FULSHEAR CHARTER COMMISSION

December 16, 2015

Mr. Mayor and Council Members,

We have the honor to submit to the Council of the citizens of the City of Fulshear, Texas the Charter for submission to the voters of the City.

This Charter provides for the power of operating the business of the City, that of levying money and regulating commerce, and the correspondent executive and judicial authorities that are fully and effectually vested in the general government of the State of Texas.

In all our deliberations on this subject we kept steadily in our view, that which appears to us the greatest interest of every citizen, regardless of race, ethnic background or place of residence.

With great respect, we have the honor to humbly present the Charter for the City of Fulshear found herewith.

Chairman

Vice Chairman

CHARTER COMMISSION OF THE CITY OF FULSHEAR, TEXAS

PROPOSED HOME RULE CHARTER

Fulshear Texas
Fort Bend County's Premier Address

As of December 15, 2015

TABLE OF CONTENTS

PREAMBLE 1

ARTICLE I. FORM OF GOVERNMENT AND BOUNDARIES 1

ARTICLE II. POWERS OF THE CITY 1

ARTICLE III. THE CITY COUNCIL AND MAYOR 3

ARTICLE IV. CITY ADMINISTRATION 7

ARTICLE V. FINANCIAL ADMINISTRATION 10

ARTICLE VI. ELECTIONS 11

ARTICLE VII. INITIATIVE, REFERENDUM, AND RECALL 12

ARTICLE VIII. GENERAL PROVISIONS 16

ARTICLE IX. TRANSITIONAL PROVISIONS 20

PREAMBLE

We the people of the City of Fulshear, Texas, under the constitution and laws of the State of Texas, in order to secure the benefits of local self-government and to provide for an honest and accountable council-manager government do hereby adopt this Charter and confer upon the City the following powers, subject to the following restrictions, and prescribed by the following procedures and governmental structure. By this action, we secure the benefits of home rule and affirm the values of representative democracy, professional management, strong political leadership, citizen participation, diversity and inclusiveness, and regional cooperation.

ARTICLE I FORM OF GOVERNMENT AND BOUNDARIES

Section 1.01 FORM OF GOVERNMENT.

(a) The City shall have a "Council-Manager" form of government.

(b) All powers of the City shall be vested in the Council, hereinafter referred to as the "City Council," which shall enact local legislation, adopt budgets, determine policies, and appoint the City Manager. The City Manager shall answer to the City Council for the execution of the laws and the administration of the government of the City.

Section 1.02 BOUNDARIES.

The boundaries of the City shall be the same as existed prior to the adoption and ratification of this Charter and as are more fully set out and described by the official city map of the City.

ARTICLE II POWERS OF THE CITY

Section 2.01 GENERAL POWERS.

The City shall have the power of local self-government to the fullest extent permitted by law, and shall have all powers possible for a city to have under the constitution and laws of the State of Texas as fully and completely as though they were specifically enumerated in this Charter, with all of the implied powers necessary to carry into execution those powers and those express and implied powers necessary for the government, interests, health, welfare, and good order of the City and its inhabitants.

Section 2.02 INTERGOVERNMENTAL RELATIONS.

The City may exercise any of its powers or perform any of its functions, and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the Government of Texas or any agency thereof, with the Federal Government or any agency thereof, or with the government of any county, city or political subdivision to accomplish any lawful municipal purpose.

Section 2.03 AUTHORITY TO ANNEX AND DISANNEX.

(a) The City shall have the power to fix the boundaries of the City, to extend the boundaries of the City and annex area adjacent to the City, and to exchange area with other cities.

(b) Any area of the City may be dis-annexed pursuant to any procedure allowed under state law whenever, in the opinion of the City Council, there exists within the corporate limits of the City a territory not suitable or necessary for City purposes. The City Council may discontinue said territory as part of the City by ordinance after conducting a public hearing on the matter.

Section 2.04 AUTHORITY TO GRANT FRANCHISES.

(a) The right of control and use of the public streets, highways, sidewalks, alleys, parks, public squares, and public places of the City is hereby declared to be inalienable by the City, except as may be provided by this Charter or other law, and no act or omission by the City Council or any officer or agent of the City shall be construed to grant, renew, extend, or amend by estoppel or indirection any right, franchise, or easement affecting said public streets, highways, sidewalks, alleys, parks, public squares, public places and other real property.

(b) To the full extent allowed by law, the City may require that any person, utility, or company making use of City streets, highways, sidewalks, alleys, parks, public squares, or other public places of the City to provide any service to the public first obtain the written consent of the City by license, permit, franchise, ordinance, or otherwise, which may be subject to certain terms and conditions at the discretion of the City Council.

(c) To the full extent allowed by law, the City may 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.

ARTICLE III THE CITY COUNCIL AND MAYOR

Section 3.01 QUALIFICATIONS.

The Mayor and each Council Member shall meet and maintain the following qualifications to be eligible for office:

(a) Be a United States citizen;

(b) Be twenty-one (21) years of age or older on the first day of the term to be filled;

(c) Have resided continuously in the corporate limits of the City for twelve (12) months on the first day of the term to be filled at the election;

(d) Not be delinquent in paying any local, state, or federal taxes;

(e) Not be indebted to the City; and

(f) Satisfy any other eligibility requirements prescribed by this Charter or other law for the office for which they are a candidate.

Section 3.02 JUDGE OF QUALIFICATIONS.

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

Section 3.03 NUMBER, SELECTION, AND TERM OF COUNCIL MEMBERS.

The membership of the City Council shall be composed of seven (7) Council Members, two (2) of which shall be elected at large by majority vote, and five (5) of which shall be elected by majority vote of a single-member district in which they must reside. Council Members shall serve a two (2) year term unless sooner removed under the provisions of this Charter or other law. A person may not serve more than three (3) consecutive terms as a Council Member, provided that partial terms shall be excluded from such limitation. For only the at-large Council Member positions, the City Council may, by ordinance, establish additional qualifications for candidates or establish no more than two districts within which a candidate must reside, or both.

Section 3.04 SELECTION AND TERM OF MAYOR.

The Mayor shall be elected at large by majority vote, and shall serve a two (2) year term unless sooner removed under the provisions of this Charter or other law. A person may not serve more than three (3) consecutive terms as Mayor, provided that partial terms shall be excluded from such limitation.

Section 3.05 COMPENSATION AND EXPENSES.

(a) Compensation for each Council Member shall be Three Hundred Dollars ($300) per month and the compensation for the Mayor shall be Eight Hundred Dollars ($800) per month. Any subsequent increases shall be determined and approved by a vote of the citizens at a regular election to amend this Charter. No increase in such compensation shall take effect until the beginning of the term of the Mayor or Council Member, as applicable, elected at the next general election.

(b) The Mayor and each Council Member shall be reimbursed for travel and out-of-pocket expenses incurred in the performance of their official duties.

Section 3.06 GENERAL POWERS AND DUTIES OF THE CITY COUNCIL.

All powers of the City shall be vested in the City Council, except as otherwise provided by law or by this Charter and the City Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law or by this Charter. By way of illustration but not limitation, the powers and duties of the City Council shall include the following:

(a) The City Council may make investigations into the affairs of the City and the conduct of any City department, office, or agency and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence; and

(b) The City Council shall determine the boundaries of all districts necessary for the election of each Council Member required by this Charter to be elected by district, and shall revise such boundaries from time to time as may be required by law.

Section 3.07 PROHIBITIONS.

(a) Neither the City Council nor any Council Member shall in any manner control or demand the appointment or removal of any administrative officer or employee of the City whom the City Manager or any subordinate of the City Manager is empowered to

appoint, but the City Council may express its views and fully and freely discuss with the City Manager anything pertaining to the appointment, removal, or both, of such officers and employees.

(b) Except for inquiries and investigations authorized by this Charter, the City Council and each Council Member shall deal with officers and employees of the City who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the City Council nor any Council Member shall give orders to any such officer or employee, either publicly or privately.

Section 3.08 POWERS AND DUTIES OF THE MAYOR.

Except as otherwise provided by this Charter or other law, the Mayor shall have the following powers and duties:

(a) The Mayor shall nominate, and by and with the approval of the City Council, shall appoint the members of all boards and commissions of the City, and may remove the same at any time; and

(b) The Mayor shall annually address the City Council as to the State of the City.

(c) The Mayor shall be the presiding officer of the City Council and shall be recognized as the head of the City government for all ceremonial purposes, for emergency management purposes and by the governor for purposes of military law.

(d) The Mayor shall, when authorized as necessary by the City Council, sign all official documents.

Section 3.09 CITY COUNCIL MEETINGS.

(a) The Mayor and the City Council shall meet on a regular monthly basis (regular meeting) at a time and place determined by resolution of the City Council.

(b) The Mayor may call a special meeting on the Mayor's own motion and shall call a special meeting on the application of three (3) Council Members or the City Manager.

(c) Unless otherwise provided by this Charter or other law, each vote, order, decision, or other action taken by the City Council shall require the affirmative vote of a majority of the full City Council, provided that any abstention not required by law shall be counted as a vote against the matter under consideration, and provided that the Mayor shall have

the right to cast the deciding vote in the case of a tie, but shall not otherwise have any right, power, or authority to vote against or veto any action taken by the City Council. For purposes of this subsection, a majority shall mean an integer greater than one-half of the full City Council, provided that any one or more Council Members required by law to abstain from voting on a particular matter shall be excluded for purposes of determining the majority.

(d) The City Council shall adopt rules of procedure governing all meetings of the City Council, which shall provide for comments from the public at all regular meetings, subject to such limitations as may be imposed by the City Council.

(e) The City Manager shall place an item on the agenda of the next regular meeting of the City Council if requested to do so at a time other than during a City Council meeting by either the Mayor or by a concurrence of two (2) Council Members, and shall place an item on the agenda of a subsequent meeting if a motion to do so is made and seconded during any City Council meeting.

(f) At the first regular meeting of the City Council after each general election, the City Council shall elect one Council Member to serve as Mayor Pro Tempore until the City's next general election. If the Mayor fails, is unable, or refuses to act, the Mayor Pro Tempore shall perform the Mayor's duties. If the Mayor and the Mayor Pro Tempore are both absent, any Council Member may be appointed to preside at the meeting.

Section 3.10 VACANCIES.

(a) If for any reason a single vacancy exists among the Mayor and the members of the City Council, then a majority of the remaining Council Members may fill the vacancy by appointment.

(b) If two or more vacancies among the Mayor and the members of the City Council exist at the same time, then a special election shall be ordered to fill the vacancies.

(c) A person elected or appointed to fill a vacancy serves until the next regular election at which the affected office is to be elected (partial term).

(d) If the Mayor or a Council Member is absent for three (3) consecutive regular meetings, then the Mayor's or Council Member's office, as applicable, is considered vacant unless:

(1) They are sick and the absence is excused afterward; or

(2) They have first obtained a leave of absence at a regular meeting.

ARTICLE IV CITY ADMINISTRATION

Section 4.01 CITY MANAGER QUALIFICATIONS, APPOINTMENT, AND COMPENSATION.

(a) The City Council shall appoint, by at least a two-thirds (2/3) supermajority of the full City Council, a City Manager who shall be chosen solely on the basis of executive and administrative training, experience, and ability. The City Manager may not be required to reside within the City.

(b) The City Manager shall have an employment contract with the City of Fulshear, which shall be approved by at least a two-thirds (2/3) supermajority of the full City Council, shall be for an indefinite term, shall fix the compensation of the City Manager, and shall provide for review of the City Manager at least once but not more than twice per year.

(c) The City Manager may be removed only by at least a two-thirds (2/3) supermajority of the full City Council and no hearing shall be required prior to the removal of the City Manager.

Section 4.02 CITY MANAGER POWERS AND DUTIES.

(a) The City Manager shall be the chief executive officer of the City, responsible to the City Council for the management of all City affairs placed in the City Manager's charge by or under this Charter.

(b) The City Manager shall:

(1) Appoint and suspend or remove all City employees and appointive administrative officers provided for, by, or under this Charter, except as otherwise provided by this Charter or other law. The City Manager may authorize any administrative officer subject to the City Manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency;

(2) Direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by this Charter or other law;

(3) Attend all meetings of the City Council. The City Manager shall have the right to take part in discussion but shall not vote;

(4) See that all laws, provisions of this Charter, and acts of the City Council, subject to enforcement by the City Manager or by officers subject to the City Manager's direction and supervision, are faithfully executed;

(5) Prepare an annual budget designed to accomplish the goals and objectives established by the City Council, submit it to the City Council for approval and be responsible for its faithful administration after adoption;

(6) Submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year;

(7) Make such other reports as the City Council may require concerning operations;

(8) Keep the City Council fully advised as to the financial condition and future needs of the City;

(9) Make recommendations to the City Council concerning the affairs of the City and facilitate the work of the City Council in developing policy;

(10) Provide staff support services for the Mayor and Council Members;

(11) Assist the City Council to develop long term goals for the City and strategies to implement these goals;

(12) Encourage and provide staff support for regional and intergovernmental cooperation;

(13) Promote partnerships among City Council, staff, and citizens in developing public policy and building a sense of community;

(14) Perform such other duties as are specified in this Charter or may be required by the City; and

(15) Prepare the agenda of each meeting of the City Council in accordance with this Charter and the rules of procedure adopted by the City Council.

Section 4.03 ACTING CITY MANAGER.

(a) The City Manager shall designate a qualified employee or officer of the City to be the Acting City Manager, who shall act as the City Manager in the absence of the City Manager.

(b) Neither the Mayor nor any Council Member may be designated as the Acting City Manager.

(c) If the City Manager's absence exceeds sixty (60) days, then the City Council may remove the Acting City Manager designated by the City Manager and designate a new Acting City Manager, who shall act as City Manager until the City Council, at any time thereafter, either designates a new Acting City Manager or appoints a new City Manager.

Section 4.04 CITY ATTORNEY.

(a) The City Council shall appoint, by at least a two-thirds (2/3) supermajority of the full City Council, a licensed attorney of the State of Texas to be the City Attorney, who shall be subject to the direction and supervision of the City Council.

(b) The City Attorney may be removed only by at least a two-thirds (2/3) supermajority of the full City Council.

Section 4.05 MUNICIPAL JUDGE.

The City Council shall appoint Municipal Judge(s).

Section 4.06 CHIEF OF POLICE.

The City Manager shall appoint and remove the Chief of Police with the approval of the City Council, who shall be subject to the direction and supervision of the City Manager.

Section 4.07 CITY SECRETARY.

The City Manager shall appoint and remove the City Secretary with the approval of the City Council, who shall be subject to the direction and supervision of the City Manager.

Section 4.08 CHIEF FINANCIAL OFFICER.

The City Manager shall appoint and remove the Chief Financial Officer of the City with the approval of the City Council, who shall be subject to the direction and supervision of the City Manager.

Section 4.09 BOARDS AND COMMISSIONS; QUALIFICATION.

Except as otherwise provided by this Charter or other law, each candidate for appointment as a member of a board or commission shall have resided within the corporate limits of the City, or within territory annexed prior to the appointment, for at least six (6) months preceding the appointment.

Section 4.10 PLANNING AND ZONING COMMISSIONS.

The City Council shall create a Planning Commission and a Zoning Commission, and may combine or, after being combined, separate the same at its discretion.

ARTICLE V FINANCIAL ADMINISTRATION

Section 5.01 FISCAL YEAR.

The Fiscal Year of the City shall be from October 1 through September 30.

Section 5.02 ANNUAL BUDGET.

The City Manager shall submit the annual budget to the City Council no later than thirty (30) days before the beginning of the Fiscal Year.

Section 5.03 CAPITAL PROGRAM.

(a) The City Manager shall prepare and submit to the City Council a five (5) year Capital Program at least three (3) months prior to the final date for submission of the budget. The Capital Program shall include:

(1) A clear general summary of its contents;

(2) A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity of such improvements; and

(3) Cost estimates, method of financing, and recommended time schedules for each such improvement.

(b) The City Council shall give notice of a public hearing on the proposed Capital Program and shall hold said hearing in the same manner as for the annual budget. The hearing for the proposed Capital Program and the notice of same may be in conjunction with the annual budget. The City Council shall, by resolution, adopt the Capital Program with or without amendment after the public hearing and on or before the last day of the current fiscal year.

Section 5.04 ANNUAL 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 and corporations established by the City. The certified public accountants, appointed by the City Council, shall have no personal interest, directly or indirectly, in the financial affairs of the City or any of its officers. The scope of the audit shall require a limited review of City-owned property and the results shall be reported with each annual audited financial report. Upon completion of the annual audit, the combined balance sheet thereof shall be published in the official newspaper of the City within thirty (30) days of the City Council acceptance of such audit. Copies of all audits shall be placed on file with the City Secretary.

Section 5.05 PURCHASING AND CONTRACTS.

All sales of City property, purchases made, and contracts executed by the City shall be made in accordance with the requirements of the constitution and laws of the State of Texas.

Section 5.06 EXEMPTION FROM GARNISHMENT.

The City's municipal funds shall not be subject to garnishment, and the City shall not be required to answer in garnishment proceedings.

ARTICLE VI ELECTIONS

Section 6.01 GENERAL ELECTION DATE.

All general elections of the City shall be held on the May uniform election date.

Section 6.02 TERMS TO BE STAGGERED.

Terms of the City Council and Mayor shall be staggered as follows:

(a) One (1) Council Member elected at large, two (2) Council Members elected from single-member districts, and the Mayor shall be elected in even-numbered years; and

(b) One (1) Council Member elected at large and three (3) Council Members elected from single-member districts shall be elected in odd-numbered years.

ARTICLE VII INITIATIVE, REFERENDUM, AND RECALL

Section 7.01 GENERAL AUTHORITY.

(a) The registered voters of the City shall have the power to enact ordinances through the initiative process set forth in this Charter. Such power shall not extend to the enactment of ordinances relating to the adoption or amendment of the City budget or any capital expenditure; the appropriation of money; the levying of taxes; the adoption or amendment of a comprehensive plan; the adoption, amendment, or repeal of zoning districts or regulations; the annexation or dis-annexation of land; the setting of rates, fees, charges, or assessments; the setting of salary or compensation of officers or employees; or the granting of franchises.

(b) The registered voters of the City shall have the power to repeal ordinances through the referendum process set forth in this Charter. Such power shall not extend to the enactment of ordinances relating to the adoption or amendment of the City budget or any capital expenditure; the appropriation of money; the levying of taxes; the adoption or amendment of a comprehensive plan; the adoption, amendment, or repeal of zoning districts or regulations; the annexation or dis-annexation of land; the setting of rates, fees, charges, or assessments; the setting of salary or compensation of officers or employees; or the granting of franchises.

(c) The registered voters of the City shall have the power to remove the Mayor or any Council Member from office through the recall process set forth in this Charter. Such power shall not be exercised within six (6) months of the election of the person sought to be removed and no person shall be subject to more than one (1) recall election per term.

Section 7.02 PETITIONS FOR INITIATIVE, REFERENDUM, AND RECALL, GENERALLY.

(a) Any registered voter of the City may commence initiative, referendum, or recall proceedings by filing with the City Secretary a petition as required by this Article, provided that, in the case of a petition for recall, the registered voter must file with the City Secretary a notice of intent to circulate a petition before circulating the petition. The notice of intent to circulate a petition required by this subsection must be filed at least six (6) months after the election of the person sought to be removed, and must be filed prior to the date of signing of each signature contained in the petition.

(b) At least one signer of the petition must swear or affirm before a notary public or other person authorized to administer oaths that each signature on the petition was made by the person whose signature it purports to be, and that oath must be memorialized on the petition.

(c) A petition is valid if:

(1) The petition complies with the applicable requirements of this Article and Chapter 277, Texas Election Code; and

(2) The petition is filed after the notice of intent to circulate a petition is properly filed under subsection (a), if applicable.

(d) Not later than the 10th business day after the date a petition is filed, the City Secretary shall review the petition and determine whether the petition is valid. If the City Secretary determines the petition is valid, the City Secretary shall attach a certificate to the petition stating that the petition is valid and submit the petition and certificate to the City Council as soon as practicable. If the City Secretary determines that the petition is not valid:

(1) The City Secretary shall attach a certificate to the petition stating the facts supporting the determination that the petition is not valid;

(2) The City Secretary shall notify the person who filed the petition of the City Secretary's determination;

(3) The City Secretary shall return the petition to the person who filed it; and

(4) The petition may be amended or supplemented and resubmitted not later than the 10th business day after the date of the certification under Subdivision (1). The City Secretary shall determine the validity of a petition resubmitted under this subdivision in the same manner as the original submission except that, if the City Secretary determines the petition is not valid, then the petition may not be further amended or supplemented.

Section 7.03 PETITIONS FOR INITIATIVE, SPECIFICALLY.

(a) A petition for initiative must contain the signatures of at least ten percent (10%) of the registered voters of the City at the City's last general election, and must set forth in full the text of the ordinance sought to be enacted.

(b) Upon a valid petition and certificate being submitted to the City Council by the City Secretary, the City Council shall hold a public hearing on the matter as soon as practicable, at which any resident of the City may be heard. At the conclusion of the public hearing, the City Council shall either:

(1) Adopt the ordinance set forth in the petition without any change in substance; or

(2) Order an initiative election to be held on the first uniform election date that occurs seventy-eight (78) days after the date of the order.

Section 7.04 PETITIONS FOR REFERENDUM, SPECIFICALLY.

(a) A petition for referendum must contain the signatures of at least ten percent (10%) of the registered voters of the City at the City's last general election, and must cite and attach the ordinance sought to be repealed and any and all amendments thereto.

(b) Upon a valid petition and certificate being submitted to the City Council by the City Secretary, the City Council shall hold a public hearing on the matter as soon as practicable, at which any resident of the City may be heard. At the conclusion of the public hearing, the City Council shall either:

(1) Repeal the ordinance cited and attached to the petition and any and all amendments thereto; or

(2) Order a referendum election to be held on the first uniform election date that occurs seventy-eight (78) days after the date of the order.

Section 7.05 PETITIONS FOR RECALL, SPECIFICALLY.

(a) A petition for recall must contain the signatures of at least twenty percent (20%) of the registered voters of the City at the City's last general election, must state the full name and title of the person whose removal is sought, and must state the reasons for seeking removal.

(b) Upon a valid petition and certificate being submitted to the City Council by the City Secretary, the City Council shall hold a public hearing on the matter as soon as practicable, at which only the person whose removal is sought may be heard. Unless the person whose removal is sought resigns prior to the conclusion of the public hearing, at the conclusion of the public hearing, the City Council shall order a recall election to be held on the first uniform election date that occurs seventy-eight (78) days after the date of the order.

Section 7.06 INITIATIVE, REFERENDUM, AND RECALL ELECTIONS.

(a) The ballot for an initiative election shall be printed to permit voting for or against the ordinance sought to be enacted, and shall set forth the nature of the ordinance sufficiently to identify it. If less than a majority of the votes received at the initiative election are in favor of the ordinance, the ordinance is void. If a majority of the votes received are in favor of the ordinance, the ordinance shall be deemed enacted and become effective upon the passing of the resolution canvassing the election, and the City Council may only amend the ordinance pursuant to subsequent initiative proceedings, and may only repeal the ordinance pursuant to subsequent referendum proceedings.

(b) The ballot for a referendum election shall be printed to permit voting for or against the ordinance sought to be repealed, and shall set forth the nature of the ordinance sufficiently to identify it. If a majority of the votes received at the referendum election are in favor of the ordinance, the ordinance remains in effect. If less than a majority of the votes are in favor of the ordinance, the ordinance shall be deemed repealed and become void upon the passing of the resolution canvassing the election, and the City Council may only reenact the ordinance pursuant to subsequent initiative proceedings.

(c) The ballot for a recall election shall be printed to permit voting for or against the removal of the person sought to be removed, and shall state the full name and title of the person. If less than a majority of the votes received at the recall election are in favor of removal of the person named on the ballot, the person remains in office. If a majority of the votes received are in favor of the removal of the person, the person's office shall be deemed vacant upon the passing of the resolution canvassing the election, and the

vacancy shall be filled in the manner prescribed by this Charter for filling such vacancy. A person removed by recall may not be appointed to fill the vacancy and may not be a candidate in any election called to fill the vacancy.

Section 7.07 RELIEF BY WRIT OF MANDAMUS.

If any officer or employee of the City fails or refuses to perform any duty required under this Article, any citizen may file with the appropriate court for a writ of mandamus to force the officer or employee to perform such duty.

ARTICLE VIII GENERAL PROVISIONS

Section 8.01 CONSTRUCTION.

This Charter shall not be construed as a mere grant of enumerated powers, but shall be construed as a general grant of power and as a limitation of power on the government of the City in the same manner as the Constitution of Texas is construed as a limitation on the powers of the Legislature. Except where expressly prohibited by this Charter, each and every power under Article XI, Section 5 of the Constitution of Texas, which it would be competent for the people of the City to expressly grant to the City, shall be construed to be granted to the City by this Charter.

Section 8.02 GENERAL PROHIBITIONS.

(a) No employee or official of the City, whether elected or appointed, shall orally, by letter or otherwise solicit or assist in soliciting any assessment, subscription, or contribution for any political party or political purpose whatever from any subordinate official or employee holding any compensated position with the City.

(b) No person who holds any compensated position with the City shall solicit or receive any contribution to the campaign funds of any candidate for municipal office or take any part in the management, affairs, or political campaign of any municipal candidate.

(c) No person who seeks appointment or promotion with respect to any position or office of the City shall directly or indirectly give, render, or pay any money, service, or other thing of value to any person for or in connection with his or her test, appointment, proposed appointment, promotion, or proposed promotion.

(d) Any employee who is found to have violated any provision of this section shall be terminated or suspended, at the discretion of the City Manager, and any elected or appointed official who is found to have violated any provision of this section shall forfeit their office and be ineligible for election or appointment to any office of the City for five (5) years.

(e) Any elected or appointed official who is convicted of an offense under Section 36.02 of the Texas Penal Code shall be permanently ineligible for election or appointment to any office of the City.

Section 8.03 EXEMPTION FROM BOND, UNDERTAKING, OR SECURITY.

It shall not be necessary in any action, suit, appeal, or proceeding in which the City is a party for any bond, undertaking, or security to be executed by or on behalf of the City, but all such actions, suits, appeals, or proceedings shall be conducted in the same manner as if bonds, undertaking, or security had been given.

Section 8.04 LIABILITY COVERAGE FOR CITY OFFICIALS.

The City shall provide liability coverage to all officials and officers in an amount to be determined by the City Council to provide protection for any claim, judgment, or litigation arising out of the official's or officer's actual or alleged error or misstatement of fact or omission or neglect or breach of duty, including misfeasance, malfeasance, or nonfeasance, by the official or officer in the discharge of their duties with the City, individually or collectively, or any matter claimed against them solely by reason of their being or having been City officials or officers.

Section 8.05 SEVERABILITY.

If any section or part of a section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of a section so held invalid may appear.

Section 8.06 NON-SUBSTANTIVE REVISIONS.

(a) The City Council may, without approval of the voters, adopt an ordinance that makes the following types of revisions to this 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.

Section 8.07 CHARTER REVIEW COMMISSION.

(a) Five (5) years after the adoption of this Charter and every five (5) years thereafter, the City Council shall appoint a Charter Review Commission composed of thirteen (13), fifteen (15), or seventeen (17) members from a pool of qualified applicants. Appointment shall be made at the first regular meeting following the anniversary date of the Charter's adoption. The Charter Review Commission shall serve for six (6) months, or a longer term if extended by the City Council, and shall meet at least once each month during its term.

(b) The Charter Review Commission must establish its own rules of procedure, which must require that a quorum consists of a majority of its members and that an affirmative vote of a majority of all members present is necessary to act.

(c) The Charter Review Commission shall:

(1) Inquire into the operations of City government and review the Charter to determine whether it requires revision. Public hearings may be held and the commission shall have the power to compel the attendance of City officers or employees and to require the submission of City records necessary to its inquiry and review;

(2) Propose any recommendations it deems desirable to ensure compliance with Charter provisions by City departments;

(3) Propose any Charter amendments it deems desirable to improve the effective application of the Charter to current conditions; and

(4) Make a written report of its findings and recommendations to the City Council.

(d) The City Council shall receive and have published in the City's official newspaper the Charter Review Commission's final report. It shall consider any recommendations and, if any amendments are presented, shall order the amendment or amendments submitted to the voters of the City.

Section 8.08 COMPREHENSIVE PLAN.

(a) The City Council shall adopt and implement a comprehensive plan to guide, regulate, and manage the future development within the corporate limits and the extraterritorial jurisdiction of the City, and to assure the most appropriate and beneficial use of land, water, and other natural resources, consistent with the public interest.

(b) The comprehensive plan shall be reviewed and adopted no less than every five (5) years.

Section 8.09 DISASTER CLAUSE.

In case of disaster when a legal quorum of the City Council cannot otherwise be assembled due to multiple deaths or injuries, the surviving persons of the City Council, or highest surviving City official, if no elected official remains, shall, within twenty-four (24) hours of such disaster, request the highest surviving officers of the Fort Bend County Commissioners Court to appoint a number of residents of the City equal to the number necessary to make a quorum to act during the emergency as the City Council. The newly appointed City Council shall call a City election within fifteen (15) days of their appointment, or as provided in the Texas Election Code, for election of the vacant offices, if for good reasons it is known a quorum of the present City Council will never again meet. If it is determined that a quorum of the present City Council will meet again, the appointed Council Members shall serve in their position until such time as the present Council Members may begin serving.

Section 8.10 NOTICE OF CLAIM.

The City shall not be held liable on account of any claim for the death of any person or injuries to any person or damage to any property unless the person making such complaint or claiming such damages shall, within 120 days after the time at which it is claimed such damages were inflicted upon such person or property, file with the City Manager a written statement, under oath, stating the nature and character of such damages or injuries, the extent of the same, the place where same happened, the circumstances under which same happened and the condition causing same, with a detailed statement of each item of damages and the amount thereof, giving a list of any witnesses known by affiant to have seen the accident.

Section 8.11 POWER TO SETTLE CLAIMS.

The City Council shall have the power to compromise and settle any and all claims and lawsuits of every kind and character, in favor of, or against, the City, including suits by the City to recover delinquent taxes, after consulting with the City Attorney.

Section 8.12 SERVICE OF PROCESS AGAINST THE CITY.

All legal process against the City shall be served upon the City Manager.

ARTICLE IX TRANSITIONAL PROVISIONS

Section 9.01 EXISTING ORDINANCES AND RESOLUTIONS.

At the time of initial adoption of this Charter, all existing ordinances, resolutions, regulations, and other prior actions of the City Council, not in conflict with this Charter, shall remain in effect without being subject to the provisions of this Charter for referendum.

Section 9.02 OFFICERS AND EMPLOYEES.

(a) Upon adoption of this Charter, the present persons filling elective offices on the City Council will continue to fill those offices for the terms for which they were elected. Term limits, as referenced herein, shall not be imposed for terms preceding adoption of this Charter or for terms less than one year.

(b) Nothing in this Charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of persons who are City officers or employees at the time of its adoption. Upon adoption of this Charter, the person presently serving as the City Administrator shall be deemed to be the City Manager, subject to the provisions of this Charter.

(c) Except as specifically provided by this Charter, if at the time this Charter takes full effect, a City administrative officer or employee holds any office or position which is or can be abolished by or under this Charter, he shall continue in such position or office until the taking effect of some specific provision under this Charter directing that he vacate the office or position.

Section 9.03 PENDING MATTERS.

All rights, claims, actions, orders, franchises, contracts and legal administrative proceedings shall continue except as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on or dealt with by the City department, office, or agency appropriate under this Charter.

Section 9.04 MANNER OF SUBMISSION TO ELECTORS.

In preparing this Charter, the Charter Commission finds and decides that it is impractical to segregate each subject so as to permit a vote of "yes" or "no" on the same, for the reason that the Charter is so constructed that in order to enable it to work and function, it is necessary that it should be adopted in its entirety.

Section 9.05 TRANSITION ELECTIONS.

In order to provide for a smooth transition from a five-member council to a seven-member council as provided in Article III of this Charter, the following election schedule shall be followed until such time as all Council Members are elected in accordance with Section 6.02 of this Charter:

(a) On the May uniform election date in the year 2017, one (1) Council Member shall be elected at large, and one (1) Council Member shall be elected from each of two (2) single-member districts to be determined by the City Council in the ordinance ordering the election.

(b) On the May uniform election date in the year 2018, the Mayor and one (1) Council Member shall be elected at large, and one (1) Council Member shall be elected from each of the three (3) single-member districts that did not elect a Council Member under subsection (a). One (1) Council Member elected from a single-member district in the year 2018, shall serve a one-year term. The Council Member who serves such one-year term is determined by drawing lots at the first regular City Council meeting held after the election.

(c) On the May uniform election date in the year 2019, each office described by subsection (a) and the office of the Council Member serving a one-year term under subsection (b) shall be elected.

(d) On the May uniform election date in the year 2020, all offices other than those described by subsection (c) shall be elected, which shall be in accordance with Section 6.02(a).

(e) On the May uniform election date in the year 2021, all offices described by subsection (c) shall be elected, which shall be in accordance with Section 6.02(b).