIDE BULLETIN BOARDS, A PLACE CONVENIENT AND READILY ACCESSIBLE TO THE GENERAL PUBLIC AT ALL TIMES, CITY OF SUGAR LAND CITY HALL, 2700 TOWN CENTER BOULEVARD NORTH, SUGAR LAND, FORT BEND COUNTY, TEXAS, 77479, AND ON THE CITY WEBSITE (WWW.SUGARLANDTX.GOV) UNDER CITY MEETINGS.**

**Posted on this 12th day of April, 2024 at 2:48 P.M.**





## **Agenda Request**

**APRIL 17, 2024**

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**AGENDA REQUEST NO:** III.A.

**AGENDA OF:** Posted Public Meeting

**INITIATED BY:** *Meredith Riede, City Attorney*

**PRESENTED BY:** *Daniel Harris, Chair*

**RESPONSIBLE DEPARTMENT:** Legal

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**AGENDA CAPTION:**

Review of and discussion on the City of Sugar Land Charter.

**RECOMMENDED ACTION:**

Review of and discussion on the City of Sugar Land's Charter

**EXECUTIVE SUMMARY:**

Continue review of the City of Sugar Land's Charter, redlines from the April 3, meeting, draft report and presentation to City Council.

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**BUDGET**

**EXPENDITURE REQUIRED:**

**CURRENT BUDGET:**

**ADDITIONAL FUNDING:**

**FUNDING SOURCE:**

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## ATTACHMENTS:

Description	Type
☐ DRAFT final report	Other Supporting Documents
☐ Redlines as if 4-3-24 meeting	Other Supporting Documents

## **2023 CHARTER COMMISSION Report and Recommendations to City Council on Charter Amendments**

The City Charter requires the City Council to appoint a Charter Commission at least every five years to review City operations and recommend to the Council whether changes in the Charter should be made. On December 19, 2023, the Council appointed Bob Barbour, Daniel Harris, David James, Tara Mascarenhas, Lesley Nicholes, Neel Patel, and Ashish Vyas to serve on the 2023 Charter Commission. The Council appointed Daniel Harris to serve as Chairperson.

### **Commission Proceedings.**

The Commission first met on January 24, 2024. The Commission held a total of [REDACTED] meetings, all of which were open to the public and for which notice was given as provided by the Open Meetings Act. The City included information on the Commission on its website under <https://www.sugarlandtx.gov/1092/Charter-Review-Commission-2024> shortly after the Commission was appointed. A number of posts were made to social media and sent to local Homeowner's Associations inviting the public to provide comments or suggestions in writing, by email, or in person on Charter issues to review. The Commission's minutes of its meetings were posted on the City's website throughout the process. The Mayor, Council members, the City Manager, and the City Attorney provided comments to the Commission about issues to consider.

The Commission's recommendations on Charter revisions are by Article with a brief explanation of each revision. Following the recommended revisions are non-Charter recommendations that the Commission has provided for Council consideration. Not included in this report are the Commissions' recommendations on stylistic and grammar revisions.

### **Charter Commission Recommendations.**

#### **1. Article I. General Provisions.**

##### **(a) Section 1.03(e) – General Powers.**

The Charter currently provides that a franchise granted by the City shall not be valid for more than fifty (50) years. The Commission recommends that the Charter be amended to reduce maximum length of a franchise to no more than twenty-five (25) years.

##### **(b) Section 1.03(f) – General Powers.**

The Charter currently authorizes Council to regulate the rates, charges, fees, operations, and services of any person, utility, or entity providing water, wastewater, electricity, natural gas, telephone, telecommunications, cable television, taxicab, bus, solid waste, transportation, or similar service to the public within the city. The Commission recommends that "taxicab" and "bus" be deleted as they are encompassed within "transportation."

## 2. Article II. The Council.

### (a) Section 2.01(c) – Election and Term

The Charter currently provides for staggered three-year terms. The Commission recommends adding language making it clear that every third year there will be no election. The Commission suggests that 2.01(c) be revised to read as follows:

The council shall serve staggered three-year terms. The terms shall be staggered as follows: (1) the four district council member positions shall be elected in one year; (2) the mayor and two at-large council member positions shall be elected in the next year; and (3) no election for council member positions shall be held in the third year. Council elections shall be held in May on the date specified by state law. A candidate must be elected to office by majority vote. If no candidate for office receives a majority vote, a run-off election shall be held as required by state law. The council shall be the judge of the election and qualifications of its own members.

### (b) Section 2.04 – Resign to Run.

The Charter currently provides that Council members are required to resign if they become a candidate for election to any public office, other than that of City Council. The Commission recommends that the resign to run provision in the Charter be amended so that it applies to all positions and not just public offices other than Council. The Commission suggests that 2.04 be revised to read as follows:

If a member of the city council becomes a candidate for election to any public office, such candidacy shall constitute an automatic resignation of the city office then held and the vacancy thereby created will be filled in accordance with the provisions of this Charter.

## 3. Article III. Initiative, Referendum and Recall.

The Commission recommends no changes to this Article.

## 4. Article IV. Administration Offices and Departments.

### (a) Section 4.06(b) – Municipal Court.

The Charter currently provides that the municipal court judge shall be appointed for a two (2) year term, and does not currently require residence within the City. The Commission recommends extending the term of judges to four (4) years and requiring that the municipal court judge reside within the City of Sugar Land. The residency requirement would not apply to associate judges.

5. Article V. Municipal Planning and Zoning.

The Commission recommends no changes to this Article.

6. Article VI. Municipal Finance.

The Commission recommends no changes to this Article.

In closing, the Commission wishes to thank the City Council for giving us this opportunity to serve on this important Commission.

Respectfully Submitted:

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Daniel Harris, Chair

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Bob Barbour

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David James

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Tara Mascarenhas

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Lesley Nicholes

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Neel Patel

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Ashish Vyas

## **PART I CHARTER<sup>1</sup>**

### **ARTICLE I. GENERAL PROVISIONS**

#### **Sec. 1.01. Incorporation.**

The inhabitants of the City of Sugar Land, Fort Bend County, Texas, residing within its corporate limits, are a municipal body politic under the name of the "City of Sugar Land."

(Ord. No. 1178, § 1, 6-15-99)

#### **Sec. 1.02. Form of Government.**

The City government shall be known as the council-manager form of government. All City powers are vested in an elected city council. The council shall appoint a city manager, who shall execute the laws and administer City government.

(Ord. No. 1178, § 1, 6-15-99)

#### **Sec. 1.03. General Powers.**

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, including the power:

- (a) To annex an area for full or limited purposes as provided in this Charter and to disannex land.
- (b) To borrow money on the faith and credit of the City by the issuance and sale of bonds, notes, or other debt instruments;
- (c) To enact ordinances for the safety, health, and general welfare of the citizens;
- (d) To assess the owners of real property abutting upon a public highway or street for street improvements made thereon, in accordance with State law;
- (e) To the full extent allowed by law, to require that any person, utility, or company making use of the city's streets or property to provide any service to the public first obtain the written consent of the city by license, permit, franchise, ordinance or otherwise. A franchise shall not be valid for more than twenty-five (25) years; and
- (f) To the full extent allowed by law, to regulate the rates, charges, fees, operations, and services of any person, utility, or entity providing water, wastewater, electricity, natural gas, telephone,

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<sup>1</sup>Editor's note(s)—The City Charter is set out as passed and approved by the majority of the voters at the city election on June 15, 1999.



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telecommunications, cable television, ~~taxicab, bus~~, solid waste, transportation, or similar service to the public within the city.

(Ord. No. 1178, § 1, 6-15-99; Ord. No. 1190, § 1, 8-3-99; Ord. No. 1448, 5-25-04)

#### **Sec. 1.04. Garnishment and Execution.**

- (a) Except as otherwise provided for by State or Federal law, City funds are not subject to garnishment and the City is not required to answer in any garnishment proceeding.
- (b) City property is not subject to any kind of execution.

(Ord. No. 1178, § 1, 6-15-99)

#### **Sec. 1.05. Charter Commission.**

The council shall appoint a charter commission as often as it deems necessary, but not less than every five years, to review the operations of city government under the Charter and determine whether revisions should be made. At the conclusion of its review, the commission shall make a written report of its recommendations of changes, if any, to the city council. The city council may submit the recommended changes, as it deems appropriate, to the voters for approval.

(Ord. No. 1178, § 1, 6-15-99)

#### **Sec. 1.06. Severability.**

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

(Ord. No. 1178, § 1, 6-15-99; Ord. No. 2054 , § 6(Exh. A), 5-17-2016)

#### **Sec. 1.07. Non-Substantive Revisions.**

- (a) The City Council may, without approval of the voters, adopt an ordinance that makes the following types of revisions to the Charter:
  - (1) Renumbering, revising titles, and rearranging parts thereof;
  - (2) Correcting errors in spelling, grammar, cross-references, and punctuation; and
  - (3) Revising language to reflect modern usage and style.
- (b) A revision adopted under this section is not intended to and is not to be interpreted as making any substantive change in any Charter provision.

(Ord. No. 1178, § 1, 6-15-99; Ord. No. 1448, 5-25-04)

#### **Sec. 1.08. Full-Purpose Annexation.**

The City may by ordinance annex an area lying outside its corporate limits for the purpose of exercising therein all of its municipal powers to the fullest extent allowed by law and, upon annexation, the area so annexed and the inhabitants thereof will be a part of the City for all purposes.

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(Ord. No. 1448, 5-25-04)

### **Sec. 1.09. Limited-Purpose Annexation.**

- (a) The City may annex an area for one or more of the following limited purposes:
  - (1) To regulate by ordinance the use of real property, including the use, construction, alteration, and maintenance of structures, buildings, and signs to the same extent the City regulates those matters by ordinance within the full-purpose corporate limits of the City; and
  - (2) To regulate by ordinance the health and safety of persons within the annexed area to the same extent the City regulates those matters by ordinance within the full-purpose corporate limits of the City.
- (b) Any City ordinance annexing an area for limited purposes will specify the City's existing ordinances that will initially apply to the area annexed for limited purposes. The city council may by later ordinance apply other existing City ordinances to an area previously annexed for limited purposes if for a purpose specified in this section. Any amendment of a City ordinance that applies to an area annexed for limited purposes will, upon the effective date of the amendment, automatically apply to the area annexed for limited purposes.
- (c) The City has the power to administer and enforce its ordinances that apply in an area annexed for limited purposes to the same extent and through the same procedures that its ordinances apply within the full-purpose corporate limits of the City. The City's municipal courts have jurisdiction within an area annexed for limited purposes to enforce the City's ordinances that apply therein to the same extent the municipal courts may enforce ordinances within the full-purpose corporate limits of the City.
- (d) The City may by ordinance impose and collect reasonable charges from property owners and inhabitants of an area annexed for limited purposes to the same extent and amount that the City imposes and collects charges from property owners and inhabitants within the full-purpose corporate limits of the City for the same or similar services or regulations, but the City may not levy a municipal ad valorem tax on the personal or real property of the property owners or inhabitants of an area annexed for limited purposes.
- (e) The City may impose and collect a sales and use tax in the area annexed for limited purposes to the full extent allowed by law.

(Ord. No. 1448, 5-25-04; Ord. No. 1810 , § 3(Exh. A), 2-15-11; Ord. No. 1820, § 6(Exh. A, § 1), 5-24-11)

## **ARTICLE II. THE COUNCIL**

### **Sec. 2.01. Election and Term.**

- (a) The council shall consist of a mayor and six (6) council members elected by the voters for a term of three (3) years, or until their successors have been elected and qualified.
- (b) The mayor and two (2) council members shall be elected at-large. The two (2) at-large council member positions shall be respectively designated as Position 1 and Position 2. The remaining four (4) council members shall be elected by districts, designated as Districts 1, 2, 3, and 4. The council shall modify the size, configuration, and geographic definition of the council districts as necessary to provide equal representation to all citizens of the city and to comply with state and federal law.
- (c) The council shall serve staggered three-year terms. The terms shall be staggered as follows: (1) the four district council member positions shall be elected in one year; (2) the mayor and two at-large council member positions shall be elected in the next year; and (3) no election for council member positions shall be held in the third year. Council elections shall be held in May on the date specified by state law. A candidate

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(Supp. No. 51)

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must be elected to office by majority vote. If no candidate for office receives a majority vote, a run-off election shall be held as required by state law. The council shall be the judge of the election and qualifications of its own members.

- (d) A person may not be elected in a city election to any council position more than three times in any consecutive nine-year period. For purposes of this provision, district and at-large council member positions are aggregated, while the position of the mayor is considered a separate office from other council positions.
- (e) The city secretary shall promptly notify all persons elected to office. The persons elected shall take their oaths of office and begin their duties at the meeting at which the city council declares the results of the election.

(Ord. No. 1178, § 1, 6-15-99; Ord. No. 1810, § 3(Exh. A), 2-15-11; Ord. No. 1820, § 6(Exh. A, § 2), 5-24-11; Ord. No. 2219, § 1(Exh. A, § 1), 12-15-2020)

### **Sec. 2.02. Qualifications.**

Members of the city council shall be twenty-one (21) years of age or older and city residents for at least a one (1) year preceding their election. A district council member shall during the term of office maintain a residence in the district to which elected. The city secretary shall verify such residency by viewing a valid Texas Driver's License or Texas Identification Card and a current Voter Registration Card. No member of council shall hold any other city office or city employment while serving as a member of council or hold any paid city employment within two (2) years thereafter.

(Ord. No. 1178, § 1, 6-15-99; Ord. No. 2219, § 1(Exh. A, § 2), 12-15-2020)

### **Sec. 2.03. Forfeiture of office.**

If the mayor or any council member is convicted of a felony or crime involving moral turpitude, the city council will, at its next regular meeting, declare the office to be vacant and fill such vacancy in accordance with the provisions of this Charter.

(Ord. No. 1178, § 1, 6-15-99; Ord. No. 2219, § 1(Exh. A, § 3), 12-15-2020)

### **Sec 2.04. Resign to run.**

If a member of the city council becomes a candidate for election to any public office, ~~other than that of city council~~, such candidacy shall constitute an automatic resignation of the city office then held and the vacancy thereby created will be filled in accordance with the provisions of this Charter. If a member of city council becomes a candidate for election to another city office, and more than 13 months remain in the member of council's current term, the council member automatically resigns their current city office as of the date of announcement of the candidacy.

(Ord. No. 2219, § 1(Exh. A, § 5), 12-15-2020)

Editor's note(s)—Ord. No. 2219, § 1(Exh. A, § 4), adopted Dec. 15, 2020, renumbered the former § 2.04, which pertains to compensation, as § 2.05.

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## Sec. 2.05. Compensation.

The members of city council may receive such pay or compensation, including necessary expenses incurred in the performance of their official duties, in an amount determined from time to time by the council; provided, that the pay or compensation received by the mayor shall not be less than that received by each councilmember.

(Ord. No. 1178, § 1, 6-15-99; Ord. No. 2219 , § 1(Exh. A, §§ 4, 6), 12-15-2020)

Editor's note(s)—Ord. No. 2219 , § 1(Exh. A, § 4), adopted Dec. 15, 2020, renumbered the former § 2.05, which pertains to the Mayor, § 2.06.

## Sec. 2.06. The Mayor.

- (a) *Head of City government.* The mayor shall preside at all council meetings and be deemed a council member and be entitled to vote upon all matters considered by the council. The mayor shall be recognized as the head of the City government for all ceremonial purposes and shall perform any additional duties as provided for by Federal or State laws or regulations.
- (b) *Mayor pro tem.* Following each city election in May, the council shall appoint one of its members as mayor pro tem. The mayor pro tem acts as mayor during mayor's absence and has the power to perform every act the mayor could perform if present.
- (c) *Acting mayor.* In the event of the absence, disability or disqualification of both the mayor and mayor pro tem at any particular meeting of the council, the remaining members of the council, if a quorum be present, shall, by election, designate one of their members as acting mayor, and he shall act as mayor for such particular meeting and shall have the power to perform every act the mayor could perform if present.

(Ord. No. 1178, § 1, 6-15-99; Ord. No. 1448, 5-25-04; Ord. No. 2219 , § 1(Exh. A, § 4, 12-15-2020)

Editor's note(s)—Ord. No. 2219 , § 1(Exh. A, § 4), adopted Dec. 15, 2020, renumbered the former § 2.06, which pertains to vacancies, as § 2.07.

## Sec. 2.07. Vacancies.

If the office of mayor or a council member becomes vacant, the following provisions apply:

- (a) If, at the time of the vacancy, more than twelve (12) months remain on the term, the council shall within one hundred and twenty (120) days of the vacancy call a special election for the position.
- (b) If, at the time of the vacancy, less than twelve (12) months remain on the term, the council shall within sixty days of the vacancy appoint a qualified person to fill the vacancy.

(Ord. No. 1178, § 1, 6-15-99; Ord. No. 1245, § 1, 5-23-00; Ord. No. 2054 , § 6(Exh. A), 5-17-2016; Ord. No. 2219 , § 1(Exh. A, §§ 4, 7), 12-15-2020)

Editor's note(s)—Ord. No. 2219 , § 1(Exh. A, § 4), adopted Dec. 15, 2020, renumbered the former § 2.07, which pertains to powers and duties of the Council, as § 2.08.

## Sec. 2.08. Powers and Duties of the Council.

All powers of the city shall be vested in the city council, except as otherwise provided by law or this Charter. The powers and duties of the city council shall include the following:

- (a) To select, appoint, review, and dismiss the city manager, with or without cause;

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- (b) To establish boards or commissions and appoint individuals thereto as shall be required by law or deemed necessary by the city council.
  - (c) To adopt and modify yearly a plan containing the goals and long range plans for the city and directing the city manager in meeting those goals and plans; and
  - (d) To exercise exclusive jurisdiction upon, over and under all public property of the city, including the right to impose charges for the use of such property.

(Ord. No. 1178, § 1, 6-15-99; Ord. No. 2054 , § 6(Exh. A), 5-17-2016; Ord. No. 2219 , § 1(Exh. A, § 4), 12-15-2020)

Editor's note(s)—Ord. No. 2219 , § 1(Exh. A, § 4), adopted Dec. 15, 2020 renumbered the former § 2.08, which pertains to Council meetings, as § 2.09.

### **Sec. 2.09. Council meetings.**

- (a) The council shall hold two (2) regular meetings each month on the first and third Tuesdays of the month. If a designated Tuesday is a legal holiday, the city council may hold the meeting on another day. All meetings of the council shall be held at the city hall unless the council designates another place after giving due notice thereof. The mayor, any four (4) council members, or the city manager may call special meetings of the council.
- (b) The council shall determine its own procedures for council meetings and may compel the attendance of its members. Four (4) members of council shall constitute a quorum and an affirmative vote of at least four (4) members of council shall be necessary for the council to take any action related to public business, unless state law requires a supermajority of council to approve an item. Each member of council must vote on every matter that comes before the council, unless required to abstain from voting on a matter under the provisions of state law or the Rules of Ethical Conduct. The vote on all ordinances and resolutions shall be taken by the "ayes" and "nays" and entered upon the minutes, and every ordinance or resolution, upon its final passage, shall be recorded.
- (c) If, because of the death, incapacitation, disqualification, resignation or recall of members of council, there are an insufficient number of members of council for a quorum for two or more consecutive council meetings that are required to be held under the Charter, the remaining member or members are sufficient in number to act as a quorum until the next required council meeting is held at which four or more members of council are in attendance.

(Ord. No. 1178, § 1, 6-15-99; Ord. No. 1448, 5-25-04; Ord. No. 2219 , § 1(Exh. A, §§ 4, 8), 12-15-2020)

Editor's note(s)—Ord. No. 2219 , § 1(Exh. A, § 4), adopted Dec. 15, 2020, renumbered the former § 2.09, which pertains to legislation, as § 2.10.

### **Sec. 2.10. Legislation.**

- (a) An ordinance shall not be adopted until it has been considered and favorably acted on by the council at two (2) separate council meetings. However, ordinances relating to the following matters may be adopted by the council after consideration at only one meeting:
  - (1) The adoption or amendment of a budget or the assessment or levy of taxes;
  - (2) The calling of an election or the canvassing of the returns and declaring the results of an election;
  - (3) The issuance or sale of bonds; certificates of obligations, or other debt instruments; and

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- (4) Where the city council, by the affirmative vote of five (5) or more members, adopts an ordinance declaring that an emergency exists because there is an immediate need to preserve and protect the peace, health, safety, or welfare of the community.
- (b) The caption of a proposed ordinance shall be read once in full at a council meeting prior to its adoption by the council.
- (c) Notice of the enactment of every ordinance imposing any penalty shall be given by publishing the ordinance or its descriptive caption and penalty in the city's official newspaper one (1) time within thirty (30) days of passage. The failure to comply with this section shall not affect the validity of the ordinance adopted.
- (Ord. No. 1178, § 1, 6-15-99; Ord. No. 1245, § 2, 5-23-00; Ord. No. 2219, § 1(Exh. A, § 4), 12-15-2020)

Editor's note(s)—Ord. No. 2219, § 1(Exh. A, § 4), adopted Dec. 15, 2020, renumbered the former § 2.10, which pertains to communication through city manager, as § 2.11.

### **Sec. 2.11. Communication through city manager.**

The city council and its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately.

( Ord. No. 2054, § 6(Exh. A), 5-17-2016; Ord. No. 2219, § 1(Exh. A, § 4), 12-15-2020)

Editor's note(s)—Ord. No. 2219, § 1(Exh. A, § 4), adopted Dec. 15, 2020, renumbered the former § 2.11, which pertains to definitions, as § 2.12.

### **Sec. 2.12. Definitions.**

As used in this Charter, unless the context clearly means otherwise, the word or phrase "city council", "council", "member(s) of the city council" and "member(s) of the council" means and includes the mayor and the six (6) council members. The word or phrase "councilmember(s)" or "council member(s)" means the six (6) members of the city council excluding the mayor, unless the context clearly indicates otherwise.

( Ord. No. 2054, § 6(Exh. A), 5-17-2016; Ord. No. 2219, § 1(Exh. A, § 4), 12-15-2020)

## **ARTICLE III. INITIATIVE, REFERENDUM AND RECALL<sup>2</sup>**

### ***DIVISION 1. GENERAL PROVISIONS***

#### **Sec. 3.01. Power of initiative, referendum, and recall.**

- (a) The City's registered voters may exercise the following powers through petition by requesting that:

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<sup>2</sup>Editor's note(s)—Ord. No. 1820, § 6(Exh. A, § 5), adopted May 24, 2011 and approved by the voters at an election held on May 14, 2011, amended Art. III in its entirety to read as herein set out. Former Art. III, §§ 3.01—3.18, pertained to the same subject matter, and derived from Ord. No. 1178, § 1, adopted June 15, 1999.

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- (1) *Initiative*. The council enact a new ordinance and, if the council fails to do so, hold an election to approve or reject the new ordinance.
  - (2) *Referendum*. The council repeal all or part of an existing ordinance, and, if the council fails to do so, hold an election to approve or reject the ordinance.
  - (3) *Recall*. A member of council resign from office for the reasons set forth in the petition and, if the member fails to do so, hold an election on the recall.
- (b) The power of the initiative and referendum does not apply to ordinances relating to:
- (1) Financial matters, including the budget, the levy of taxes, or the issuance of bonds or debt instruments;
  - (2) The salaries of officers or employees;
  - (3) Matters which are not legislative in character or which have been withdrawn or excluded by general law from the operative field of initiative or referendum; and
  - (4) Matters where a State or Federal law provides for an election and related election procedures.
- (Ord. No. 1820, § 6(Exh. A, § 5), 5-24-11; Ord. No. 2219 , § 1(Exh. A, § 11), 12-15-2020)

### **Sec. 3.02. Requirements for all petitions.**

- (a) In this Article, "Initial Petition Date" means the date the first signature was obtained on any of the copies of an initiative, referendum, or recall petition.
- (b) A petition consists of all the written information, signatures, and documents required by this article. More than one copy of a petition may be circulated at one time, but each copy of the petition must comply with the requirements of this article.
- (c) All petition forms must be obtained from the City Secretary.
- (d) All petitions must comply with the requirements of Chapter 277 of the Texas Election Code, a copy of which is available from the city secretary.
- (e) All petitions must contain the names and addresses of the same five registered voters, who serve as a "Committee of the Petitioners," and are responsible for the circulation and filing of the petition, but need not personally gather the signatures for the petition.
- (f) All petitions must include an affidavit, in a form provided by the city secretary, from each person circulating a petition, stating that:
  - (1) The affiant circulated that copy of the petition;
  - (2) All the signatures were made in that person's presence; and
  - (3) It contains a stated number of signatures.
- (g) One of the members of the Committee of Petitioners must submit a copy of the petition being circulated that contains the earliest dated signature to the city secretary within five business days of the Initial Petition Date. The city secretary will record the Initial Petition Date for purposes of verifying that the petition signatures were gathered within the time period required by this Article.

(Ord. No. 1820, § 6(Exh. A, § 5), 5-24-11; Ord. No. 2219 , § 1(Exh. A, § 12), 12-15-2020)

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### **Sec. 3.03. Requirements applicable to specific petitions.**

- (a) An initiative petition must contain the full text of the ordinance sought to be enacted.
- (b) A referendum petition must contain the full text of the ordinance or provision sought to be repealed.
- (c) A recall petition must identify by name the member of council whose removal is sought and the grounds for seeking removal. Each recall petition may only request the recall of one member of council, but more than one recall petition may be submitted at one time for the recall of more than one member.

(Ord. No. 1820, § 6(Exh. A, § 5), 5-24-11; Ord. No. 2219 , § 1(Exh. A, § 13), 12-15-2020)

### **Sec. 3.04. Petition signatures.**

- (a) To be certified as sufficient for consideration by the council:
  - (1) An initiative or referendum petition must be signed by at least 15% of the city's registered voters as of the Initial Petition Date.
  - (2) A recall petition for the recall of the mayor or an at-large council member must be signed by at least 15% of the City's registered voters as of the Initial Petition Date; and
  - (3) A petition for the recall of a council member elected from a single-member district must be signed by at least 15% of the City's registered voters residing in that district as of the Initial Petition Date.
- (b) To be counted toward the number of required signatures for an initiative, referendum, or recall petition, the person signing the petition must:
  - (1) Have been a registered voter on the Initial Petition Date;
  - (2) Have signed the petition before the 46th day following the Initial Petition Date; and
  - (3) Meet any requirements of State law for being counted.
- (c) If the number of signatures on a petition exceeds the number of signatures as stated in the circulator's sworn statement for that petition, the latest signatures, by date, that exceed that number will not be counted.
- (d) If the information provided with a signature is sufficient to verify that the person signing the petition was eligible to sign the petition on the date signed, the failure to follow any technical requirements of this Article or State law will not invalidate the signature.
- (e) A signature on a petition may be withdrawn as provided by Chapter 277 of the Texas Election Code.

(Ord. No. 1820, § 6(Exh. A, § 5), 5-24-11; Ord. No. 2219 , § 1(Exh. A, § 14), 12-15-2020)

### **Sec. 3.05. Submission and review of petition.**

- (a) All copies of the same petition must be compiled and filed as a single instrument with the city secretary at one time.
- (b) The city secretary will examine the petition within 30 days of the date filed.
- (c) The city secretary will certify the results of the examination to the council no later than the next regular council meeting following the expiration of the 30-day period.
- (d) If the city secretary certifies that the petition is sufficient, the council will take the action appropriate for the type of petition as specified in this article.

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- (e) If the city secretary certifies to the council that the petition is insufficient:
    - (1) The council will take no action on the petition; and
    - (2) The city secretary will notify the Committee of Petitioners of the insufficiencies.
  - (f) Any supplemental petition submitted to the city secretary to address any insufficiencies will be governed by Chapter 272 of the Election Code. The city secretary will examine the supplemental petition and follow the same general procedures applicable to the initial petition, subject to the provisions of Chapter 272.
- (Ord. No. 1820, § 6(Exh. A, § 5), 5-24-11)

### **Sec. 3.06. Initiative and referendum elections.**

- (a) Any number of ordinances may be voted on at the same election in response to one or more petitions for an initiative or referendum election.
  - (b) If two or more ordinances approved at the same election have conflicting provisions, the provision contained in the ordinance receiving the greater number of affirmative votes prevails.
- (Ord. No. 1820, § 6(Exh. A, § 5), 5-24-11)

## ***DIVISION 2. INITIATIVE***

### **Sec. 3.07. Petition and council action.**

- (a) If the city secretary certifies to the council that an initiative petition is sufficient, the council must:
    - (1) Approve the initiated ordinance without amendment within 60 days of receiving the city secretary's certification;
    - (2) Submit the initiated ordinance to the voters at the earliest election date allowed by law; or
    - (3) Submit the initiated ordinance to the voters at the earliest election date allowed by law along with an alternative ordinance proposed by the city council.
- (Ord. No. 1820, § 6(Exh. A, § 5), 5-24-11)

### **Sec. 3.08. Effect of election.**

- (a) If a majority of the votes are cast in favor of an ordinance, the ordinance becomes effective upon the effective date of the ordinance declaring the results of the election.
  - (b) The council may not repeal or amend an initiated ordinance within one year following the effective date of the initiated ordinance.
  - (c) If an initiated ordinance is defeated at the election, a petition for a new initiated ordinance on the same general subject matter may not be filed with the city secretary within two years following the date of the election.
- (Ord. No. 1820, § 6(Exh. A, § 5), 5-24-11)

## ***DIVISION 3. REFERENDUM***

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### **Sec. 3.09. Petition and council action.**

- (a) A referendum petition must be submitted to the city secretary within 180 days following the date the council approves an ordinance for which a referendum is sought.
- (b) If the council fails to repeal the ordinance within 60 days of the date the city secretary notifies the council that the petition is sufficient, the council must call an election for the earliest date allowed by law.

(Ord. No. 1820, § 6(Exh. A, § 5), 5-24-11)

### **Sec. 3.10. Effect of election.**

- (a) If a majority of the votes are cast in favor of repealing an ordinance, the ordinance is deemed repealed on the date the council approves the ordinance declaring the result of the election.
- (b) The council may not re-enact the same or substantially similar ordinance within one year of the date the referendum ordinance is repealed.

(Ord. No. 1820, § 6(Exh. A, § 5), 5-24-11; Ord. No. 2219 , § 1(Exh. A, § 15), 12-15-2020)

## ***DIVISION 4. RECALL***

### **Sec. 3.11. Resignation or election.**

If a recall petition is certified by the city secretary to be sufficient and the member of council whose removal is sought does not resign within five calendar days after the city secretary's certification to the council, the council must order a recall election for the earliest date allowed by law.

(Ord. No. 1820, § 6(Exh. A, § 5), 5-24-11; Ord. No. 2219 , § 1(Exh. A, § 16), 12-15-2020)

### **Sec. 3.12. Results of recall election.**

If the majority of the votes cast at the recall election are in favor of the removal of a member of council, the member of council recalled is deemed to have vacated his or her office at the time and date the council votes to approve the ordinance declaring the results of the election. A member of council removed by recall may not be appointed for the unexpired term of the office vacated.

(Ord. No. 1820, § 6(Exh. A, § 5), 5-24-11; Ord. No. 2219 , § 1(Exh. A, § 16), 12-15-2020)

### **Sec. 3.13. Limitations on recall.**

- (a) A recall petition may not be filed against a member of council within six months of the date he or she takes office.
- (b) A member of council is not subject to more than one recall election during any one term of that office.

(Ord. No. 1820, § 6(Exh. A, § 5), 5-24-11; Ord. No. 2219 , § 1(Exh. A, § 16), 12-15-2020)

## **ARTICLE IV. ADMINISTRATION OFFICES AND DEPARTMENTS**

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#### **Sec. 4.01. City Manager.**

- (a) The city council shall appoint and retain a city manager to serve as the chief administrative officer of the City. The council shall set the compensation to be paid to the city manager. The city manager serves at the pleasure of the city council and shall be subject to dismissal by the city council, with or without cause.
- (b) The city manager shall exercise the administrative powers granted herein or by ordinance. In particular, the city manager has the following powers and duties:
  - (1) To establish, organize, and abolish City departments or administrative units not otherwise provided for by the Charter and to assign the duties thereof;
  - (2) To adopt, modify, and administer personnel policies for City employees;
  - (3) To hire, promote, transfer, demote, terminate, discipline, and take other administrative actions involving the employment of City employees;
  - (4) To establish and adjust salaries and compensation for all employees not appointed by the city council in accordance with a compensation plan approved by the city council;
  - (5) To annually prepare and recommend to the city council a budget and to administer the adopted budget;
  - (6) To make regular reports to the city council on City operations;
  - (7) To prepare and accept items for the agenda of the meetings of the city council in accordance with rules adopted by the city council; and
  - (8) To attend and take part in discussions of all open meetings of the city council.

(Ord. No. 1178, § 1, 6-15-99)

#### **Sec. 4.02. City Secretary.**

The city manager shall, with the city council's consent, appoint a city secretary who shall serve at the pleasure of the city manager and may, with the city council's consent, be dismissed by the city manager, with or without cause.

(Ord. No. 1178, § 1, 6-15-99; Ord. No. 1810, § 3(Exh. A), 2-15-11; Ord. No. 1820, § 6(Exh. A, § 3), 5-24-11)

#### **Sec. 4.03. City Attorney.**

The city manager shall, with the city council's consent, appoint a city attorney who shall serve at the pleasure of the city manager and may, with the city's council's consent, be dismissed by the city manager, with or without cause. The city attorney shall provide legal services to the city. Although the city attorney shall report to the city manager, the city attorney shall exercise his or her independent professional judgment on legal matters as required by the rules of the legal profession.

(Ord. No. 1178, § 1, 6-15-99; Ord. No. 1810, § 3(Exh. A), 2-15-2011; Ord. No. 1820, § 6(Exh. A), 5-24-2011)

#### **Sec. 4.04. Police Department.**

There shall be established and maintained a police department to preserve order within the city and to secure the residents of the city from violence and the property therein from injury or loss. The city manager shall

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appoint a police chief to administer the department, who shall serve at the pleasure of the city manager and be subject to dismissal by the city manager, with or without cause.

(Ord. No. 1178, § 1, 6-15-99)

#### **Sec. 4.05. Fire Department.**

There shall be maintained a fire department to provide protection against fires and other disasters. The city manager shall appoint a fire chief to administer the department, who shall serve at the pleasure of the city manager and be subject to dismissal by the city manager, with or without cause.

(Ord. No. 1178, § 1, 6-15-99)

#### **Sec. 4.06. Municipal Court.**

- (a) There shall be a court known as the Municipal Court of Record of Sugar Land, with such jurisdiction, powers, and duties as are given and prescribed by State law.
- (b) The city council shall appoint a municipal court judge and one or more associate judges to serve when the presiding judge is unavailable or unable to serve. The presiding and associate judges shall serve ~~four (4) two (2)~~ year terms but may be dismissed by the city council at any time, with or without cause. The judge and associate judges shall be licensed to practice law in this State. The ~~municipal court judge must reside within the city's corporate limits or it's extraterritorial jurisdiction. No residency requirements shall be required of the associate judges.~~
- (c) The city manager shall appoint a municipal clerk who shall serve at the pleasure of the city manager and be subject to dismissal by the city manager, with or without cause. The clerk shall have the power to administer oaths and affidavits, make certificates, fix the seal of the court thereto, and otherwise perform all acts necessary in issuing process of such court and conducting the business thereof.

(Ord. No. 1178, § 1, 6-15-99; Ord. No. 2219 , § 1(Exh. A, § 17), 12-15-2020)

### **ARTICLE V. MUNICIPAL PLANNING AND ZONING**

#### **Sec. 5.01. Planning and Zoning Commission.**

A planning and zoning commission is established. Members serve two year terms, which shall be staggered. The council shall by ordinance provide for the number of members, which shall not be fewer than seven, the manner of their appointment, and any other matters relating to the commission as the council deems necessary. The commission shall perform the following duties and responsibilities:

- (a) Approve or disapprove subdivision plats as provided by State law and City ordinance;
- (b) Recommend to the council approval or disapproval of proposed changes in the zoning regulations and zoning map as provided by State law and City ordinance;
- (c) Make recommendations to the council on the City's master plans;
- (d) Make recommendations to the city manager and the city council on the City's five-year capital improvements plan; and.
- (e) Perform any other duties as directed by the council or by ordinance.

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(Ord. No. 1178, § 1, 6-15-99; Ord. No. 2219 , § 1(Exh. A, § 18), 12-15-2020)

### **Sec. 5.02. Zoning Board of Adjustment.**

A zoning board of adjustment is established. The council shall by ordinance provide for the number of members, their terms, the manner of appointment, and any other matters relating to the board as the council deems necessary. The board has the powers and duties as provided by State law and City ordinance.

(Ord. No. 1178, § 1, 6-15-99)

## **ARTICLE VI. MUNICIPAL FINANCE**

### **Sec. 6.01. Fiscal Year.**

The fiscal year shall begin on October 1 each year and end on the following September 30. The city council may by ordinance change the fiscal year, but the change shall not be effective until six (6) months after adoption of the ordinance.

(Ord. No. 1178, § 1, 6-15-99)

### **Sec. 6.02. Fiscal Plan.**

Each year the city council shall adopt a fiscal plan providing for a complete program of action for the fiscal year. The plan shall contain:

- (1) The goals established by the city council; and
- (2) The city manager's program to meet the goals of the city council.

(Ord. No. 1178, § 1, 6-15-99)

### **Sec. 6.03. Budget.**

- (a) The city manager shall prepare an annual budget for the ensuing fiscal year. The city manager shall submit to the council, for its review, consideration and revision, both a letter describing the proposed new budget, as well as a balanced budget for the forthcoming fiscal year, not later than sixty (60) days prior to the end of the current fiscal year. The budget, as adopted, must set forth the funding for services, programs and activities of the various city departments, and shall meet all fund requirements provided by law and required by bond covenants. It shall also include a multi-year capital improvement program and a current year capital budget.
- (b) The budget shall be adopted by ordinance by one reading not later than the twenty-fifth (25th) day of the last month of the fiscal year. No budget shall be adopted or appropriations made unless the total of estimated revenues, income and funds available shall be equal to or in excess of such budget or appropriations, except as otherwise provided in this article.

(Ord. No. 1178, § 1, 6-15-99)

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**Sec. 6.04. Monthly Financial Statement.**

Prior to the end of each month, the city manager shall provide the city council with an interim financial statement for the prior month.

(Ord. No. 1178, § 1, 6-15-99)

**Sec. 6.05. City Tax Assessor and Collector.**

The city manager shall, if required by law, designate a person to serve as city tax assessor and collector to perform the duties thereof.

(Ord. No. 1178, § 1, 6-15-99)