

WHITEHOUSE HOME RULE CHARTER

Adopted January 20, 1996

Whitehouse - Charter



WHITEHOUSE HOME RULE CHARTER COMMISSION

November 20, 1995

Honorable Mary E. Pike, Mayor
Honorable Larry Hogenmiller, Mayor Pro Tem
Honorable Mike Gray, Councilmember
Honorable Jed Dillingham, Councilmember
Honorable Dale Moran, Councilmember
Honorable Nancy Terry, Councilmember

The Charter Commission of the City of Whitehouse respectfully requests that this Charter be submitted to the registered voters of the City of Whitehouse at an election to be held for that purpose on the 20th day of January, 1996. The Charter Commission in preparing this Charter concludes that it is impracticable to segregate each subject so as to permit a vote of "yes" or "no" on the same, for the reason that the Charter is so constructed that in order to enable it to work and function, it is necessary that it should be adopted in its entirety. For these reasons, the Charter Commission directs that the said Charter be voted upon as a whole.

Not less than thirty (30) days prior to such election, the City Council should cause the City Secretary to mail a copy of this Charter to each registered voter of the City of Whitehouse as appears on the latest certified list of registered voters. Within five (5) days after such election, the City Council is to canvass the votes and, if the Charter is adopted by a majority of the registered voters in said election, the City Council should enter upon the records of the City an official order declaring the Charter adopted and this Charter shall take effect immediately.

The City Secretary should file an official copy of the Charter with the records of the City and furnish a copy of said Charter to the Mayor to be authenticated by her signature and the seal of the City and forwarded to the Secretary of the State of Texas to be filed for record.

The signatures ascribed below were all duly selected and appointed by the City Council of the City of Whitehouse on June 27, 1995, under the authority of Tex. Loc. Gov't Code Chapter 9, § 9.002(d), as members of the Charter Commission of the City of Whitehouse, shall be considered and accepted as certification that the Charter, of which this instrument becomes a part, has been voted upon and adopted by a majority of the members of the Charter Commission.

Acker Hanks, Chairman

/s/
Vince Primo, Vice Chairman

/s/
Ross Whitting

/s/
Larry Lough

/s/
Beverly Daniels

/s/
James Noble

/s/
Tom Tatum

/s/
Scott Garner

/s/
Johnny Brown

/s/
C.L. Nix

/s/
Jim Hinsley

/s/
Debbie Warren

/s/
Dillon Hamilton

/s/
Anthony Orsino

/s/
Mark Sweeney



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**CITY OF WHITEHOUSE
HOME RULE CHARTER**

This Charter is dedicated to the citizens of the "City of Whitehouse, Texas," and to ensure such powers, rights, and duties as herein provided and to encourage the citizens' participation in the democratic government for proper and efficient progress of our city.

To this end we ordain this home rule charter as prescribed by law and with the guidance of God.

ARTICLE 1

Incorporation, Form of Government, and Boundaries

Section 1.01 Incorporation.

The citizens of the City of Whitehouse in Smith County, Texas, within the corporate limits as now established, or hereafter established in the manner prescribed by this Charter, shall be and shall continue to be a municipal body politic and corporate in perpetuity under the name of the "City of Whitehouse."

Section 1.02 Form of Government.

The municipal government provided by this Charter shall be known as "Council-Manager" government. Pursuant to its provisions and subject only to the limitations imposed by the State constitution, by statutory laws of Texas, and by this Charter, all powers of the City shall be vested in an elective Council, hereinafter referred to as "Council," which shall enact local legislation, adopt budgets, determine policies, appoint the City Manager, who shall execute the laws and administer the government of the City, and recommend to the Mayor appointments of the City Attorney and Judge of the Municipal Court.

Section 1.03 Boundaries.

The boundaries and limits of the City of Whitehouse, until changed in the manner herein provided, shall be the same as have heretofore been established and exist on the date of the adoption of this Charter, which boundaries are more fully set out and described by metes and bounds in a book called, *Official Record Describing the Metes and Bounds of the City of Whitehouse*, which is now and shall hereafter be in the office of the City Secretary of the City of Whitehouse.

Section 1.04 Extension of Boundaries.

The boundaries of the City of Whitehouse may be enlarged and extended by the annexation of additional territory, irrespective of size and configuration, in any of the methods hereinafter designated:

- (a) Extension of city limits by petition: Whenever a majority of the legally qualified property owners who are citizens of the State of Texas and inhabitants of any territory adjoining the City of Whitehouse, or in case there are no qualified voters in said territory, then, when persons owning a majority of the land in the area to be annexed, they may present a written petition requesting annexation to the Council and shall attach to said petition an affidavit of one or more of their number to the effect of that said petition is signed by a majority of such qualified voters, or in the case there are no qualified voters said affidavit shall be to the effect that there are not qualified voters in said territory and that the persons signing the petition own a majority of the land in said territory; and thereupon the Council at regular session or in special session held not sooner than thirty (30) days after the presentation of said petition may by ordinance annex such territory to the City of Whitehouse and thenceforth the said territory shall be a part of the City of Whitehouse and the inhabitants thereof shall be entitled to all the rights and privileges of other citizens and shall be bound by the acts, ordinances, resolutions, and regulations of said City.
- (b) Annexation of unoccupied lands on petition of owners: The owners or owner of any land which is without residents, adjacent to the City may, by petition in writing to the City Council, request the annexation of such contiguous and adjacent land, describing it by metes and bounds. The City Council shall thereafter, and not less than five (5) days and not more than ninety (90) days after the filing of such petition, bear such petition and the arguments for and against the same, and grant or refuse such petition as the City Council may see fit. If the City Council grants such petition, it may by proper ordinances receive and annex such territory as a part of the City.
- (c) Annexation by amendment to Charter: The boundary limits of the City may be fixed and additional territory added or annexed thereto by amendment to the Charter of the City.
- (d) Extending limits by action of the City Council: The City Council shall have power by ordinance to fix the boundary limits of the City of Whitehouse and to provide for the extension of said boundary limits and the annexation of additional territory lying adjacent to said City, with or without the consent of the inhabitants in such territory or the owners thereof, not inconsistent with the procedural rules prescribed by law applicable to the cities operating under charters adopted or amended under Article 11, Section 5, of the Constitution of the State of Texas.
- (e) Annexation by any other method provided by law: Additional territory may be annexed to the City in any manner and by any procedure that may now be provided by law or that may be hereafter provided or in such manner as shall be provided by ordinances or resolutions of the City Council. Same shall be in addition to the methods hereinabove provided.

- (f) Annexed territory to become part of the city: Upon completion of any one of the procedures hereinabove provided, the territory so annexed shall become a part of the City, and said land and its residents and future residents shall be provided within a timely manner all the rights and privilege of other citizens of the City and shall be bound by the acts, ordinances resolutions and regulations of the City.

Section 1.05 Rule for Contraction of Boundaries.

Whenever there exists within the corporate limits of the City of Whitehouse any territory not suitable or necessary for orderly planning and development of the City, the City Council may, upon a petition signed by the majority of the qualified voters residing in such territory, if the same be inhabited, or without any such petition, if the same be uninhabited, by ordinance duly passed, discontinue said territory as a part of said City; said petition and ordinance shall specify accurately the metes and bounds of the territory sought to be eliminated from the City and shall contain a plat designating such territory so that the same can be definitely ascertained; and when said ordinance has been duly passed the same shall be entered upon the minutes and records of the City, and from and after the entry of such ordinances said territory shall cease to be a part of said City, but said territory shall still be liable for its pro rata share of any debts incurred while said area was a part of said City, and the City shall continue to levy, assess, and collect taxes on the property within said territory to pay the indebtedness incurred while said area was a part of the City as though the same had not been excluded from the boundaries of the City. Provided however, that in the event such disannexation shall be initiated unilaterally by the City without application of the residents residing within such areas to be disannexed or the owners thereof, then in such event the City shall not continue to levy, assess, and collect taxes on such disannexed area as herein provided, and in accordance with laws and codes of the State of Texas.

Section 1.06 Industrial Districts.

The City of Whitehouse may form industrial districts in accordance with laws and codes of the State of Texas.

ARTICLE 2 Powers of the City

Section 2.01 Specific Powers.

The City of Whitehouse shall have all powers now or hereafter granted to municipalities by the Constitution and laws of the State of Texas, together with all of the implied powers necessary to carry into execution such granted powers.

The City may:

- (a) use a corporate seal;
- (b) sue and be sued;
- (c) contract and be contracted with;
- (d) cooperate with the government of the State of Texas or an agency or any political subdivision thereof or with the Federal government or any agency thereof, to accomplish a lawful purpose for the advancement of the interest, welfare, health, morals, comfort, safety, and convenience of the City and its citizens;
- (e) acquire property within or without its corporate limits for any municipal purpose in fee simple, or in any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and subject to the provisions of this Charter;
- (f) sell, lease, mortgage, hold, manage, improve, control, and police any such property as may now or hereafter be owned by it, shall have the right to lease or let its property whether inside or outside of the city limits; provided however, the City shall not sell, convey, mortgage, or otherwise alienate any public utility without prior approval of the voters of the City;
- (g) exercise the power of eminent domain where necessary or desirable to carry out any of the powers conferred upon it by this Charter, or by the Constitution and laws of the State of Texas;
- (h) assess, levy, and collect taxes for general and special purposes on all lawful subjects of taxation;
- (i) borrow money in the faith and credit of the City by the issuance and sale of bonds, warrants, or notes of the City; borrow money on the revenue of municipally owned utilities or other municipal enterprises by the issuance of bonds and notes secured by such revenues;
- (j) appropriate the funds of the City for all lawful purposes; regulate and control the use, for whatever purpose, of the streets and other public places;
- (k) make and enforce all police, health, sanitary, and other regulations; pass ordinances and enact such regulations as may be expedient for the protection and maintenance of good government, peace, and welfare of the City for the performance of the functions thereof, and for the order and security of its residents; and provide suitable penalties for the violations of any ordinance enacted by the City of Whitehouse; and, except as prohibited by the Constitution and laws of this state or restricted by this Charter, the City may exercise all municipal powers, functions, rights, privileges, and immunities of every name and nature whatsoever.

The powers hereby conferred upon the City shall include, but are not restricted to, the powers conferred expressly and permissively by Chapter 147, Page 307, of the Acts of the 33rd Legislature, Regular Session, enacted in 1923 pursuant to the Home Rule Amendment of the Constitution of Texas, known as the Enabling Act and including other laws and codes of the State of Texas, as now or hereafter amended, all of which are hereby adopted. In addition to the powers enumerated herein, and subject only to the limitations imposed by the State Constitution, the State laws, and this Charter, the City shall have, without the necessity of express enumeration in this Charter, each and every power which, by virtue of the Constitution of Texas, the people of the City are empowered by election to grant to or confer upon the city by expressly and specifically granting and enumerating the same herein. All such powers, whether expressed or implied, shall be exercised and enforced in the manner prescribed in this Charter; or when not prescribed herein, in such manner as shall be provided by the ordinance of the Council.

Statutory reference:

For statutory provisions concerning Home-Rule Municipalities, see TEX. LOC. GOV'T CODE §§ 9.001 et seq.

Section 2.02 General Powers.

The enumeration of the particular powers set forth herein shall not be held or deemed to be exclusive, but in addition to the powers enumerated herein or implied hereby or appropriate to the exercise of such powers, the City shall have and may exercise all power of local self-government and all other powers which, under the Constitution and laws of the State of Texas, it would be competent for this Charter specifically to enumerate, and authority shall include the right to condemn property for such purposes. The City shall have and possess the power of condemnation for any municipal or public purposes even though not specifically enumerated in this Charter.

Section 2.03 Streets and Public Property.

The City shall have exclusive dominion, control, and jurisdiction in, upon, over, and under the public streets, sidewalks, alleys, highways, public squares, and public ways within the corporate limits of the City, and in, upon, over, and under all public property of the City. With respect to each and every public street, sidewalk, alley, highway, public square, public park, or other public way within the corporate limits of the City, the City shall have the power to establish, maintain, improve, alter, abandon, or vacate the same; to regulate the use thereof; and to abate and remove in a summary manner any encroachment thereon.

Section 2.04 Street Development and Improvement.

The City shall have the power to develop and improve, or cause to be developed and improved, any and all public streets, sidewalks, alleys, highways, and other public ways within the corporate limits of the City by laying out, opening, narrowing, widening, straightening, extending, lighting, and establishing building lines along the same; by purchasing, condemning, and taking property therefor by filling, grading, raising, lowering, paving, repaving, and repairing, in a permanent manner, the

same; and by constructing, reconstructing, altering, repairing, and realigning curbs, gutters, drains, sidewalks, culverts, and other appurtenances and incidentals in connection with such development and improvement authorized hereinabove, or any combination or parts thereof. The cost of such development and improvement may be paid partly or entirely by assessments levied as a lien against the property abutting thereon and against the owners thereof, and such assessments may be levied in any amounts and under any procedure not prohibited by state law; provided, that no assessment shall be made against such land or owners in excess of the enhancement in value of such property occasioned by such improvement.

As an alternate and cumulative method of developing, improving, and paving any and all public streets, sidewalks, alleys, highways, and other public ways within its corporate limits, the City shall have the power and authority to proceed in accordance with Chapter 106, Page 489, Acts 1927, Fourteenth Legislature, First Called Session, as now or hereafter amended, the same being Article 1105b of the Revised Civil Statutes of Texas, 1925.

Editor's note:

*TEX. REV. CIV. STAT., Art. 1105b has been renumbered to TEX. TRANSPORTATION CODE
§§ 313.001 et seq.*

**ARTICLE 3
The City Council**

Section 3.01 Number, Selection, and Term of Office.

The legislative and governing body of the City of Whitehouse shall consist of a Mayor and five (5) Councilmembers, and said body shall be the only elective officers of the City and shall be known as the "City Council of the City of Whitehouse." The election of the Councilmembers shall be by the City at large, and by place, while the Mayor shall be elected by the City at large in the manner provided in Article 7, each for a term of two (2) years or until their successors have been elected and take office as provided in Article 7. Upon adoption of this Charter, all duly elected or appointed Councilmembers or Mayor shall remain in office until term of office expires.

No elected officer may serve more than three (3) consecutive terms as Mayor. Persons serving three (3) consecutive terms as Mayor must remain out of office one (1) term before being eligible to serve in that same position. Serving a half or more of any portion of a term shall be counted in determining the number of terms served. The activation of this paragraph shall not take effect until the first municipal election in May after the approval of this amendment to the Charter.

No elected officer may serve more than three (3) consecutive terms as Councilmember. Persons serving three (3) consecutive terms as a Councilmember must remain out of office one (1) term before being eligible to serve in that same position. Serving a half or more of any portion of a term shall be counted in determining the number of terms served. The activation of this paragraph shall not take effect until the first municipal election in May after the approval of this amendment to the Charter.
(Amendment adopted May 5, 2001)

Section 3.02 Prohibiting Holding or Running for Other Office.

No person elected to the City Council shall, during the term for which they were elected, be appointed to any office or position in the service of the City. If a member of the Council, a member of any Board or Commission appointed by the Council, or any appointive officer or employee of the City is elected or appointed to any publicly elected office, other than re-election to the same position on the City Council, they shall immediately forfeit their place, position, or employment with the City, except such individual may be a Notary Public or member of the National Guard or naval or military reserve or a retired member of the Armed Forces.

Section 3.03 Qualifications.

Each of the five (5) Councilmembers and Mayor shall:

- (a) Be a citizen of the United States of America;
- (b) Be a registered qualified voter of the State of Texas and at least 21 years of age;
- (c) Have resided for at least one (1) year immediately preceding the election date at which they are candidates within the corporate limits of the City of Whitehouse;
- (d) Not be employed by the City at the time they declare to be a candidate as a Councilmember or Mayor;
- (e) If elected shall hold no other public office except that of Notary Public or a member of the National Guard or naval or military reserve or a retired member of the Armed Forces; and
- (f) Not be in arrears in the payment of any taxes or other liability due the City nor be disqualified by reason of any provision of any other sections of this Charter.