

HOME RULE CHARTER

CITY OF PRINCETON

This document reflects the current version of the Princeton Home Rule Charter Commission's working draft of a home rule charter. Adoption of sections by the Commission only means that version will be included in the version presented to the City's voters for approval or rejection on the general election ballot, anticipated to occur in November 2022. The Commission retains the power to modify any language of this draft until it is sent to the City Council so that the election can be ordered, and such changes may be directed at its future meetings.

Prepared by the Home Rule Charter Commission
[DRAFT 6/27 – WITH CHANGES ADOPTED JUNE 15], 2022

Table of Contents

CHAPTER ONE	5
INCORPORATION AND BOUNDARIES	5
Section 1.01 Preamble.....	5
Section 1.02 Incorporation	5
Section 1.03 Boundaries And Limits.....	5
Section 1.04 Annexations And Disannexations.....	5
Section 1.05 Extra-Territorial Jurisdiction.....	5
CHAPTER TWO	6
FORM OF GOVERNMENT	6
Section 2.01 Form Of Government	6
Section 2.02 Powers Of The City	6
Section 2.03 Powers – General	7
CHAPTER THREE	8
CITY COUNCIL	8
Section 3.01 Mayor	8
Section 3.02 Qualifications.....	8
Section 3.03 Limitation On Successive Terms	8
Section 3.04 Compensation.....	8
Section 3.05 Vacancies In The City Council; Filling Of Vacancies.....	9
Section 3.06 Meetings/Quorum.....	9
Section 3.07 Mayor Pro Tem.....	9
CHAPTER FOUR	11
CITY MANAGER	11
Section 4.01 City Manager Qualifications, Appointment And Removal; Duties; Compensation.....	11
Section 4.02 Direction And Supervision Of Employees, Non-Interference By Council, Appointments And Removals Of Department Heads.....	11
Section 4.03 Specific Powers And Duties Of The City Manager	11
CHAPTER 5	13
CITY DEPARTMENTS/FISCAL ADMINISTRATION	13
Section 5.01 Administrative Departments	13
Section 5.02 Tax Administration.....	13
Section 5.03 Fiscal Year.....	14
Section 5.04 Annual Budget.....	14
Section 5.05 Failure To Adopt Annual Budget.....	14

Section 5.06	Bonds And Other Evidences Of Indebtedness.....	14
CHAPTER SIX.....		16
CITY SECRETARY.....		16
Section 6.01	Appointment, Removal And Compensation	16
Section 6.02	Duties Of The City Secretary.....	16
CHAPTER SEVEN		17
CITY ATTORNEY		17
Section 7.01	Appointment	17
Section 7.02	Compensation.....	17
Section 7.03	Duties Of City Attorney.....	17
CHAPTER EIGHT.....		18
MUNICIPAL COURT		18
Section 8.01	Creation	18
Section 8.02	Municipal Court Judge.....	18
Section 8.03	Clerk Of The Court	18
Section 8.04	Jurisdiction, Power And Fines	18
Section 8.05	Costs, Fines And Penalties	19
CHAPTER NINE.....		20
BOARDS AND COMMISSIONS.....		20
Section 9.01	Planning And Zoning Commission	20
Section 9.02	Board Of Adjustment	20
Section 9.03	Other Boards And Commissions	20
CHAPTER TEN		22
ORDINANCES		22
Section 10.01	Validation Of Ordinances	22
Section 10.02	Procedure For Passing Ordinances And Resolutions.....	22
Section 10.03	Publication Of Ordinances	22
Section 10.04	Code Of Ordinances.....	22
CHAPTER ELEVEN		23
ELECTIONS.....		23
Section 11.01	City Elections.....	23
Section 11.02	Special Elections.....	23
Section 11.03	Regulation Of Elections.....	23
Section 11.04	Candidates; Filing For Office	23
Section 11.05	Official Ballot	23
Section 11.06	Canvassing And Election Results.....	24

CHAPTER TWELVE	25
INITIATIVE, REFERENDUM AND RECALL	25
Section 12.01 Power of Initiative.....	25
Section 12.02 Power of Referendum	25
Section 12.03 Form of Petition for Initiative and Referendum	25
Section 12.04 Filing, Examination and Certification of Petitions	26
Section 12.05 Council Consideration and Submission to Voters.....	26
Section 12.06 Ballot Form and Results of Election	26
Section 12.07 Power of Recall.....	27
Section 12.08 Recall Election	27
Section 12.09 Recall Ballot	27
Section 12.10 Results of a Recall Election	28
Section 12.11 Limitations on Recall	28
CHAPTER THIRTEEN	29
FRANCHISES	29
Section 13.01 Power To Grant Franchise	29
Section 13.02 Transfer Of Franchise	29
Section 13.03 Ownership, Use And Control Of Streets.....	29
Section 13.04 Right Of Regulation.....	29
Section 13.05 Compensation For Franchise	30
Section 13.06 Council To Fix And Regulate Charges, Fares Or Rates	30
CHAPTER FOURTEEN	31
GENERAL AND TRANSITIONAL PROVISIONS	31
Section 14.01 Continuation Of Present Offices	31
Section 14.02 Ethics	31
Section 14.03 Conflict Of Interest.....	31
Section 14.04 Nepotism	32
Section 14.05 Official Newspaper	32
Section 14.06 Judicial Notice	32
Section 14.07 Property Not Subject To Garnishment And Execution.....	32
Section 14.08 Public Meetings And Records	33
Section 14.09 Indemnification Of Officers	33
Section 14.10 Amendment Of This Charter	33
Section 14.11 Bond Or Security Not Required.....	33
Section 14.12 Severability Clause	33
Section 14.13 Meaning Of Words.....	34

Section 14.14 Effective Date..... 34
CHAPTER FIFTEEN..... 35
ADOPTION OF CHARTER 35
Section 15.01 Submission And Election..... 35

DRAFT

CHAPTER ONE INCORPORATION AND BOUNDARIES

SECTION 1.01 PREAMBLE

We the people of the City of Princeton, under the authority granted by the constitution and laws of the State of Texas, in order to secure the benefits of self-government and to provide for an effective, responsive, and responsible local government, do hereby adopt this home rule charter as the basic foundation of our City government.

SECTION 1.02 INCORPORATION

All inhabitants of the City of Princeton, Collin County, Texas, as the boundaries and limits of said City have heretofore been established and now exist, or may hereafter be established, shall constitute a municipal body politic incorporated under and known by the name "City of Princeton" with such powers, rights duties, privileges, and immunities as are herein provided.

SECTION 1.03 BOUNDARIES AND LIMITS

The boundaries and limits of the City of Princeton shall be those as established and described in ordinances duly passed by the City Council of the City of Princeton in accordance with state law. The City Secretary shall keep a correct map of the boundaries and limits of the City.

SECTION 1.04 ANNEXATIONS AND DISANNEXATIONS

Any territory adjoining the present or future boundaries of said City may from time to time, in parcels of any size or shape desired, be admitted and become part thereof on application made or written consent given to the City Council by the owner or owners of the land, or as the case may be, by a majority of the legal voters residing on the land sought to be added. In all such cases the territory so added shall be described by metes and bounds, in an ordinance accepting, assenting, and adding the same to the municipal corporation. As an alternative method of enlarging or extending the corporate boundaries, the City Council shall have the power to annex the property in accordance with the provisions and procedures prescribed by the laws of the State of Texas applicable to municipalities of a character similar to the City. The City may from time to time alter its boundaries by disannexing any territory adjoining its present or future boundaries by passage of an ordinance describing the territory being disannexed.

SECTION 1.05 EXTRA-TERRITORIAL JURISDICTION

To the extent permitted by law, the City's ordinances and resolutions apply both within the City's corporate boundaries and within its extraterritorial jurisdiction.

CHAPTER TWO

FORM OF GOVERNMENT

SECTION 2.01 FORM OF GOVERNMENT

Municipal government for the City of Princeton shall be a “council-manager government.” Except as otherwise provided by this Charter and the Constitution and laws of the State of Texas, all powers conferred on the City shall be exercised by a City Council to be composed of a Mayor and seven (7) Council Members in Seats 1, 2, 3, 4, 5, 6, and 7 who are elected by the City’s qualified voters for a term of four (4) years. Seats 1, 2, 3, and 4 shall be elected by the qualified voters residing in specified single-member districts beginning with the _____ election. Seats 5, 6, and 7 shall be elected by the qualified voters of the City at-large.

SECTION 2.02 POWERS OF THE CITY

The City of Princeton shall be a Home Rule City under the Constitution and laws of the State of Texas and shall have the full power of local self-government, including all powers, functions, rights, privileges and immunities of every kind and nature granted to a Home Rule City under Article XI, Section 5, of the Constitution of the State of Texas, known as the Home Rule Amendment, and all other laws passed by the Legislature of the State of Texas relating thereto, or which may hereafter be passed by said Legislature in relation to such matters including, but not limited to the following powers:

- (1) All of the powers conferred upon cities and towns by Title 22 of the Revised Civil Statutes of Texas, 1911, except as may hereafter be denied, limited or extended, and are hereby conferred upon the City of Princeton as fully and completely as if such powers were all enumerated separately.
- (2) To assess, levy, and collect taxes for general and special purposes.
- (3) To contract and be contracted with, to buy, sell, lease, lease-purchase, mortgage, manage, and control such property, within or without its boundaries or within boundaries of other municipalities, as its interests require.
- (4) To fix and regulate the rates, tolls, or charges and the kind of service of all public utilities of every kind, unless otherwise required by state law.
- (5) To pass such ordinances as may be expedient to protect the peace, lives, health, and property of such inhabitants.
- (6) To have the exclusive right to erect, own, maintain, acquire, and operate a waterworks system for the use of said City and its inhabitants.
- (7) To lay out, open, close, establish, alter, widen, lower, extend, grade, supervise, maintain, and improve streets, alleys, and parks.
- (8) To appropriate the money of the City for all lawful purposes to create, provide for, construct, regulate and maintain public improvements and to furnish municipal services.

- (9) To participate by contract or otherwise with any governmental entity of this state or any other state(s) or the United States in the performance of any activity which one or more such entities has the authority to undertake and otherwise serve the lawful interests of the City and its residents.

SECTION 2.03 POWERS – GENERAL

The enumeration of particular powers in the Charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated herein, implied thereby or appropriate to the exercise thereof, the City shall have and may exercise all other powers which under the Constitution and laws of the State of Texas it would be competent for the Charter specifically to enumerate.

DRAFT

CHAPTER THREE

CITY COUNCIL

SECTION 3.01 MAYOR

The person elected Mayor shall be the governmental and ceremonial head of the City government, presiding over council meetings and able to participate in debate regarding any item, but shall only cast a vote on matters as a member of the City Council as necessary to break ties between other Council Members present and voting on the item. The office of Mayor shall be considered separately from Council Member seats for purposes of the limitations on successive terms in this charter, but otherwise the Mayor shall be considered a member of the City Council.

SECTION 3.02 QUALIFICATIONS

Each candidate for election to the City Council or office of Mayor shall be a qualified voter of the City, shall be not less than twenty-one (21) years of age, shall have resided in the City not less than twelve (12) months immediately preceding election day and shall meet the requirements of the Texas Election Code. Each Council Member and the Mayor must continually reside within the City during his/her term of office, and any removal of his/her residence from the City during his/her term of office shall constitute a vacation of his/her office, and such vacancy shall be filled as provided in Section 3.05. Any person who has exceeding the limits for total cumulative service in the offices of Mayor or Council member provided by this charter shall not be eligible for further election to either of those offices, and no person who serves limit two successive terms shall be qualified to be elected as either Mayor or Council Member until the minimum time period has elapsed.

SECTION 3.03 LIMITATION ON SUCCESSIVE TERMS

Any person who has served as Mayor or Council Member in two (2) successive terms following the adoption of this Charter are not eligible for re-election to that same office until the 8th year following the end of their most recent term of election. Persons who are not eligible for office due to this limitation shall not be listed on the city's election ballot unless required by state law. An otherwise qualified person who has served in two consecutive terms as a Council Member shall remain eligible for the office of Mayor without any required interruption in service; similarly, an otherwise qualified person who with two consecutive terms of service as Mayor remains eligible for election to a Council Member seat. This limitation on successive terms is not seat-specific, such that service in any and all Council Member places, seats, or districts shall be equivalent and counted towards the successive term limit. Service in office for partial terms by appointment shall not be counted in the determination of eligibility under this section. Service in office for a partial term after a special election to fill a vacancy shall be counted as an entire term for purposes of this section if the individual sits in office for more than half of the standard term length for the office (i.e., more than 2 years of a 4 year term). This section shall apply to all elections occurring after the effective date of this Charter, but preceding service periods or those in progress at adoption shall not be counted.

SECTION 3.04 COMPENSATION

Members of the City Council shall serve without compensation, except that the Mayor and Council Members shall be entitled to reimbursement of all necessary and reasonable expenses incurred in the performance of their official City Council duties, upon approval of such expenses by the City Council.

SECTION 3.05 VACANCIES IN THE CITY COUNCIL; FILLING OF VACANCIES

- A.** The office of a Council Member or office of the Mayor shall become vacant upon his/her death, resignation, or removal from office in any manner authorized by law, removal of his/her residence from the City of Princeton, or forfeiture of his/her office.
- B.** A Council Member or the Mayor shall forfeit his/her office if he/she lacks at any time during his/her term of office any qualification for the office prescribed by this Charter or by State law, or if he/she fails to attend three (3) consecutive regular City Council meetings without being excused by the City Council. The City Council shall be the final judge in matters involving forfeiture of office by a Mayor or Council Member.
- C.** If for any reason a vacancy exists on the City Council with 12 months or less remaining in the corresponding term of office, the remaining members of the Council shall select a person qualified for the position, as described in the Charter, within thirty (30) days of the occurrence of the vacancy. Once appointed, the person shall serve until the position can be filled at the next regular City election.
- D.** To the degree permissible under Texas law, a Mayor or Council Member who has vacated their position shall continue to serve as a holdover in office until the qualification of their replacement, but holdovers in office shall not be eligible to vote on the appointment of a person to fill the vacancy.
- E.** Vacancies arising in the offices of Mayor or Council Member corresponding to an unexpired term of greater than 12 months must be filled by a special election called for that purpose within one hundred and twenty (120) days after such vacancies occur, and shall be filled by majority vote of the qualified voters at said special election.

SECTION 3.06 MEETINGS/QUORUM

Regular meetings of the City Council shall be held at such times as may be prescribed from time to time by resolution of the City Council. Special meetings shall be called by the City Secretary upon the written request of the Mayor, the City Manager or any two (2) seats of the City Council. Notice of any regular or special meetings of the City Council shall state the subject(s) to be considered at the meeting. All official meetings of the Council and of all committees thereof shall be open to the public as provided by state law. Meetings or portions of meetings involving communications encompassed by the attorney-client privilege need not be open to the public unless otherwise required by state law. A quorum shall consist of five (5) members of the Council, one of whom may be the Mayor. The Council shall determine its own rules of procedure, may punish its members for misconduct and may compel the attendance of absent members.

SECTION 3.07 MAYOR PRO TEM

The City Council shall elect one of its members as Mayor Pro Tem, who shall perform the duties of Mayor in the case of the absence, refusal, or inability of the Mayor to perform the duties of his/her office, and who shall, during that time, be vested with all the powers belonging to the Mayor.

SECTION 3.08 CUMULATIVE TERM LIMITS FOR MAYOR AND COUNCIL

No person may be elected for any terms aggregating to more than sixteen (16) years in length any combination of the offices of Mayor or Council Member, and any person whose service would exceed this limit if elected is disqualified. For purposes of this cumulative term limit, the period for the calculation begins with the date this Charter becomes effective relates to the actual time spent in office and shall include any partial terms filled by that individual through any election, but periods of service served as an appointee shall not be counted. This provision shall apply to all terms to be filled by election subsequent to the adoption of this Charter.

DRAFT

CHAPTER FOUR

CITY MANAGER

SECTION 4.01 CITY MANAGER QUALIFICATIONS, APPOINTMENT AND REMOVAL; DUTIES; COMPENSATION

The City Manager shall be the chief administrative and executive officer of the City. The City Manager is appointed by and serves at the will of the City Council. The City Manager shall be appointed solely on the basis of his/her administrative ability, experience, and training. The City Manager shall administer the business of the City, and the City Council shall ensure that such administration is efficient. The City Council may by ordinance delegate to the City Manager any additional powers or duties it considers proper for the efficient administration of City affairs. The City Manager shall execute a bond conditioned that he/she will faithfully perform the duties of City Manager. The amount of such bond shall be as prescribed by ordinance adopted by the City Council. The City Council shall be authorized to enter into a Contract of Employment with the City Manager and to prescribe such compensation therein as it may fix. The action of the City Council in suspending or removing the City Manager shall be final, it being the intention of this Charter to vest all authority and responsibility for such suspension or removal in the City Council.

SECTION 4.02 DIRECTION AND SUPERVISION OF EMPLOYEES, NON-INTERFERENCE BY COUNCIL, APPOINTMENTS AND REMOVALS OF DEPARTMENT HEADS

Neither the Mayor nor any City Council member shall in any manner dictate the appointment or removal of any City administrative officer or employee whom the City Manager or any or his subordinates are empowered to appoint; but the Mayor and City Council members may express their views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.

Except for the purpose of inquiries and for investigations, the Mayor or City Council 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 Mayor nor City Council members shall give orders to such officers or employees either publicly or privately.

If the City Manager is temporarily unable to perform appointed duties, the City Council or City Manager may designate an alternate.

SECTION 4.03 SPECIFIC POWERS AND DUTIES OF THE CITY MANAGER

The City Manager shall be responsible to the City Council for the proper administration of the affairs of the City and shall have the power and duty to:

- (1) Exercise control over all departments and subdivisions thereof created by this Charter or by ordinance.
- (2) Prepare and recommend items for inclusion in the official agenda of all City Council meetings and meetings of the Boards and Commissions as established by this Charter or ordinance.

- (3) Prepare and submit to the City Council the annual budget and capital program, and administer the budget as adopted by the City Council.
- (4) Be responsible for the proper administration of all City affairs entrusted to his/her authority.
- (5) See that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise are faithfully kept and performed.
- (6) See that all laws and ordinances are enforced.
- (7) Keep the City Council at all time fully advised as to the financial condition and needs of the City, and prepare and submit to the City Council an annual report on the finances and administrative activities of the City, including the report of the annual audit required by state law.
- (8) Appoint, suspend, and or remove employees not otherwise provided for in this Charter.
- (9) Attend all City Council meetings and take part in the discussion of any City business.
- (10) Recommend to the City Council for adoption such measures as he/she deems necessary or expedient; to execute deeds, deeds of trust, easements, releases, contracts, and all other legal instruments on behalf of the City when authorized by ordinance or resolution of the City Council, and approved as to form by the City Attorney.
- (11) Perform such other duties as are specified in this Charter or as required by the City Council by ordinance or resolution, not inconsistent with this Charter.

CHAPTER FIVE

CITY DEPARTMENTS/FISCAL ADMINISTRATION

SECTION 5.01 ADMINISTRATIVE DEPARTMENTS

There shall be such administrative departments as are established by this Charter and such other administrative departments as may be deemed necessary by the City Council and as are established by ordinance, all of which shall be under the control and direction of the City Manager.

SECTION 5.02 TAX ADMINISTRATION

- A. There shall be a Department of Taxation to assess and collect taxes, the Director of which shall be the City Tax Assessor and Collector who shall be appointed by the City Council; however, in the alternative, the City Council may provide for such services by contract.
- B. The City Council shall have the power, and is hereby authorized, to levy, assess, and collect annual taxes not to exceed the maximum limit set by the Constitution and laws of the State of Texas, as they now exist or as they may be amended, on each one hundred dollars (\$100.00) assessed valuation of all property having a location within the corporate limits of the City and not exempt from taxation by the Constitution and laws of the State of Texas.
- C. All taxes due the City shall be payable at the office of the City Assessor and Collector and may be paid at any time after the tax rolls for the year have been completed and approved, which completion and approval shall be not later than October 1st. Taxes shall be paid before February 1st of each year succeeding the year for which the taxes are levied. All such taxes not paid prior to such date shall be deemed delinquent and shall be subject to such penalty and interest as may be provided by law. Failure to levy and assess taxes through omission in preparation of the approved tax rolls shall not relieve the person, firm or corporation so omitted from the obligation to pay such current or past due taxes shown to be payable by recheck of the rolls and receipts for the years in question, unless otherwise provided by law.
- D. All property having its location in the City on January 1st of each year shall stand charged with a lien in favor of the City from said date for the taxes due thereon. The lien provided hereby shall be superior to all other liens except other tax liens, regardless of when such other liens were created. All persons purchasing any of said property on or after January 1st in any year shall take the property subject to the lien herein provided. In addition to the lien herein provided on January 1st of any year, the owner of property subject to taxation by the City shall be personally liable for the taxes due thereon for such year. The City shall have the power to sue for and recover personal judgment for taxes without foreclosure, or to foreclose its lien or liens, or to recover both personal judgment and foreclosure. In such suit where it appears that the description of any property in the City assessment rolls is insufficient to identify such property, the City shall have the right to plead a good

description of the property to be assessed, to prove the same, and to have its judgment foreclosing the tax lien and/or for personal judgment against the owner for such taxes as such ownership and property appears on the certified tax roll.

SECTION 5.03 FISCAL YEAR

The fiscal year of the City shall begin on October 1st and end on the following September 30th of each year, but the fiscal year may be changed by the City Council by ordinance.

SECTION 5.04 ANNUAL BUDGET

It shall be the duty of the City Manager to submit an annual budget not later than thirty (30) days prior to the end of the current fiscal year to the City Council for its review, consideration and revision. The City Council shall call a public hearing or hearings on the budget. The City Council may adopt a budget with or without amendments. The City Council may increase or decrease amounts or programs and may delete any programs or amounts except expenditures required by law or for a debt service, provided that no amendment shall increase the authorized expenditures to an amount greater than the total of the estimated income for the current fiscal year plus funds available from prior years. At the close of each fiscal year, the unencumbered balance of each appropriation shall revert to the fund from which it was appropriated and shall be subject to future appropriations, but appropriations may be made in furtherance of improvements or other objects of work of the City that will not be completed within the current year.

SECTION 5.05 FAILURE TO ADOPT ANNUAL BUDGET

If the City Council fails to adopt the budget by September 30th, the amounts appropriated for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month to month basis with all items in it prorated accordingly until such time as the City Council adopts a budget for the ensuing fiscal year. The levy of property tax will be set to equal the total current fiscal year tax receipts, unless the ensuing fiscal year budget is approved by September 30th of the current fiscal year.

SECTION 5.06 BONDS AND OTHER EVIDENCES OF INDEBTEDNESS

The City shall have the power to borrow money on the faith and credit of the City. The City shall also have the authority to issue or sell bonds, warrants, certificates of obligation, notes or other securities authorized by the laws of the State of Texas for permanent public improvements or for any other public purpose not prohibited by the Constitution and laws of the State of Texas and to issue refunding bonds to refund outstanding bonds and other evidences of indebtedness of the City previously issued. All such bonds shall be issued in conformity with the laws of the State of Texas.

The City shall further have the power to borrow money for the purpose of constructing, acquiring, improving, extending or repairing of public utilities, recreational facilities or any other self-liquidating municipal function not prohibited by the Constitution and laws of the State of Texas, and to issue revenue bonds to evidence the obligations created thereby. Such bonds shall be a charge upon and payable from the properties, or interest therein pledged, or the income there from, or both. The holders of the revenue bonds of the City shall not have the right to demand payment thereof out of monies raised or to be raised by taxation. All such bonds shall be issued in conformity with the laws of the State of Texas. The City shall have the power to borrow money for public improvements in any other manner provided by law, including certificates of obligation

as authorized by Chapter 271 of the Texas Local Government Code. All bonds and evidences of indebtedness of the City having been approved by the Attorney General and registered by the Comptroller of Public Accounts shall thereafter be incontestable in any court or other forum for any reason, and shall be valid and binding obligations of the City in accordance with their terms for all purposes.

DRAFT

CHAPTER SIX

CITY SECRETARY

SECTION 6.01 APPOINTMENT, REMOVAL AND COMPENSATION

The City Secretary shall be appointed by the City Manager, with the advice and consent of the City Council. The City Secretary shall receive such compensation as shall be fixed by the City Council. If the City Secretary is temporarily unable to perform appointed duties, the City Secretary or City Manager may designate an alternate.

SECTION 6.02 DUTIES OF THE CITY SECRETARY

The City Secretary shall:

- (1) Attend all meetings of the City Council and keep accurate records of all actions taken by the council.
- (2) Maintain the official records and files of the City.
- (3) Administer oaths required by law.
- (4) Attest contracts, assessment certificates, ordinances, resolutions, and other legal instruments when executed by the authorized officers of the City.
- (5) Serve as the election official for all City elections.
- (6) Hold and maintain the City seal and affix it to all appropriate documents as required.
- (7) Perform such other duties as may be required by the City Manager, this Charter, or the laws of the State of Texas.

CHAPTER SEVEN

CITY ATTORNEY

SECTION 7.01 APPOINTMENT

The City Council shall appoint a competent licensed attorney of recognized ability and he/she shall be known as the City Attorney, who shall report to the City Council.

SECTION 7.02 COMPENSATION

The City Attorney shall receive for his/her services such compensation as may be fixed by the City Council.

SECTION 7.03 DUTIES OF CITY ATTORNEY

The City Attorney shall be the legal adviser of, and attorney for, all of the offices and departments of the City, and shall represent the City in all litigation and legal proceedings. The City Council may retain special counsel at any time it deems appropriate and necessary, and may provide for such counsel through insurance policies for the City. The office of the City Attorney shall review and approve as to form all documents, contracts, resolutions, ordinances, and legal instruments in which the City may have an interest. The City Attorney shall perform other duties prescribed by the Charter, by ordinance or by resolution of the City Council.

CHAPTER EIGHT

MUNICIPAL COURT

SECTION 8.01 CREATION

The City Council shall, by ordinance, create and provide for a Municipal Court to be known as the Municipal Court of the City of Princeton, Texas, and may appoint one or more Municipal Judges to serve in such Court. The Court shall have all the powers and duties as are now or as may hereafter be prescribed by the laws of the State of Texas in connection with the trial of misdemeanor offenses within its jurisdiction.

SECTION 8.02 MUNICIPAL COURT JUDGE

The Judge of the Municipal Court, and all alternates, shall be competent, duly qualified, and licensed attorneys in the State of Texas. The Judge of the Municipal Court shall be appointed to a term of two (2) years and may be appointed to additional and consecutive terms at the will and pleasure of the City Council. The Judge shall receive such compensation as may be determined by the City Council. This compensation shall be fixed and commensurate with the duties performed by the Judge. The Municipal Judge shall oversee and direct the Clerk of the Municipal Court regarding functions of the judicial branch, and the City Manager shall provide oversight with regard to all other supervisory matters and general administration of the Municipal Court personnel and facilities.

SECTION 8.03 CLERK OF THE COURT

There shall be a Clerk of the Municipal Court appointed by the City Manager. The Clerk of the Court and any Deputies appointed by the City Manager shall have the power to administer oaths and affidavits, make certificates, affix the seal of said court as necessary and as required by law, and in general do and perform any and all acts usual and necessary to be performed by clerks and deputy clerks of municipal courts of the State of Texas.

SECTION 8.04 JURISDICTION, POWER AND FINES

The Municipal Court shall have jurisdiction:

- (1) Over the forfeiture and collection of bonds given in proceedings therein, to order the forfeiture of cash appearance bonds upon the failure of the defendant to appear, and to accept the same in lieu of a fine.
- (2) Concurrent with the appropriate State court, of all criminal cases arising under the criminal laws of the State of Texas, where the offense is committed within the City limits and the penalty does not exceed that which is established for municipal courts by State law.
- (3) Over all criminal cases arising under the ordinances of the City within the City limits and outside the City limits to the extent authorized by State law.
- (4) To punish for contempt, admit to bail, and forfeit bonds under such circumstances as provided by law.

- (5) To enforce all process of the courts in accordance with State law and City ordinances, punish witnesses for failing to obey subpoenas, and compel their attendance by process of attachment.

SECTION 8.05 COSTS, FINES AND PENALTIES

All costs, fines, and penalties imposed by the municipal court shall be paid into the City treasury for the use and benefit of the City, as may be consistent with present and future State laws.

DRAFT

CHAPTER NINE

BOARDS AND COMMISSIONS

SECTION 9.01 PLANNING AND ZONING COMMISSION

The City Council shall create a Planning and Zoning Commission of the City of Princeton and shall appoint seven (7) members, each of whom shall be residents of the City of Princeton. Members shall be appointed for two (2) year staggered terms. Such appointees shall serve without compensation and may not hold any elective office of the State of Texas or any other political subdivision thereof during their terms. A vacancy in an un-expired term shall be filled by the City Council for the remainder of the term. The majority of the appointed members shall constitute a quorum, and decisions may only be made with the affirmative vote of a majority of those members present and voting. The Commission shall select from any of its members a Chairperson and a Vice Chairperson.

SECTION 9.02 BOARD OF ADJUSTMENT

The City Council shall appoint a Board of Adjustment comprised of five (5) regular members and four (4) alternate members for two (2) year staggered terms, each of whom shall be residents of the City of Princeton. Such appointees shall serve without compensation. The Board of Adjustment shall be governed by Chapter 211, Texas Local Government Code, and have such additional duties as may be prescribed by ordinance or applicable State law. A vacancy on the board shall be filled by the City Council for the un-expired term. The Board shall select from any of its members a Chairperson and Vice Chairperson.

SECTION 9.03 ECONOMIC DEVELOPMENT CORPORATION

The City Council shall appoint a board of directors for the Princeton Economic Development Corporation (“PEDC”) comprised of at least five (5) regular members. Such appointees shall serve without compensation for a term of six years or less as established by the City Council, and may be residents of the City’s extraterritorial jurisdiction or owners of local businesses when such appointments are permitted by state law. The PEDC shall be governed by Chapter 504, Texas Local Government Code, and have such additional duties as may be prescribed by ordinance or applicable State law. A vacancy on the board shall be filled by the City Council for the un-expired term. The PEDC shall select from any of its members a Chairperson and Vice Chairperson.

SECTION 9.04 COMMUNITY DEVELOPMENT CORPORATION

The City Council shall appoint a board of directors for the Princeton Community Development Corporation (“PCDC”) comprised of seven (7) regular members. Such appointees shall serve without compensation for a term of two years, and may be residents of the City’s extraterritorial jurisdiction or local business owners when such appointments are permitted by state law. The PCDC shall be governed by Chapter 505, Texas Local Government Code, and have such additional duties as may be prescribed by ordinance or applicable State law. A vacancy on the board shall be filled by the City Council for the un-expired term. The PCDC shall select from any of its members a Chairperson and Vice Chairperson.

SECTION 9.05 OTHER BOARDS AND COMMISSIONS

The City Council shall have the power and is hereby authorized to create, abolish, establish, and appoint such other boards, commissions and committees, as it deems necessary to carry out the functions of the City, and to prescribe the purpose, composition, functions, and tenure of each board, commission, or committee.

DRAFT

CHAPTER TEN

ORDINANCES

SECTION 10.01 VALIDATION OF ORDINANCES

All ordinances, resolutions, rules, contracts, and regulations of the City heretofore ordained, passed, adopted, or enacted, that are in force at the time this Charter becomes effective, and which are not in conflict with such Charter, shall remain in full force until altered, amended, or repealed by the Council after such Charter takes effect.

SECTION 10.02 PROCEDURE FOR PASSING ORDINANCES AND RESOLUTIONS

The City Council shall evidence its official actions by written ordinances, resolutions, or oral motions. The style of all ordinances shall be: *“Be it ordained by the City Council of the City of Princeton, Texas”* and the style of all resolutions shall be *“Be it resolved by the City Council of the City of Princeton, Texas.”* Each proposed ordinance shall not be amended or repealed except by adoption of another ordinance. All ordinances and resolutions passed by the City Council shall become effective immediately from and after passage except where publication of a caption is required or where the ordinance, State law, or other provisions of this Charter provide otherwise, in which case the effective date shall be as prescribed in the ordinance.

SECTION 10.03 PUBLICATION OF ORDINANCES

The descriptive caption or title of each ordinance containing a penalty shall be published at least once in the official newspaper of the City, unless otherwise provided by State law or this Charter.

SECTION 10.04 CODE OF ORDINANCES

The City Council shall have the power to cause the ordinances of the City to be printed, in code form, and shall have the same arranged and digested as often as the Council may deem advisable, provided that failure to print the ordinances as herein provided shall not affect the validity of the same.

SECTION 10.05 ONLINE AVAILABILITY OF ORDINANCES

The City Council shall provide for all ordinances adopted after the effective date of this charter to be available to the general public on an official website within ninety (90) days of the ordinance’s date of adoption. In addition, the City Council shall provide for previously adopted ordinances to be make available to the general public on an official website on or before the third anniversary of the effective date of this charter. The online publication requirement created by this section shall not prevent the enforcement of any City ordinance, past or future, or affect the validity thereof except as may be provided under Texas law.

CHAPTER ELEVEN

ELECTIONS

SECTION 11.01 CITY ELECTIONS

Beginning on the 1st Tuesday in November 2023, Council Members for Seats 3, 4 and 5 shall be elected for a term of four years. On the 1st Tuesday in November 2023, Council Members for the newly added Seats 6 and 7 shall be elected to a three-year term. On the 1st Tuesday in November 2024, each the offices of Mayor and Council Member for Seats 1 and 2 shall be elected to fill terms of four years. Thereafter, the Mayor and Council Members shall be elected for terms of four years. **Candidates for each seat, including the Mayor, shall be elected at large until the election.** If a candidate for Mayor or Council Member fails to receive a majority of the votes cast at the regular election, the City Council shall order a run-off election to be held between the two (2) candidates receiving the most votes, to be held on a date as prescribed by the Texas Election Code.

SECTION 11.02 SPECIAL ELECTIONS

The City Council by ordinance or resolution, may call such special elections as are authorized by State law or this Charter, fix the time and place of holding the same, and provide all means for holding such special elections. Every special election shall be called and held as nearly as practicable, according to the provisions governing regular elections.

SECTION 11.03 REGULATION OF ELECTIONS

All City elections shall be conducted in accordance with the applicable provisions of the Texas Election Code. The City Council shall appoint the clerks, judges and other election officials and shall provide for their compensation and other expenses incurred in holding said election.

SECTION 11.04 CANDIDATES; FILING FOR OFFICE

Any qualified person as prescribed by Section 3.02 of this Charter may make application to have his/her name placed on the official ballot for the position of Council Member or Mayor. The application shall be made in accordance with all applicable laws and shall state that the candidate agrees to serve if qualified and elected. Each candidate shall execute such oath and other official form or affidavit as required by the Texas Election Code. The City Secretary shall review the application and notify the candidate whether or not the application satisfies the requirements of this Charter and the Texas Election Code. If an application is insufficient, the City Secretary shall return it immediately to the candidate with a statement of such insufficiency. The candidate may file a new application within the regular time for filing applications. The City Secretary shall keep on file all applications found sufficient at least until the expiration of the term of office for which such candidates filed.

SECTION 11.05 OFFICIAL BALLOT

The order of the names of the candidates on the ballot shall be determined by the City Secretary in accordance with the procedures set out in the Texas Election Code. The name of each candidate seeking an elective office, except those who have withdrawn, died, or become

ineligible prior to the time permitted for withdrawal, shall be printed on the official ballot in the name designated by the candidate in accordance with the Texas Election Code. Early voting shall be conducted pursuant to the Texas Election Code.

SECTION 11.06 CANVASSING AND ELECTION RESULTS

Returns of every municipal election shall be delivered forthwith by the election judges to the City Secretary, with a copy of the returns being sent to the Mayor. The City Council shall canvass the returns and declare the official results of the election as provided by the Texas Election Code.

SECTION 11.07 COUNCIL DISTRICTING COMMISSION

Following the adoption of this charter, the City Council shall appoint a Districting Commission comprised of no less than ___ registered voters of the City of Princeton, which shall be responsible for the setting of boundaries for the single-member districts for election of City Council members to Seats 1, 2, 3, and 4. As soon as practicable following their appointment, and before the general election date in November ____, the commission shall divide the territory in which the City's voters reside into four (4) districts, each to contain approximately the same number of total residents (including non-voters). Variations of district size corresponding to less than 100 residents shall be deemed compliant with this section. The number of residents within a district shall be determined by reference to the number of occupied residential dwelling units, and shall include consideration of factors such as occupancy rates reported by property owners contemporaneously with the districting process. If the commission uses a mathematical factor to estimate the number of persons within residential dwelling units as part of its drawing of district boundaries, it shall apply the same value to all occupied residential dwelling units of the same type (single-family, duplex, apartments, etc.) throughout the City's territory. The commission shall make a written report, including a diagram of the district boundaries, and submit the same to the City Council for ratification and use in electing the single-member-district seats thereafter, and then shall dissolve, having completed its function.

Every ___ years after the implementation of single-member districts for the subject councilmember seats, the City Council shall appoint a new Districting Commission for the same purpose, and each subsequent commission shall examine the City's district map, compare it with updated information regarding the number of residents as set forth above, and make a written report, including a diagram of revised district boundaries, and submit the same to the City Council for ratification and use in all City Council elections with candidate filing deadlines occurring after the date the district boundaries have been adopted, or until again revised by a subsequent Districting Commission.

CHAPTER TWELVE

INITIATIVE, REFERENDUM AND RECALL

SECTION 12.01 POWER OF INITIATIVE

The people of the City reserve the power to direct legislation by initiative and, in the exercise of such power, may propose any ordinance not in conflict with this Charter or State law, except state law prohibits initiative for an ordinance appropriating money or authorizing the levy of taxes, an ordinance amending an ordinance appropriating money or levying taxes, or an ordinance repealing an ordinance appropriating money or levying taxes. Any initiated ordinance may be submitted by a petition signed by at least three hundred (300) registered voters of the City, or the registered City's voters equal in number to at least twenty-five (25) percent of the number of City voters casting ballots in the most recent regular City election, whichever is greater. Said petition shall be filed with the City Secretary no later than sixty (60) days after the filing of an affidavit with the Secretary indicating an intention to circulate a petition.

SECTION 12.02 POWER OF REFERENDUM

The people of the City reserve the power to approve or reject at the polls any legislation enacted by the City Council, which is subject to the initiative process under this Charter. Within thirty (30) days after the final adoption or publication, whichever date is later, of any ordinance which is subject to referendum, a petition, signed by at least three hundred (300) registered voters of the City, or by registered voters of the City equal in number to at least twenty-five (25) percent of the number City voters casting ballots in the most recent regular City election, whichever is greater, may be filed with the City Secretary requesting that any such ordinance be either repealed or submitted to a vote of the people. Said petition shall be filed with the City Secretary no later than sixty (60) days after the filing of an affidavit with the Secretary indicating an intention to circulate a petition. When such a petition has been certified as sufficient by the City Secretary, the ordinance so specified in the petition shall not go into effect, or further action shall be suspended if it shall have gone into effect, until and unless it is approved by the voters as herein provided.

SECTION 12.03 FORM OF PETITION FOR INITIATIVE, RECALL, AND REFERENDUM

All petition papers circulated for the purpose of an initiative or referendum shall be uniform in size and style, and in accordance with the petition requirements of the Texas Election Code. For purposes of all petitions, the references to a "qualified voter" for purposes of eligibility to sign a petition means "registered voter", unless otherwise specified by state law. Signers shall inscribe their signatures in ink or indelible pencil, and include with their signatures the date of signing, a legibly printed version of their legal name, date of birth, voter registration number, and their place of residence, by street and number, or other description sufficient to identify the residence of the person as within the appropriate territory. The signature is the only information which is required to appear on the petition in the signer's own handwriting. Each page of the petition containing signatures must have a corresponding affidavit of the individual who personally circulated that paper, attesting that it bears a stated number of signatures affixed only during the appropriate circulation period, and that all signatures were appended thereto in their presence and that the circulator believes them to be the genuine signatures of the persons whose names they purport to be.

SECTION 12.04 FILING, EXAMINATION AND CERTIFICATION OF PETITIONS

All papers comprising a petition for initiative or referendum shall be assembled and filed with the City Secretary as one instrument. Within thirty (30) days after the petition is filed, the City Secretary shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition has been signed by a sufficient number of qualified electors and shall hold any petition paper entirely invalid which does not have attached thereto the statement signed by the circulator thereof. The City Secretary shall certify the result of this examination to the City Council at its next regular meeting. If the City Secretary shall certify that the petition is insufficient, the certificate shall specify the particulars in which it is defective and shall at once notify in writing the person filing the petition of this finding. A petition may be amended at any time within ten (10) days after a notice of insufficiency has been sent by the City Secretary, by filing **one** supplementary petition. In such event, the same procedures shall then be followed by the City Secretary and City Council as in the case of the original petition for the same purpose.

SECTION 12.05 COUNCIL CONSIDERATION AND SUBMISSION TO VOTERS

When the City Council receives an authorized initiative petition, certified by the City Secretary to be sufficient, the City Council shall either (a) pass the initiated ordinance without amendment within twenty (20) days after the date of the certification to the City Council; or (b) submit the initiated ordinance without amendment to a vote of the qualified voters of the City at a regular or special election to be held on a uniform election date of the State of Texas, but not less than ninety (90) days from the date that the City Secretary certifies the submission to the City Council.

When the City Council receives an authorized referendum petition, certified by the City Secretary to be sufficient, the City Council shall reconsider the referred ordinance. If, upon such reconsideration, such ordinance is not repealed, it shall be submitted to the voters of the City at a regular or special election to be held on a uniform election date of the State of Texas, but not less than ninety (90) days from the date that the City Secretary certifies the submission to the City Council.

Special elections on initiated or referred ordinances shall not be held more frequently than once each six (6) months, and no ordinance on the same subject as an initiated ordinance which has been defeated at any election may be initiated by the voters within two (2) years from the date of such election.

SECTION 12.06 BALLOT FORM AND RESULTS OF ELECTION

Ordinances submitted to the electors in accordance with the initiative and referendum provisions of this Charter shall be submitted by ballot title, which shall contain a clear, concise statement, without argument, of the substance of such ordinance. The ballot used shall have below the ballot title the following proposition, one above the other in the order indicated: "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE." Any number of ordinances may be voted on at the same election and may be submitted on the same ballot.

If a majority of electors voting on a proposed initiated ordinance shall vote in favor thereof, it shall thereupon become an ordinance of the City. A referred ordinance which is not approved by a majority of the electors voting thereon shall thereupon be deemed repealed. If conflicting

ordinances are approved by the electors at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

SECTION 12.07 POWER OF RECALL

The people of the City reserve the power to recall the Mayor or any other member of the City Council and may exercise such power by filing with the City Secretary a petition, signed by qualified voters of the City equal in number to at least four hundred (400) registered voters of the City, or the registered City's voters equal in number to at least twenty-five (25) percent of the number of City voters casting ballots in the most recent regular City election, whichever is greater, demanding the removal of the Mayor or other member of the City Council. The petition shall be signed and verified in the manner and within the time restrictions required for an initiative petition, shall contain a general statement of the grounds upon which the removal is sought and one of the signers of each petition paper shall make an affidavit that the statements made therein are true. **In the case of an official who was elected from the City's voters residing within a particular district, only those signatures which _____ may be counted towards the number required to trigger a recall election.**

SECTION 12.08 RECALL ELECTION

All papers comprising a recall petition **must conform with Section 12.03 above** and be assembled and filed with the City Secretary **as one instrument**. Within thirty (30) days after the petition is filed, the City Secretary shall determine its sufficiency and, if found to be sufficient, shall certify this fact to the City Council at its next regular meeting. If a recall petition is found to be insufficient, it may be amended within ten (10) days after notice of such insufficiency by the City Secretary, by filing **one** supplementary petition. In that event, the same procedures shall then be followed by the City Secretary and the City Council as in the case of an original petition. The finding of insufficiency of a recall petition shall not prejudice the filing of a new petition for the same purpose.

The City Council Member whose removal is sought by a recall petition may, within five (5) days after such petition has been certified and presented to the City Council, request in writing that a public hearing be held to permit him to present facts pertinent to the charges specified in the petition. In this event, the City Council shall order such public hearing to be held not less than five (5) days nor more than fifteen (15) days after receiving such request for a public hearing.

If the City Council Member whose removal is sought does not resign, the City Council shall order a recall election and fix a date for such election, the date of which shall not be less than ninety (90) days from the date the petition was submitted to the City Council or from the date of the public hearing if one was held, whichever is later, or at the earliest date thereafter permitted by the Texas Election Code.

SECTION 12.09 RECALL BALLOT

Ballots used in recall elections shall read as follows: "SHALL (name of person or persons) BE REMOVED FROM THE CITY COUNCIL BY RECALL?" Below such question there shall be printed the following as to each person named:

"FOR THE REMOVAL OF (name of person.)"

"AGAINST THE REMOVAL OF (name of person.)"

SECTION 12.10 RESULTS OF A RECALL ELECTION

If a majority of the votes cast at a recall election is against removal of a Council Member named on the ballot, that member shall continue in office. If a majority of the votes cast at such election are for the removal of the City Council Member named on the ballot, the City Council shall immediately declare the office vacant and such vacancy shall be filled in accordance with the provisions of this Charter. A City Council Member thus removed shall not be a candidate to succeed himself in an election called to fill the vacancy created.

SECTION 12.11 LIMITATIONS ON RECALL

No recall petition shall be filed against the Mayor or any other Council Member within six (6) months after that official first takes office, or within six (6) months after an election for that same official's recall, nor within six (6) months of the end of the official's current term. A petition requiring supplementation shall be deemed filed on the date the City has received all materials needed to make the petition complete.

SECTION 12.12 DISTRICT JUDGE MAY ORDER ELECTION

Should the City Council fail or refuse to order any election for initiative, referendum, or recall when all of the requirement for such election have been satisfied by the petitioners in conformity with this Article of the Charter, then it shall be the duty of the District Judge of Collin County, upon proper application therefor, to order such election and effectuate the provision of this Article of the Charter.

CHAPTER THIRTEEN

FRANCHISES

SECTION 13.01 POWER TO GRANT FRANCHISE

The City Council shall have the power, subject to the provisions hereof, by ordinance to confer upon any person, firm, corporation or other legal entity the franchise or right to use the public property of the City for the purpose of furnishing to the public any general public service or benefit, including, but not limited to, heat, light, power, telephone service, transportation, or other telecommunication providers for compensation or hire. The City shall have the power by ordinance to grant, renew, and extend all franchises of all public utilities of every character operating within the City. No such franchise shall be granted until after a public hearing shall have been called and held and until such ordinance shall have been passed and accepted by the franchisee.

SECTION 13.02 TRANSFER OF FRANCHISE

No public utility or other franchise shall be transferable except with the approval of the City Council expressed by ordinance.

SECTION 13.03 OWNERSHIP, USE AND CONTROL OF STREETS

No franchise or easement involving the right to use the streets, alleys, highways, parks, and public ways shall be valid unless granted in compliance with the terms of this chapter. No granting of a franchise by ordinance pursuant to this chapter shall convey any ownership or interest in any property of the City other than the right to use the public property for purposes of such franchisee's operations as expressed in the ordinance granting such franchise.

SECTION 13.04 RIGHT OF REGULATION

In granting, amending, renewing and extending public service and utility franchises, the City shall retain the right to:

- (1) Repeal such franchise by ordinance for failure to comply with the terms thereof, such power to be exercised only after due notice and hearing;
- (2) Require an adequate extension of plant and service as is necessary to provide adequate service to the public and require maintenance of the plant and fixtures at the highest reasonable standard of efficiency, based upon applicable state and federal regulations;
- (3) Establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates;
- (4) Impose regulations to ensure safe, efficient and continuous service to the public. The franchise holder in opening and refilling all earth openings shall re-lay the pavement and do all other work necessary to complete restoration of streets, sidewalks or grounds to a condition equally as good as or better than when disturbed; and

- (5) Upon notice to franchisee and a reasonable opportunity to be heard, to regulate, locate, or prohibit the erection of any and all poles, wires, or other utility equipment, conveyance, or structure, on the streets, alleys and public places of said City, and to cause the same to be changed, removed, altered, increased, diminished, placed underground, or be supported by poles of such material, kind, quality and class as may be determined by the City Council whether the same be telegraph, telephone, electric, cable television, or otherwise, and to enforce the provisions hereof by appropriate action in any court of competent jurisdiction.

SECTION 13.05 COMPENSATION FOR FRANCHISE

All persons, corporations, or association of persons, to whom a franchise or privilege may hereafter be granted shall pay to the City for such privilege such compensation as may be fixed by the City Council in the grant of such franchise or privilege. Such compensation as fixed by contract or provided by State law(s) shall become due and payable at such time as the City Council shall fix in the granting of such franchise or privilege. The failure of any franchisee to pay said compensation when due may result in forfeiture of the franchise or privilege.

SECTION 13.06 COUNCIL TO FIX AND REGULATE CHARGES, FARES OR RATES

If applicable State law so provides, the City Council shall determine, fix, and regulate the charges, fares or rates of any person, firm, or corporation enjoying a franchise or privilege granted under the provisions of this chapter, and shall prescribe the kind of service to be furnished to the public by such person, firm, or corporation, and the manner in which it shall be rendered and may from time to time alter or change such rules, regulations, and compensation after reasonable notice and public hearing. The rates, charges and fares so fixed shall at all times be reasonable and permit the franchisee a reasonable opportunity to earn a reasonable return on the franchisee's invested capital used and useful in providing service to the public in excess of its reasonable and necessary operating expenses. In this connection, the City Council may require any utility or franchise holder to furnish such financial reports and information as the City Council may request including reports of actual operating costs and the financial conditions of its operations within the City. The City Council may employ, at the expense of such franchisee, necessary outside experts to examine and audit the accounts and records of the franchisee to determine the reasonableness of such charges, fares, and rates.

CHAPTER FOURTEEN

GENERAL AND TRANSITIONAL PROVISIONS

SECTION 14.01 CONTINUATION OF PRESENT OFFICES

All persons holding elective offices that are retained under this Charter will continue to fill those offices for the terms to which they were elected and shall be elected prospectively in accordance with Section 2.01, "Form of Government". All resolutions and ordinances relating to the creation, appointments, terms, powers, and duties of municipal officers, the Princeton Municipal Court, and the Princeton Police Department prior to the adoption of this charter are preserved and continued except as may be expressly in conflict the terms set forth herein, in which case charter provisions shall have controlling effect, until such time as they are otherwise amended or modified by action of the City Council.

All persons holding administrative offices at the time this Charter takes effect shall continue in office and in the performance of their duties in the capacities to which they have been appointed until provisions shall have been made in accordance with the terms of this Charter for the performance of such duties or the discontinuance of such office, if any. The powers conferred and the duties imposed upon any office, department or agency of the City by the laws of the State shall, if such office, department or agency be abolished by this Charter or under its authority, be thereafter exercised and discharged by the office, department or agency designated by the City Council, unless otherwise provided herein.

SECTION 14.02 ETHICS

The proper operation of democratic local government requires that City officials are independent, impartial, and responsible only to the residents of the City; all governmental decisions and policies are made using the proper procedures of the governmental structure; no City official has any personal financial interest that is in conflict with the proper discharge of his/her duties in the public interest; public office shall not be used for personal financial gain; the City Council shall be maintained as a nonpartisan body; and City officials fully comply with all federal and state statutes, laws, and regulations concerning conflicts of interest.

SECTION 14.03 CONFLICT OF INTEREST

No member of the City Council, the Mayor, or any other officer, whether elected, appointed, paid or unpaid, who exercises responsibilities beyond those that are advisory in nature, shall participate in a vote or decision on a matter involving a business entity or real property in which such officer has a substantial interest distinguishable from the public generally if it is reasonably foreseeable that an action on the matter would have an economic effect on the business entity or on the value of the property.

No member of the City Council, the Mayor, or any other officer, whether elected, appointed, paid or unpaid, who exercises responsibilities beyond those that are advisory in nature, shall have a financial interest, direct or indirect, in any contract with the City, or shall be financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies or service. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee violating this section shall forfeit his office or position. Any violation of this section, with

the knowledge expressed or implied of a person or corporation contracting with the City, shall render the contract involved voidable by the City Council. For a period of twenty-four (24) months after leaving office, no member of the City Council or the Mayor may conduct any type of personal business with the City that would have been prohibited by state law or this Charter if that officer were still in office.

For a period of twelve (12) months after leaving office, no member of the City Council or the Mayor may be employed by the City as a paid employee or paid officer. Any City employee or subordinate officer who is elected or appointed to the office of Mayor or City Council member shall be deemed to resign from all other City positions of employment, and any boards or commissions which are incompatible with their new office under this charter or other applicable law, effective immediately upon their qualification and assumption of the duties of that office.

SECTION 14.04 NEPOTISM

No officer of the City of Princeton shall appoint, vote for, or confirm the appointment to any paid office, position, clerkship, employment or duty, of any person related within the second degree by affinity or within the third degree by consanguinity to any member of the City Council, Mayor or City Manager, when the salary, fees, or compensation of such appointee is to be paid for, directly or indirectly, out of or from public funds or fees of office of any kind or character whatsoever. This provision shall not prevent the appointment, voting for, or confirmation of any person who shall have been continuously employed in any such office, position, clerkship, employment or duty for at least thirty (30) days, if the officer is appointed, or at least six (6) months, if the officer is elected. When a person is allowed to continue in any such position, the officer related shall not participate in the deliberation or voting upon the appointment, reappointment, employment, confirmation, re-employment, change in status, compensation, or dismissal of such person, unless such action is taken with respect to a bona fide class or category of employees.

SECTION 14.05 OFFICIAL NEWSPAPER

The City Council shall have the power to designate by resolution a newspaper of general circulation in the City as the City's official newspaper. All ordinances, captions of ordinances, notices and other matters required to be published by this Charter, by ordinance, or by State law, shall be published in the official newspaper.

SECTION 14.06 JUDICIAL NOTICE

This Charter shall be recorded in the City Secretary's office in a book kept for that purpose. As soon as practicable after its adoption, an authenticated copy of the Charter shall be certified to the Secretary of State of the State of Texas, at which time the Charter becomes a public act. Such Charter provisions may be read in evidence without pleading or proof of their provision, and judicial notice shall be taken thereof in all courts and places.

SECTION 14.07 PROPERTY NOT SUBJECT TO GARNISHMENT AND EXECUTION

No property owned or held by the City shall be subject to any garnishment or execution of any kind or nature except as specifically provided by State law.

City shall also have the power to acquire property within or without its boundaries or within boundaries of other municipalities for any public purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease, or eminent domain when necessary or desirable to carry out any

of the powers conferred upon it by this Charter or by the Constitution and the laws of the State of Texas.

SECTION 14.08 PUBLIC MEETINGS AND RECORDS

All meetings of the City Council and all boards, commissions and committees appointed by the City Council shall be governed by the provisions of Chapter 551, Texas Government Code and any amendments thereto with regard to the posting of agenda and the holding of public meetings. All public records of every officer, department or agency of the City shall be open to inspection by any citizen at all reasonable business hours, provided that records excepted from public disclosure by Chapter 552, Texas Government Code and any amendments thereto shall be closed to the public and not considered public record for the purpose of this section.

SECTION 14.09 INDEMNIFICATION OF OFFICERS

The City Council shall, by appropriate ordinance, provide for the indemnification and defense of the officers and employees of the City, including the members of the City Council, or any board, commission, or committee, including volunteers, against any loss, cost, or expense, including court costs and attorney's fees, to the extent allowed by law, arising out of the claim, suit, or judgment or settlement thereof, resulting from any alleged negligent act or omission of such officer, employee, member, or volunteer during the discharge of his duties and within the scope of his office, employment, membership, or assigned voluntary position with the City, or in any other case where the City is directed or authorized by law to do so. Such indemnification will not be provided for any act arising out of the intentional or knowing violation of any penal statute or ordinance or arising out of any conduct determined by final judgment to be an act of fraud or to have been taken with the intent to deceive or defraud, or for any personal or private business of such officer, employee, member, or volunteer, or for the gross negligence or official misconduct, or willful or intentionally wrongful act, or omission of such officer, employee, member, or volunteer.

SECTION 14.10 AMENDMENT OF THIS CHARTER

Amendments of this Charter may be submitted by the City Council to the qualified voters of the City for their approval at an election, no more often than once every two (2) years, held in accordance with Chapter 9, Texas Local Government Code.

SECTION 14.11 BOND OR SECURITY NOT REQUIRED

It shall not be necessary in any action, suit or proceeding in which the City is a party, for any bond, undertaking, or security to be executed on behalf of said City. All such actions, suits, appeals, or proceedings shall be conducted in the same manner as if such bond, undertaking, or security had been given, and said City shall be liable as if such obligation had been duly given and executed.

SECTION 14.12 SEVERABILITY CLAUSE

If any chapter, section, paragraph, sentence, clause or phrase of this Charter shall be held unconstitutional or invalid for any reason by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such provision so held invalid may appear, except to the extent that an entire chapter, section, paragraph, or sentence may be

inseparably connected in meaning and effect with the provision to which such holding shall apply directly.

SECTION 14.13 MEANING OF WORDS

The provision of this Charter shall be liberally construed for the purpose of effecting the objects and ends thereof. Unless some other meaning is manifest, the word “City” shall be construed to mean the “City of Princeton,” and the word “and” may be read “or” or the “or” may be read “and” if the sense requires. Words in the present tense include future tense and, except when a more constrictive meaning is manifest, singular may mean plural. The word “Council” shall be construed to mean the City Council of the City of Princeton. The gender of the wording as contained in the Charter shall always be interpreted to mean either sex.

SECTION 14.14 EFFECTIVE DATE

This Charter shall take effect immediately following adoption by the voters and entry of the official order by the City Council declaring the same adopted as soon as practicable. After adoption, the Mayor shall certify to the Secretary of State an authenticated copy of the Charter under the City’s seal showing approval by the voters. The City Secretary shall record the Charter in a book kept for that purpose and keep and maintain the same as the official record of the City.

DRAFT

CHAPTER FIFTEEN
ADOPTION OF CHARTER

SECTION 15.01 SUBMISSION AND ELECTION

This Charter shall be submitted to the qualified voters of the City of Princeton for adoption or rejection on the 8th day of November, 2022, at which election, if a majority of the qualified voters voting in such election shall vote in favor of the adoption of this Charter, it shall then immediately become the governing law of the City of Princeton, Texas, until amended or repealed.

It being impracticable to submit this Charter so that each subject may be voted on separately, it is hereby prescribed that the form of ballot to be used in such election shall be as follows to wit:

- “FOR”** **ADOPTION OF A CHARTER**
- “AGAINST”** **ADOPTION OF A CHARTER**

This Home Rule Charter for the City of Princeton, Texas, is respectfully submitted to the City Council of the City of Princeton for the purpose of calling an election on the question of adoption of the Home Rule Charter this ___ day of _____, 2022. This proposed Charter represents the recommendation of the members of the Home Rule Charter Commission, whose membership and signatures are evidenced below.

