

# ABILENE CITY CHARTER

## (Excerpt)

### **ARTICLE II. THE COUNCIL**

#### **Sec. 6. Number, selection and term.**

The council shall consist of six councilmen and a mayor, all of whom shall be elected at large, as hereinafter provided. Each councilman, unless sooner removed under the provisions of this Charter, shall serve for a term of three years, beginning with the first meeting of the council following his election, and ending with the first meeting of the council three (3) years later, or until his successor has been elected and duly qualified. Such terms for councilmen shall be on a three year staggered basis to the end that two (2) councilmen shall be elected each year. The mayor, unless sooner removed under the provisions of this charter, shall serve for a term of three (3) years, beginning with the first meeting of the council following his election and ending with the first meeting of the council three (3) years later, or until his successor has been elected and duly qualified.

#### **Sec. 7. Qualifications.**

At the time of his election to office, each councilman and the mayor shall be at least twenty-one years of age, shall be a citizen and qualified voter of the State of Texas and the city. At the time of his election to office each councilman and mayor shall have resided within the City of Abilene for at least twelve months. Three councilmen shall be residents of the area of the city north of the Texas and Pacific Railway Company main line, as located in the city on the effective date of this Charter, and the other three councilmen shall be residents of the area of the city south of such main line. The mayor may be a resident of any part of the city. Residence requirements shall be effective only as of the date of the election of each councilman, but a member of the council or the mayor ceasing to reside in the city shall immediately forfeit his office. Neither the mayor nor any member of the council shall hold any other office or employment under the city government while he is a member of said council; nor shall he hold any other paid employment under the city government within two (2) years thereafter unless such employment be an elective office.

(As amended 4-3-76; Ord. No. 10-1997, pt. 3(c), 2-27-97)

#### **Sec. 8. Salaries.**

The mayor and each councilman shall receive a salary of one dollar (\$1.00) per year for each year he serves as mayor or councilman. The council may establish by ordinance methods of reimbursement for all actual and necessary expenses incurred by the mayor and councilmen in the performance of their duties.

#### **Sec. 9. Vacancies.**

All vacancies of the council must be filled by election, pursuant to Article XI, Section 11, of the Texas Constitution. Candidates elected to fill such unexpired terms shall have the same qualifications as those officers whose unexpired terms they fill. If required to be filled hereunder, each such vacancy shall be filled by an election called and held for such purpose, within 120 days from the inception of such vacancy.

(Ord. No. 42-2006, pt. 2(1), 8-28-06 / referendum 11-7-06)

 **Sec. 10. Powers.**

All powers and authority, including determination of all matters of policy, which are expressly or by implication conferred on or possessed by the city shall be vested in and exercised by the council; provided, however, that the council shall have no authority to exercise those powers which are expressly conferred upon other city officers by this Charter.

 **Sec. 11. Appointments by council.**

Members of all boards created by the council shall be appointed by the mayor with the approval of the council.

 **Sec. 12. Investigative powers of the council.**

The council shall have the power to inquire into or investigate the official conduct of any department, agency, office, officer or employee of the city and for that purpose shall have the power to administer oaths, subpoena witnesses, compel the production of books, papers, records or other evidence, and as it shall provide by ordinance, to punish and fix penalties for contempt for failure or refusal to obey any such subpoena or to produce any such books, papers, records or other evidence.

 **Sec. 13. Interference in administrative matters.**

Except for the purpose of inquiry or investigation the council and its members shall deal with the administrative departments and personnel solely through the city manager, and neither the council nor any member thereof shall give orders to any subordinate of the city manager, either publicly or privately, except those administrative departments and personnel whose offices are filled by appointment by the mayor with approval of the council under the provisions of this Charter.

 **Sec. 14. Mayor and mayor pro tempore.**

The mayor shall preside at all meetings of the council; shall be recognized as the head of the city government; and shall be entitled to vote on all matters considered by the council. At its first meeting following each regular election and qualification of councilmen, the council shall elect one of its members as mayor pro tempore, who shall act as mayor during the absence or disability of the mayor, and when so acting, shall have the same powers and duties as herein set forth for the office of mayor.

 **Sec. 15. City secretary.**

The mayor, with the approval of the council, shall appoint the city secretary, who may be removed from office at any time by a majority vote of the council. The city secretary shall keep the minutes, agenda, ordinances, and other official records of the council and city; and shall have such other powers and duties as may be prescribed by this Charter or the council. The city secretary shall be the custodian of the official seal of the city. The city secretary shall appoint such assistants as may be authorized by the council.

 **Sec. 16. Meetings of the council.**

The council shall meet in regular session at least twice each month, which regular meetings shall be at least one week apart, and at such other times as may be prescribed by resolution. Special meetings of the council shall be called by the city secretary upon the written request of the mayor or any three councilmen. All council meetings shall be held at the city hall, or at such places as will permit the attendance of the general public. The city secretary shall notify news media of the time and place of all special meetings, prior to such meetings.

 **Sec. 17. Rules of procedure; quorum.**

The council shall by resolution determine its own rules and order of business, except that four or more members of the council shall be required to constitute a quorum.

 **Sec. 18. Procedure to enact legislation.**

The council shall legislate by ordinance only and the enacting clause of every ordinance shall be "Be It Ordained by the City Council of the City of Abilene, Texas." The city attorney shall approve all ordinances prior to their adoption by the council, as to the legality and form thereof, or shall present his written objections thereto to the council and file a copy thereof with the city secretary. Every ordinance enacted by the council shall be signed by the mayor, mayor pro tempore, or any three members of the council and shall be filed with, and recorded by, the city secretary in an ordinance book reserved for that purpose. Except in the case of ordinances issuing bonds or as otherwise provided by state law or this Charter, there shall be a first and second reading of all ordinances in open meetings of the council on two separate days. A reading by descriptive caption only shall be sufficient. Upon consideration for passage of any ordinance, resolution or motion, the city secretary shall call the roll of the council and record the votes, which record of votes shall constitute a public record. Except as otherwise provided by state law or this Charter, passage of an ordinance, resolution or motion shall require the affirmative votes of at least four members of the council. The council shall call a public hearing before the final passage of any ordinance if required by state law or this Charter or by ordinance enacted thereunder, and may call a public hearing before the final passage of any ordinance if such hearing be deemed to be in the public interest; notice thereof shall be given by publication in the official newspaper of the city at least 24 hours prior to the time of such hearing. All ordinances, unless otherwise provided by law, this Charter, or by the terms of such ordinance, shall take effect immediately upon final passage thereof. The requirement for reading of ordinances upon two separate days may be waived by the council in cases where such ordinances relate to the immediate preservation of the public peace, health, safety or welfare, if adopted by the

affirmative votes of at least five council members and contain a statement of the nature of the emergency.

**[NOTE: A full version of the Abilene City Charter can be found at [http://z2.franklinlegal.net/franklin/Z2Browser2.html?showset=abileneset.](http://z2.franklinlegal.net/franklin/Z2Browser2.html?showset=abileneset)]**