

## **ARTICLE 3. THE CITY COUNCIL**

### **Section 3.01. Number, selection and term.**

The city council shall have five members consisting of the mayor and commissioners numbers one, two, three and four elected by the city at large in the manner prescribed in article 4 hereof, for a term of two years and until their respective successors have been elected and qualified.

### **Section 3.02. Qualifications**

(a) Each member of the City Council, in addition to having the other qualifications prescribed by law, shall meet the following requirements:

1. Shall be a qualified voter of the City of Ballinger.
2. Shall have resided in the City of Ballinger for at least one year next preceding his election.
3. Shall not hold any other public office of emolument except may be a notary public.

(b) If a member of the City Council should cease to possess any of these qualifications or shall be convicted of a felony, he shall immediately forfeit his office.

### **Section 3.03. Compensation.**

The city council shall annually at its first meeting after the general election fix the compensation to be received by its members, not exceeding six hundred dollars per year for the mayor, and not exceeding three hundred dollars per year for each commissioner.

### **Section 3.04. Vacancies.**

A single vacancy in the city council shall be filled until the next general election by a majority vote of the remaining members of the city council within fifteen days after the vacancy occurs. If more than one vacancy occurs at the same time, or before a prior vacancy has been filled, the city council shall, within ten days after the last vacancy occurs, call a special election to be held within forty-five days; provided, however, if such vacancies occur within ninety days prior to a general election, no special election shall be held; but in that event the remaining members of the city council may, by a majority vote, choose a person

to fill each vacancy until the next general city election when such vacancy shall be filled as in the case of an original election.

### **Section 3.05. Presiding officer.**

The city council shall at its first meeting after the annual general election elect from its membership a mayor pro tem.

The mayor shall preside at meetings of the city council and shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of martial law but shall have no regular administrative duties. The mayor shall vote upon all matters considered by the city council, but he shall have no veto power. The mayor pro tem shall act as mayor during the absence or disability of the mayor.

### **Section 3.06. City secretary.**

The city secretary shall be appointed in the same manner as other officers upon nomination by the city administrator and approval of the city council. He shall serve as secretary of the city council, give notice of its meetings, keep the journal of its proceedings, authenticate by his signature and record in full all ordinances and resolutions, and perform such other duties as this charter may provide or as the city administrator may assign to him. The city secretary and city administrator may be the same person if the city council should so determine. There may be appointed one or more assistant city secretaries in the same manner as the naming of the city secretary.

### **Section 3.07. Meetings.**

(a) On the second Tuesday in April, or as soon thereafter as practicable, the city council shall meet at the city hall and the newly elected members shall qualify and assume the duties of office. Thereafter, the city council shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each calendar month. All meetings of the city council shall be held at the city hall unless the city council shall designate another place.

(b) Special meetings shall be called by the city secretary upon request of the mayor, the mayor pro tem, the city administrator, or a majority of the members of the city council.

(c) The city administrator shall attend all meetings of the city council and may take part in the discussion of all matters coming before the city council but shall have no vote.

### **Section 3.08. Quorum and voting.**

(a) Three members of the city council shall constitute a quorum for the transaction of business, and the affirmative vote of three members of the city council shall be necessary to pass or repeal any ordinance or take any official action in the name of the city except as may be otherwise provided in this charter or by the general laws of the State of Texas.

(b) A record shall be made in the minutes of the result of all motions, resolutions and ordinances; and if there is not a unanimous vote thereon, then the vote of each member present shall be recorded to indicate how each member voted, either for or against or by abstaining on each issue.

### **Section 3.09. Rules of procedure.**

The city council shall determine its own rules of procedure and order of business. Minutes of all meetings of the city council shall be taken and preserved as a permanent record open to the public for inspection.

### **Section 3.10. Ordinances.**

(a) In addition to such acts of the city council as are required by statute or by this charter to be by ordinance, every act of the city council establishing a fine or other penalty or for the contracting of indebtedness, shall be by ordinance and the city council shall legislate by ordinance. The enacting clause of all ordinances shall be: "The Council of the City of Ballinger hereby ordains."

(b) Every ordinance shall be introduced in written or printed form and passed in compliance with section 3.08 of this article, or in compliance with another provision of this charter, authenticated by the signatures of the mayor (or mayor pro tem) and the city secretary, and systematically recorded in an ordinance book in a manner approved by the council. It shall, however, be necessary to record only the caption or title of each ordinance in the minutes of the city council.

(c) A full text of every penal ordinance, or in lieu thereof a descriptive caption or title stating in summary the purpose of the ordinance and the penalty for violation thereof, shall be published at least twice in the official newspaper of the City of Ballinger within fourteen days after the passage of such ordinance, provided that any penal ordinance shall become effective in not less than twenty days from the date of its passage. All other ordinances, except those specifically required by this charter to be published, are not required to be published in either the official newspaper of the City of Ballinger or in any other publication, and such ordinances shall become effective upon passage or on the date specified therein.

(d) The city council shall have the power to cause the ordinances of the City of Ballinger to be corrected, amended, revised, codified and printed in code form as often as the city council deems necessary and advisable, and such printed code when adopted by the city council shall be in full force and effect without the necessity of publishing the same or any part thereof in the official newspaper except the ordinance adopting the same shall be published one time in the official newspaper of the City of Ballinger. Such printed code shall be admitted in evidence in all courts and places without further proof.

### **Section 3.11. Powers of the city council.**

Except as otherwise provided by this charter all powers of the City of Ballinger and the determination of all matters of policy shall be vested in the city council. Without limitation of the powers granted or delegated to the city by the constitution, statutes, or this charter, and cumulative thereof, the city council shall have the following powers:

(a) Appoint and remove the city administrator, the chief of police, and the fire marshal and/or chief, as limited by this charter;

(b) Appoint and remove the city attorney;

(c) Appoint all officers, departmental heads, clerks and any and all other employees, after each such person is nominated by the city administrator, limited however by the provisions of article 9, and except in the law and police departments, and after each such person is nominated by the chief of police in the department of police, but reserving the right and power to reject any nomination and require another nomination to be made by the city administrator, except as limited by the provisions of article 9, and by the chief of police, in their respective departments, continuing this procedure until such person is found who is acceptable to the officer making the nomination to the city council; however, if the office of city administrator or chief of police or other nominating officer is vacant, then the city council may appoint (as may be necessary for the proper conduct of the city government) such person or persons who will serve until such officer is appointed, at which time such officer may nominate a person, or persons, for appointment as herein provided;

(d) Appoint members of the planning and zoning commission, the board of adjustment, the park and recreation advisory board, the board of equalization, the board of the Ballinger housing authority, and all other boards and commissions serving the City of Ballinger;

(e) Adopt the budget of the City of Ballinger;

(f) Fix the salary of the City administrator, chief of police and fire marshal and/or chief, and, in cooperation with the city administrator, chief of police or fire marshal and/or chief, in their respective departments, fix other salaries;

(g) Authorize by ordinance the issuance of bonds, assignments of revenue or warrants;

(h) Approve plats;

(i) Adopt and modify the official map of the City of Ballinger;

(j) Adopt and modify the zoning plan which may regulate and fix the height of buildings and other structures, the size of yards and courts, the density of population and the location and use of buildings for trade, industry, business, residence or other purposes;

(k) Provide for the establishment and designation of fire limits, and prescribe the kind and character of buildings, structures, or improvements which may be erected therein, provide for the alteration of such limits, and provide for the penalty for violation thereof, and provide for the power and authority to require the removal of any building, structure or improvement which had been built, constructed, moved into or made in violation of the then existing fire limits ordinance, either with or without the permission of the city council in office at the time of such violation, and provide for the condemnation of dangerous or dilapidated buildings or structures which increase the fire hazard and for the manner of their removal or destruction;

(l) Adopt and modify the building code;

(m) Adopt, modify and carry into effect plans proposed by the planning and zoning commission;

(n) Regulate, license and fix the charges or fares made by any person, firm or corporation owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire, or the transportation of freight for hire, Or the retail sale and delivery of merchandise or other products, on the public streets or alleys of the City of Ballinger;

(o) Provide by ordinance for the exercise of the police powers of the City of Ballinger;

(p) Cooperate for the purposes of establishing and maintaining a free public library with any person, firm, association or political subdivision in the manner prescribed by ordinance;

(q) Provide by ordinance for the exercise by the City of Ballinger of any and all powers of local self-government not made self-enacting by this charter or by statute;

(r) Inquire into the conduct of any office, department or agency of the City of Ballinger and make investigations of municipal affairs;

(s) Provide for an independent audit at least once each year.

### **Section 3.12. Official bond.**

The city council shall require bonds of all municipal officers and employees who receive or payout any moneys of the City of Ballinger. The amount of such bond shall be determined by the city council and the cost thereof shall be borne by the City of Ballinger.