



Home Rule Charter

ADOPTED DECEMBER 6, 1947
As Revised January 25, 1972;
August 13, 1983;
April 5, 1986;
May 2, 1998;
September 16, 2003; and
May 1, 2021.

CITY OF BEAUMONT HOME RULE CHARTER

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CHARTER OF THE CITY OF BEAUMONT, TEXAS*

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PREFACE

This publication of the Charter of the City of Beaumont is made primarily for the purpose of incorporating significant amendments to the Charter voted upon by the citizens of Beaumont September 13, 2003. In publishing this revised Charter, we would be remiss were we to fail to acknowledge, with gratitude, the Beaumont Charter Commission of 1947 who, by a majority vote, recommended the submission of the Charter of the City of Beaumont to the citizenry. Those members are:

Chilton O'Brien
T. N. Whitehurst
B. N. Kiker
Bryan D. Beck, Jr.
Ray Coale
H. C. Galloway
W. B. Johnson
Elmer Leach

Kirby McGown
George W. Morgan
W. D. Norwood
Mrs. Tom Rigsby
W. N. Scarborough
Ben F. Shipley
J. B. Terrell

* **Editor's note**—Printed herein is the revised charter of the City of Beaumont, Texas, originally adopted on December 6, 1947, and subsequently amended on January 25, 1972, August 13, 1983, April 5, 1986, May 2, 1998, September 16, 2003, and May 1, 2021, as promulgated by the city. Amendments are indicated by a history note following the amended provision. The absence of a history note indicates the material is unchanged from the original charter. Apart from minor nonsubstantive changes in style and formatting, the charter is reproduced as promulgated by the city. Capitalization, punctuation and grammar have been retained. Obviously misspelled words have been corrected without notation. Material enclosed in brackets has been added for clarification.

State constitution reference—Charter to be consistent with constitution and general laws, art. XI, sec. 5.

The following constituted the Charter Amendment Review Committee who proposed amendments to this Charter for adoption January 25, 1972:

Anthony G. Brocato, Co-Chairman	Chilton O'Brien, Co-Chairman
Dr. Richard Brassard, Jr.	Mrs. Norma Parcel
Robert S. Burns	Pike Powers, Jr.
Alvin Daniels	Mark Steinhagen
Wm. C. Key	Rev. James B. Thompson
Watt Langham	Dr. Norman Weed
Marne H. Meynig	Mrs. Ralph Wooster
Ed Moore	

Grateful acknowledgment is made to the Home Rule Charter Committee who met to recommend the Charter amendments adopted April 5, 1986. Members of the Committee were:

James M. Stokes Chairman	Edward Moore
Gaylyn Cooper Vice-Chairman	Mark Steinhagen
Bill Cox	Boyd Wells
Carol Flatten	Gary White
Lou Ann Peacock	Sid Hodges
Elmer Ashcraft	Ernest Browne, Jr.
Steve Lawrence	George Hudspeth
	Vernice Monroe
	Dr. James Lewis

Finally, acknowledgment is made of the many citizens who appeared before the Committee to make suggestions as to content of the Charter, and to staff members who assisted the committee in their work.

Article I INCORPORATION; FORM OF GOVERNMENT; TERRITORY.

Section 1 – CORPORATE NAME: The inhabitants of the City of Beaumont, with the boundaries as now established or as hereafter established in the manner provided in this Charter, shall continue to be and are hereby constituted a body politic and corporate, and to be known by the name and style of “The City of Beaumont.”

Section 2 – FORM OF GOVERNMENT: The municipal government provided by this Charter shall be known as the “Council-Manager Government.” Pursuant to its provisions subject only to the limitations imposed by the State Constitution and general laws of this State, and by this Charter, all powers of the City shall be vested in an elective Council hereinafter referred to as the “City Council” which shall enact local legislation, adopt budgets, determine policies and appoint the

City Manager and such other officials as provided in this charter. The City Manager shall execute the laws and administer the government of the City as provided herein.

State law reference—Form of government, V.T.C.A., Local Government Code, sec. 26.021.

Section 3 – **BOUNDARIES:** The bounds and limits of the City of Beaumont as may be adjusted from time to time by the properly adopted ordinances of the City Council of Beaumont are hereby established and described as follows:

“Beginning on the right bank of the water’s edge of the Neches River where the center line of Carroll Avenue in the Neches River Park Addition to the City of Beaumont strikes the river;

Thence south with the center line of Carroll Avenue to a point opposite the southwest corner of the C. C. Caswell 256.6 acre tract;

Thence east with the southern boundary line of said Caswell tract to the east side of the Texarkana and Fort Smith Railway Company’s right-of-way;

Thence southward with the eastern boundary line of said Texarkana and Fort Smith Railway Company’s right-of-way to its point of curve, continuing southward to and across the Texarkana and Fort Smith Railway Company’s spur track to the Beaumont Sawmill Company to a point in its southern boundary line;

Thence in a westerly direction with the southern boundary line of said Texarkana and Fort Smith Railway Company’s track to the eastern right-of-way line of the Texarkana and Fort Smith Railway Company’s right-of-way, known as the Kansas City Southern Railway Company’s right-of-way from Beaumont to Port Arthur;

Thence southeastward along said east right-of-way line of the Texarkana and Fort Smith Railway to its intersection with the center line of Spindletop Avenue;

Thence southwestward along the center line of Spindletop Avenue to its intersection with the east property line of the fresh water canal to Port Arthur;

Thence northwestward along the northeast property line of the fresh water canal to Port Arthur, crossing Highland Avenue;

Thence continuing westward along the northern property line of said fresh water canal to Port Arthur, and still continuing along said property line and following its curve to the north;

Thence continuing northward along the east property line of said fresh water canal to Port Arthur to its intersection with the south line of the James W. Bullock Survey;

Thence westward along the south line of the James W. Bullock Survey to the east line of the Samuel Stivers League;

Thence continuing westward along the south line of the James W. Bullock Survey produced westward through the Samuel Stivers League to its intersection with the center line of Hillebrandt Bayou;

Thence north along the center line of Hillebrandt Bayou to the center line of the Gulf and Interstate Railway Company's right-of-way;

Thence southwestward along said Gulf and Interstate Railway Company's right-of-way to its intersection with the center line of Walden Road;

Thence northwestward along the center line of Walden Road to its intersection with the south line of the Charles Williams League;

Thence east along the south line of the Charles Williams League to the southeast corner of the Thomas H. Langham Subdivision;

Thence north along the east line of the Thomas H. Langham Subdivision, it also being the east line of Lots 1, 8, 9, 16, 17, 24 and 25 of said subdivision;

Thence continuing northward along the dividing line between the west line of Caldwood Acres and the east line of the Langham Estate Subdivision to a point on the north line of the Texas and New Orleans Railroad Company's right-of-way, said point also being in the south line of Caldwood;

Thence southwestward along the dividing line between Caldwood and the Texas and New Orleans Railroad Company's right-of-way to the southwest corner of Caldwood;

Thence northward along the dividing line between Caldwood and Block "G" of the Langham Estate Subdivision to its intersection with the south line of the Hezekiah Williams League, said line also being the north line of the Charles Williams League;

Thence westward along the south line of the Hezekiah Williams League, crossing the Calder Road to its intersection with the west line of Calder

Road, said point of intersection also being the northeast corner of Lot 1, Block "D" of the Langham Estate Subdivision;

Thence continuing westward along the north line of Lot 1, Block "D" said line also being the south line of Dowlen Road, and continuing to a point where the center line of Dowlen Road turns northwestward;

Thence northwestward along the center line of Dowlen Road and crossing the Missouri Pacific right-of-way line;

Thence continuing northward along Dowlen Road, said road extending along the west line of Lots 6, 5, 4, 3, 2, 1 of Block "C" of the Langham Estate Subdivision, to a point in the center line of Dowlen Road where said Dowlen Road turns eastward along the north line of Lot 1, Block "C" of the Langham Estate Subdivision;

Thence eastward along the center line of said Dowlen Road, which road extends along the north boundary of Lot 1, Block "C" of the Langham Estate Subdivision to its intersection with the center line of Dowlen Road where it again turns northward;

Thence northward along center line of Dowlen Road, said road extending along the west line of Block "L" of the Langham Estate Subdivision, and continuing northward along said center line to its intersection with the north line of the Hezekiah Williams League;

Thence eastward along the north line of the Hezekiah Williams League to its intersection with the west line of the Frederick Bigner Survey, said point being the southwest corner of the Frederick Bigner Survey;

Thence northward along the west line of the Frederick Bigner Survey to the northwest corner of the Frederick Bigner Survey, said corner also being the southwest corner of the Thomas Speer League;

Thence eastward along the dividing line between the Frederick Bigner Survey and the Thomas Speer League to the southeast corner of the Thomas Speer League;

Thence northward along the east line of the Thomas Speer League to the southwest corner of the H. R. Williams Survey, said point also being the northwest corner of the Hezekiah Williams, Jr. Survey;

Thence eastward along the south line of the H. R. Williams Survey and the north line of the Hezekiah Williams, Jr. Survey to a point on the right bank of the water's edge of the Neches River;

Thence following the right bank of the water's edge of the Neches River down said river in an easterly direction to its intersection with the center line of Collier's Ferry Road;

Thence southwestward, following the center line of said Collier's Ferry Road to a point where said center line intersects the south line of LaSalle Street;

Thence eastward along the south line of LaSalle Street produced eastward, said line also being the north line of Beaumont Heights Subdivision, to its intersection with the center line of Brakes Bayou;

Thence down the center line of Brakes Bayou with its meanderings to the right bank of the water's edge of the Neches River;

Thence down the right bank of the water's edge of the Neches River with its meanderings to the place of beginning."

(Amended 5/1/21)

Section 4 – **ANNEXATION.**

The City Council shall have the power to annex additional territory, lying adjacent to the city, and the inhabitants thereof, as may be authorized by, and in the manner and form prescribed by the general laws of the State of Texas. (Amended 5/1/21)

State law reference—Municipal boundaries and annexation, V.T.C.A., Local Government Code, ch. 41 et seq.

Section 5 – **CREATION OF WARD BOUNDARIES:** Repealed 8/13/83.

Section 6 – **CHANGE OF WARD BOUNDARIES:** The City Council shall have power to establish, alter or change the ward boundaries of the City of Beaumont; and to divide the City into wards, designating the same by number and describing same; provided that there shall at all times be four (4) wards within the City; and to change such wards from time to time as the City Council may deem expedient so that each ward shall contain as nearly as possible the same number of electors. (Amended 8/13/83)

Article II POWERS OF THE CITY.*

Section 1 – **GENERAL:** The City of Beaumont, as such body politic and corporate, shall have perpetual succession; may sue and be sued; and shall have all the powers granted to cities by the Constitution and Laws of the State of Texas, together with all the implied powers necessary to carry into execution all the powers granted. The City may acquire property within or without its boundaries for any municipal purpose in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage and control any property now owned by it or which it hereafter may acquire, and may construct, own, lease, operate and regulate public utilities; may assess, levy and collect taxes for general and special purposes on all lawful subjects of taxation; may borrow money on the faith and credit of the City by the issuance and sale of bonds or notes of the City; may appropriate the money of the City for all lawful purposes; may regulate and control the use, for whatever purpose, of the streets and other public places; may make and enforce all police, health, sanitary and other regulations, and may pass such ordinances 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, for the order and security of its inhabitants, and to protect the peace, lives, health and property of the inhabitants; and may provide suitable penalties for the violation of any ordinance enacted by the City of Beaumont; and, except as prohibited by the Constitution 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.

Section 2 – **GENERAL POWERS ADOPTED:** The enumeration of the particular powers in this Charter 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. The City of Beaumont shall have and exercise all the powers enumerated in Chapter 13, Title 28, Article 1175 of the Revised Civil Statutes of the State of Texas of 1925 and amendments thereto and hereafter enacted.

State law reference—General powers of home-rule municipality, V.T.C.A., Local Government Code, sec. 51.071 et seq.

Section 3 – **EMINENT DOMAIN:** The City shall have the full power and right to exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred upon it by this Charter or by the Constitution and

* **State law references**—Powers of home-rule municipality, V.T.C.S. art. 1175; general powers of home-rule municipality, V.T.C.A., Local Government Code, sec. 51.071 et seq.; authority of local self-government, V.T.C.A., Local Government Code, sec. 51.072.

Laws of the State of Texas. The City may exercise the power of eminent domain in any manner authorized or permitted by the Constitution and Laws of this State or in the manner and form that may be provided by ordinance of the governing body of the City. The power of eminent domain hereby conferred shall include the right of the City to take the fee and land so condemned and such power and authority shall include the right to condemn public 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.

State law references—Eminent domain, V.T.C.A., Property Code, ch. 21; municipal right of eminent domain, V.T.C.A., Local Government Code, ch. 251.

Section 4 – **SANITARY SEWER SYSTEM:** The City shall have the power to provide for a sanitary sewer system and to require property owners to connect their premises with such sewer system; and to provide for penalties for failure to make sanitary sewer connections.

Article III THE CITY COUNCIL.

Section 1 – **GENERAL:** Except as otherwise provided by this Charter, all powers conferred on the City shall be vested in a body to be known as “The City Council” and shall be exercised by the City Council.

Section 2 – **NUMBER AND TERM:** The City Council shall be composed of a Mayor and six (6) Councilmembers. Four (4) Councilmembers shall be designated as “ward Councilmembers,” each of whom shall be elected only by the qualified voters residing in the ward from which each such ward Councilmember is elected. Each ward Councilmember shall reside in the ward to which such Councilmember is elected to represent. Two (2) Councilmembers shall be designated “Councilmembers-at-large;” and the Mayor and Councilmembers-at-large shall be elected by all the qualified voters of the City. At the general election in 2004, the Mayor and at-large Councilmembers shall be elected to one (1) year terms. Thereafter, the Mayor and all Councilmembers shall be elected for two (2) year terms. (Amended 9/16/03)

Section 3 – **QUALIFICATIONS:** The Mayor and each of the six (6) Councilmembers shall be at least twenty-one (21) years of age, shall be a citizen of the United States, a qualified voter of the City of Beaumont. (Amended 4/5/86; Amended 5/1/21)

Section 4 – **SALARY:** Salaries of Mayor and Council members shall be set by ordinance but may not be increased in the current term of the Mayor or Councilmembers enacting such ordinance. (Amended 4/5/86)

Section 5 – **MAYOR:** The Mayor shall preside at meetings of the City Council. He shall be known as the official head of the City Government but shall have no regular administrative duties.

Section 6 – **MAYOR PRO TEMPORE:** The City Council shall elect one of its members as Mayor Pro Tempore for a one (1) year term. The Mayor Pro Tempore shall perform the duties of the Mayor in case of the absence or inability of the Mayor to perform the duties of his office, and, if a vacancy occurs, shall become Mayor for the unexpired term. If the Mayor Pro Tempore is unwilling to assume the duties of Mayor in the event of a vacancy in that office, then the City Council shall appoint a Mayor Pro Tempore from its membership. (Amended 5/2/98)

Section 7 – **VACANCIES:** A vacancy in a ward position, whether filled by the City Council or by election, shall be filled by a resident of the ward in which the vacancy occurred. Vacancies in the City Council where the same do not exceed two (2) at any one time shall be filled by a majority of the remaining members of the City Council and the person elected shall serve for the unexpired term only. When more than two (2) vacancies occur, a special election shall be called to elect their successors to fill their unexpired terms; provided, however, if such vacancies occur within ninety (90) days prior to a general election, then no special election shall be called. But in that event, the remaining members of the City Council shall by a majority vote fill such vacancies and the person so elected shall serve only until the next general City election when such vacancies shall be filled. If four (4) or more vacancies occur within ninety (90) days of a general election, then, and in that event, a special election shall be called to fill the vacancies and the persons so elected shall serve only until the next general City election when such vacancies shall be filled. (Amended 4/5/86)

State law reference—Special election to fill vacancy generally, V.T.C.A., Election Code, sec. 201.051 et seq.

Section 8 – **MEETINGS:** The City Council shall meet at regular meetings each week unless postponed for valid reasons. Special meetings of the City Council shall be called by the City Clerk, at the request of the Mayor, City Manager or four (4) members of the City Council. Four (4) or more members of the City Council shall constitute a quorum for the transaction of business. All meetings of the City Council shall be held in a public place in the City of Beaumont. Meetings of the City Council shall be held in accordance with the laws of the State of Texas which require meetings of public bodies to be open to the public. (Amended 4/5/86)

State law reference—Open meetings, V.T.C.A., Government Code, ch. 551.

Section 9 – **PROCEDURE:** The City Council shall determine its own rules and order of business. It shall keep a true and correct journal of all of its proceedings which said journal shall be open at all times to public inspection.

Section 10 – **APPOINTMENT OF CITY MANAGER:** The City Council shall appoint a City Manager who shall be the chief administrative and executive officer of the City.

Section 11 – **CITY CLERK:** The City Council shall appoint a City Clerk and prescribe the duties and compensation of said officer and provide him with such assistance as it may deem necessary. He shall hold office during the pleasure of the Council.

Section 12 – **AUDITORS:** Prior to the end of each fiscal year, the City Council shall designate one or more qualified public accountants who shall make an independent audit of accounts and other evidence of financial transactions of the City government for the fiscal year for which appointed, and shall submit their report to the City Council. Said report shall be posted on the City's website. Special audits shall be made when deemed necessary by the City Council. The original reports of the City auditors shall be kept among the permanent records of the City. No auditor or firm of auditors shall serve as auditor for the City of Beaumont for more than four (4) successive years. (Amended 4/5/86; Amended 5/1/21)

State law reference—Audit of municipal finances, V.T.C.A., Local Government Code, ch. 103.

Section 13 – **INVESTIGATIONS:** The City Council or any person or committee appointed by it shall have power to inquire into the conduct of any department, office, agency or officer of the City; to make investigations as to City affairs and for that purpose may subpoena witnesses, administer oaths and compel the production of books, papers and other evidence material to said inquiry. The City Council shall provide by ordinance penalties for contempt in refusing to obey any such subpoena or failure to produce books, papers, and other evidence, and shall have the power to punish any such content [contempt] in a manner provided by ordinance.

Article IV ELECTIONS.

Section 1 – **LAWS GOVERNING CITY ELECTIONS:** All City elections shall be governed, except as otherwise provided by this Charter, by the laws of the State of Texas governing general and municipal elections, so far as same may be applicable thereto; and in the event there should be any failure of the general laws or this Charter to provide for some feature of the City elections, then the City Council shall have the power to provide for such deficiency. No informalities

in conducting a City election shall invalidate the same, if it be conducted fairly and in substantial compliance with the general laws, where applicable, and the Charter and ordinances of the City.

State law reference—Applicability of Election Code, V.T.C.A., Election Code, sec. 1.002.

Section 2 – **ELECTION OFFICERS AND CANVASSING RETURNS:** The election judges and other necessary election officials for conducting all such elections shall be appointed by the Council, and they shall be qualified voters of the election precinct in which they are to serve. The election judges shall certify their count of the ballots, attaching the tally sheet to their certificate and deposit it with the City Clerk in a sealed envelope. Within five (5) days after an election, the Council shall meet and canvass the returns and officially declare the result of the election.

State law references—Appointment of election judges, V.T.C.A., Election Code, sec. 32.005; canvassing elections, V.T.C.A., Election Code, ch. 67.

Section 3 – **GENERAL ELECTIONS HELD:** All elective officers under this Charter shall be elected on regular election days as established by the Election Code of the State of Texas. (Amended 4/5/86)

State law reference—Election dates, V.T.C.A., Election Code, ch. 41.

Section 4 - **ELECTION BY MAJORITY, VOTING AT LARGE, RUNOFF ELECTION:** The candidate for Mayor receiving the majority of the votes cast by the qualified voters of the City for Mayor shall be declared elected. The two (2) candidates for Councilmember-at-large receiving the greatest number of votes cast by the qualified voters of the City for Councilmember-at-large shall be declared elected; it being the intention of this section that the Councilmembers-at-large shall be elected by a plurality rather than a majority of the votes. Each qualified voter shall be entitled, but shall not be required, to vote for two (2) candidates for Councilmember-at-large. The candidate for “ward Councilmember” receiving the majority of votes cast by the qualified voters residing in the ward shall be declared elected; it being the intention of this section that each ward as it may hereafter exist shall have equal representation on the Council, but that the four (4) ward Councilmembers shall be voted upon only by the qualified voters residing in each of the four (4) wards established by the City Council as provided in Article I of this Charter. If no candidate for Mayor or for ward Councilmember receives a majority of all votes cast in the general election for the position for which he is a candidate, a runoff election for such position shall be called to be held in accordance with the Texas Election Code, said runoff election to be held between the two (2) candidates who received the greatest number of votes cast in the general election for such position. In the event of a tie vote between two (2) or more candidates with the second greatest number of

votes in the general election, or in the event of a tie vote between the two (2) candidates in a runoff election, the respective candidates so tied shall cast lots to determine who shall be, in the first instance, the successful candidate for the runoff election, or, in the second instance, the duly elected officer. In the event of a tie vote between three (3) or more candidates with the greatest number of votes or in the event of a tie vote between two (2) or more of the candidates with the second greatest number of votes in the general election for the position of Councilmember-at-large, the respective candidates so tied shall cast lots to determine who shall be, in the first instance, the duly elected officers or who shall be, in the second instance, the duly elected officer. All officers duly elected following a general or runoff election, if one is required, shall take office in compliance with the Texas Election Code. (Amended 8/13/83; Amended 5/1/21)

State law references—Election by plurality, V.T.C.A., Election Code, sec. 2.001 et seq.; runoff election, V.T.C.A., Election Code, sec. 2.021 et seq.

Section 5 – **ELECTIONS AND NOMINATIONS**: Any qualified person may have his or her name placed on the official ballot as a candidate for the office of Mayor or Councilmember by filing a sworn application for a place on the ballot pursuant to the Texas Election Code. (Amended 5/2/98)

State law reference—Candidate's application for home-rule city office, V.T.C.A., Election Code, sec. 143.005.

Section 6 – **BALLOTS**: The official ballot shall be prepared in accordance with law. (Amended 8/13/83)

State law reference—Ballot form, content and preparation, V.T.C.A., Election Code, ch. 52.

Article V THE CITY MANAGER.

Section 1 – **APPOINTMENT AND QUALIFICATIONS**: The City Council shall appoint a City Manager who shall be the chief administrative and executive officer of the City and shall be responsible to the City Council for the efficient administration of all the affairs of the City. He shall be chosen by the City Council solely on the basis of his executive and administrative training, experience and ability, and need not, when appointed, be a resident of the City of Beaumont, but during his tenure of office he shall reside within the City. No member of the City Council shall, during the time for which he is elected, be chosen as City Manager.

Section 2 – **TERM AND SALARY**: The City Manager shall not be appointed for a definite term but may be removed at the will and pleasure of the City Council by a vote of the majority of the entire Council. If removed after serving six (6) months,

he may demand written charges and the right to be heard thereon at a public meeting of the City Council prior to the date on which his final removal shall take effect; but pending such hearing, the City Council may suspend him from office. 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 fix all responsibility for such suspension or removal in the City Council. In case of the absence or disability of the City Manager, the City Council may designate some qualified person to perform the duties of the office during such absence or disability. The City Manager shall receive such compensation as may be fixed by the City Council.

Section 3 – POWERS AND DUTIES OF THE CITY MANAGER: The powers and duties of the City Manager shall be as follows:

- (1) Appoint and remove all heads of departments and all subordinate officers and employees of the City except as otherwise provided by this Charter and except as he may authorize the head of a department or office to appoint and remove subordinates in such department or office. The decision of the City Manager or other appointing officer shall be final and there shall be no appeal therefrom to any other office, body or court whatsoever.
- (2) Prepare the budget annually and submit it to the City Council and be responsible for its administration after adoption.
- (3) Prepare and submit to the City Council as of the end of the fiscal year a complete finance report for the preceding year.
- (4) Keep the City Council advised of the financial condition and future needs of the City and to recommend to the City Council for adoption such resolutions as he may deem necessary or expedient.
- (5) Perform such other duties as may be prescribed by this Charter or required of him by the City Council not inconsistent with this Charter.

Section 4 – INTERFERENCE BY CITY COUNCIL PROHIBITED: Neither the City Council nor any of its committees or members shall dictate the appointment of any person to, or removal from, office or employment or discipline by the City Manager or any of his subordinates or in any manner interfere in the appointment or removal or discipline of employees under the City Manager's authority. (Amended 9/16/03)

Article VI THE BUDGET.*

Section 1 – **FISCAL YEAR:** The fiscal year of the City government shall begin on the first day of October and shall end on the last day of September of the following calendar year. Such fiscal year shall also constitute the budget and accounting year. As used in this Charter the term “budget year” shall mean the fiscal year for which any particular budget is adopted and in which it is administered. In order to implement the change of the fiscal year, there shall be an interim budget from the 1st day of July, 1972, to the 30th day of September, 1972, after which the fiscal year shall be as hereinbefore provided in this section. (Amended 1/25/72)

State law reference—General fiscal power to establish fiscal year, V.T.C.A., Local Government Code, sec. 101.022; city fiscal year, V.T.C.A., Tax Code, sec. 1.05.

Section 2 – **PREPARATION AND SUBMISSION OF BUDGET:** The City Manager, at least forty-five (45) days prior to the beginning of each budget year, shall submit to the City Council a proposed budget and an explanatory budget message in the form and with the contents provided by Article VI, Sections 13 and 15. For such purpose, at such date as he shall determine, he, or an officer designated by him, shall obtain from the head of each office, department or agency, estimates of revenue and expenditures of that office, department, or agency detailed by organization units and character and object of expenditure, and such other supporting data as he may request. Total proposed expenditures shall not exceed total anticipated revenues and available reserves in the City Manager’s proposed budget. In preparing the budget, the City Manager shall review the estimates, shall hold hearings thereon and may revise the estimates, as he may deem advisable. (Amended 4/5/86; Amended 5/1/21)

State law references—Itemized budget and contents, V.T.C.A., Local Government Code, sec. 102.003; information furnished by municipal officers and boards, V.T.C.A., Local Government Code, sec. 102.004.

Section 3 – **BUDGET A PUBLIC RECORD:** The budget and budget message and all supporting schedules shall be a public record in the office of the City Clerk open to public inspection by anyone. The City Manager shall cause a reasonable number of copies of the budget and budget message to be prepared for distribution to interested persons.

State law reference—Proposed budget filed with municipal clerk and public inspection, V.T.C.A., Local Government Code, sec. 102.005

* **State law reference**—Municipal budget, V.T.C.A., Local Government Code, ch. 102.

Section 4 – **PUBLICATION OF NOTICE OF PUBLIC HEARING:** At the meeting of the Council at which the budget and budget message are submitted, the Council shall determine the place and time of the public hearing on the budget, and shall cause to be published a notice of the place and time, not less than seven (7) days after date of publication, at which the Council will hold a public hearing.

State law reference—Special notice by publication for budget hearing, V.T.C.A., Local Government Code, sec. 102.0065.

Section 5 – **PUBLIC HEARING ON BUDGET:** At the time and place so advertised, or at any time and place to which such public hearing shall from time to time be adjourned, the Council shall hold a public hearing on the budget as submitted, at which all interested persons shall be given an opportunity to be heard, for or against the estimates or any item thereof.

State law reference—Public hearing on proposed budget, V.T.C.A., Local Government Code, sec. 102.006.

Section 6 – **FURTHER CONSIDERATION OF BUDGET:** After the conclusion of such public hearing, the Council may insert new items or may increase or decrease the items of the budget, except items in proposed expenditures fixed by law. Before inserting any additional item or increasing any item of appropriation, it must cause to be published a notice setting forth the nature of the proposed increases and fixing a place and time, not less than five (5) days after publication, at which the Council will hold a public hearing thereon.

Section 7 – **ADOPTION OF BUDGET:** After such further hearing, the Council may insert the additional item or items, and make the increase or increases, to the amount in each case indicated by the published notice, or to a lesser amount, but where it shall increase the total proposed expenditures, it shall also increase the total anticipated revenue to at least equal such total proposed expenditures.

State law reference—Adoption of budget, V.T.C.A., Local Government Code, sec. 102.007.

Section 8 – **VOTE REQUIRED FOR ADOPTION:** The budget shall be adopted, and a tax rate set by a favorable vote of the members of the Council as prescribed by the Texas Property Tax Code. (Amended 5/1/21)

Section 9 – **DATE OF FINAL ADOPTION; FAILURE TO ADOPT:** The budget shall be finally adopted in accordance with the Texas Local Government Code. Should the Council take no final action in accordance with the Texas Local Government Code, the budget as submitted by the City Manager shall be deemed to have been finally adopted by the Council. (Amended 5/1/21)

Section 10 – **EFFECTIVE DATE OF BUDGET; CERTIFICATION; COPIES MADE AVAILABLE:** Upon final adoption, the budget shall be in effect for the budget year. A copy of the budget, as finally adopted, shall be filed with the City Clerk and shall be posted on the City’s website. The final budget shall be printed, mimeographed or otherwise reproduced and a reasonable number of copies shall be made available for the use of all offices, departments and agencies, and for the use of interested persons and civic organizations. (Amended 5/1/21)

State law reference—Approved budget filed with municipal clerk, V.T.C.A., Local Government Code, sec. 102.008.

Section 11 – **BUDGET ESTABLISHES APPROPRIATIONS:** From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named.

Section 12 – **BUDGET ESTABLISHES AMOUNT TO BE RAISED BY PROPERTY TAX:** From the effective date of the budget, the amount stated therein as the amount to be raised by property tax shall constitute a determination of the amount of the levy for the purposes of the City, in the corresponding tax year.

Section 13 – **BUDGET MESSAGE; CURRENT OPERATIONS:** The budget message submitted by the City Manager to the City Council shall be explanatory of the budget, shall contain an outline of the proposed financial policies of the City for the budget year and shall describe in connection therewith the important features of the budget plan. It shall set forth the reasons for salient changes from the previous year in expenditure and revenue items and shall explain any major changes in financial policy.

Section 14 – **BUDGET MESSAGE; SUPPORTING SCHEDULES:** Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material, in respect to both current operations and capital outlays as the City Manager shall believe useful to the City Council.

Section 15 – **BUDGET:**

(a) **Budget Preparation:** The budget shall provide a complete financial plan for all funds for the fiscal year, which shall include (a) a budget message, (b) general summary, (c) detailed estimates of all anticipated revenues applicable to proposed expenditures, and (d) all proposed expenditures. The expenditures for general and special revenue funds shall be by function, department, activity, and by character and object. In funds other than general and revenue (enterprise funds), the proposed expenditures shall be presented in an understandable manner according to the discretion of the City Manager. (Amended 4/5/86)

(b) **Enforcement of the Budget:** The City Manager shall strictly enforce the provisions of the budget as specified in the ordinance adopting the budget. He shall not authorize or approve any expenditure unless an appropriation has been made in the budget ordinance adopting the budget, and there is an available unencumbered balance of the appropriation sufficient to pay the liability to be incurred. No officer or employee of the City shall place any orders or make any purchase except for the purposes authorized in the budget. Any officer or employee placing such orders or making such purchases may be held personally liable for same. (Added by amendment 4/5/86)

Section 16 – **ANTICIPATED REVENUES COMPARED WITH OTHER YEARS:** In parallel columns opposite the several items of revenue there shall be placed the actual amount of such item for the last completed fiscal year, the estimated amount for the current fiscal year, and the proposed amount for the ensuing budget year.

Section 17 – **PROPOSED EXPENDITURES; COMPARISON WITH OTHER YEARS:** The proposed expenditures for the administration, operation, maintenance and capital outlay of each office, department or agency of the City shall be itemized by character and object. In parallel columns opposite the various items of expenditures, there shall be placed the actual amount of such items of expenditures for the last completed fiscal year, the estimated amount for the current fiscal year and the proposed amount for the ensuing budget year.

Section 18 – **CONTINGENT APPROPRIATION:** Provision shall be made in the annual budget and in the appropriation ordinance for a contingent appropriation in an amount not more than three (3) per centum of the total general fund expenditure, to be used in the case of unforeseen items of expenditures. Such contingent appropriation shall be under the control of the City Manager and distributed by him, after approval by the City Council. Expenditures from this appropriation shall be made only in case of established emergencies and a detailed account of such expenditures shall be recorded and reported. The proceeds of the contingent appropriation shall be disbursed only by transfer to other departmental appropriations, the spending of which shall be charged to the departments or activities for which the appropriations are made.

Section 19 – **CAPITAL PROGRAM:**

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

(b) **Contents:** The Capital Program shall include:

(1) A clear general summary of its contents;

- (2) A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity of such improvements; and,
- (3) Cost estimates, method of financing, and recommended time schedules for each such improvement.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

(Added by amendment 1/25/72; effective date: 3 months prior to the 1973-74 budget year)

Section 20 – **COUNCIL ACTION ON CAPITAL PROGRAM:** The Council shall give notice of a public hearing on the proposed Capital Program and shall hold said hearing in the same manner as provided in this Chapter for the annual budget. The hearing for the proposed Capital Program and the notice of same may be in conjunction with the annual budget. The Council shall, by resolution, adopt the Capital Program with or without amendment after the public hearing in accordance with the Texas Local Government Code. (Added by amendment 1/25/72; effective: 3 months prior to the 1973-74 budget year; Amended 5/1/21)

Section 21 – **FIVE-YEAR PLANNING BUDGET:** Repealed 9/16/03.

Article VII FINANCE ADMINISTRATION.*

Section 1 – **DIRECTOR OF FINANCE GENERAL:** The City Manager shall be the Director of Finance. He shall have control of the custody and disbursement of City funds and monies according to ordinances and regulations of the City Council. If required by the City Council, he shall provide a standard surety company bond in such amount as the City Council may require, but not less than \$250,000, said bond to be underwritten by a recognized and approved surety company with a permit to do business within the State of Texas, the premium of which bond shall be paid out of the funds of the City. (Amended 9/16/03)

Section 2 – **DIRECTOR OF FINANCE POWERS AND DUTIES:** The Director of Finance shall have charge of the administration of the financial affairs of the City and to that end he shall have authority and be required to:

- (a) Compile the estimates of revenues and expenditures for the budget;

* **State law references**—General financial provisions applicable to home-rule municipality, V.T.C.A., Local Government Code, sec. 101.021 et seq.; audit of municipal finances, V.T.C.A., Local Government Code, ch. 103.

- (b) Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to insure that budget appropriations are not exceeded;
- (c) Maintain a general accounting system for the City Government and each of its offices, departments and agencies and such subsidiary accounts and cost records as may be required by ordinance for purposes of administrative direction and financial control, keeping separate accounts for the items of appropriation contained in the City budget, each of which accounts shall show the amount of the appropriation, the amounts paid thereunder, the unpaid obligations against it and the unencumbered balance; require reports of receipts and disbursements from each receiving and spending agency of the City Government to be made at such intervals as he may deem expedient;
- (d) Submit to the City Council a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the City;
- (e) Prepare as of the end of each fiscal year a complete financial statement and report;
- (f) Collect all taxes, special assessments, license fees and other revenues of the City or for whose collection the City is responsible;
- (g) Shall have custody of all public funds belonging to or under the control of the City or any of its departments and shall deposit same in such depositories as may be designated by the City Council; shall have custody of all investments, bonds and notes of the City and be responsible for their safekeeping;
- (h) Supervise and be responsible for the purchase, storage and distribution of all supplies, materials, equipment and other articles used by any office, department or agency of the City Government;
- (i) Approve all proposed expenditures; unless there is an unencumbered balance of appropriation and available funds, no expenditure shall be made.

(Amended 9/16/03)

Section 3 – **ACCOUNTING SUPERVISION AND CONTROL:** The Director of Finance shall have power and be required to:

- (a) Prescribe the forms of receipts, vouchers, bills or claims to be used by all the offices, departments and agencies of the City Government;
- (b) Examine and approve all contracts, orders and other documents by which the City Government incurs financial obligations, having previously ascertained that monies have been appropriated and allotted and will be available when the obligations shall become due and payable;
- (c) Audit and approve before payment all bills, invoices, payrolls and other evidences of claims, demands or charges against the City Government and determine the regularity, legality and correctness of such claims, demands or charges;
- (d) Inspect and audit any accounts or records of financial transactions which may be maintained in any office, department or agency of the City Government apart from or subsidiary to the accounts kept in his office;
- (e) Annually inventory and retain in a “property book” all property assets belonging to the City of Beaumont which are tangible, have a useful life longer than the current fiscal year, and have a significant value.

(Amended 1/25/72)

Section 4 – **TRANSFER OF APPROPRIATIONS:** Upon the recommendation of the City Manager, the City Council may transfer any unencumbered appropriation balance or portion thereof from one office, department or agency to another in the manner provided by law.

Section 5 – **FEES:** All fees collected by any officer or employee shall be paid to the Department of Finance at such times as required by the Director of Finance.

Section 6 – **APPROPRIATIONS LAPSE:** All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered.

Section 7 – **PURCHASE PROCEDURE:** All purchases made by the City of Beaumont shall be made in accordance with the Texas Local Government Code as it may be amended from time to time. The exemptions from the necessity of competitive bidding as established by State law are adopted. All contracts and purchases shall be handled so as to obtain the best value for the City, with bids or quotes solicited whenever practicable. Nothing herein shall apply to a contract

for personal or professional services or to work done by the City and paid for by the day as such work progresses. (Amended 9/16/03)

State law reference—Purchasing and contracting authority of municipality, V.T.C.A., Local Government Code, chs. 252, 271.

Section 8 – **CONTRACTS FOR IMPROVEMENTS:** Contracts for City improvements shall be executed in accordance with the Texas Local Government Code as it may be amended from time to time. The City Council shall have the power to reject all bids and advertise again. Alterations or change orders may be made or approved by the City Manager, provided such alterations or change orders do not increase the cost to the City more than ten (10) percent of the original amounts. Any single change in excess of \$10,000 shall be approved by the City Council. Council shall receive a report on a monthly basis of all change orders approved by the City Manager within the ten (10) percent limit. (Amended 9/16/03)

Section 9 – **BORROWING IN ANTICIPATION OF TAXES:** For the purpose of temporary borrowing, the City Council shall have the power by ordinance to raise money on the credit of the City by the issuance of warrants or notes in anticipation of the collection of taxes or of special assessments.

Section 10 – **SALE OF NOTES; WARRANTS:** All notes or warrants issued pursuant to this Article may be sold at not less than par and accrued interest at private sale by the Director of Finance without previous advertisement, but such sale shall be authorized by the City Council.

Article VIII TAXATION.*

Section 1 – **DIVISION OF TAXATION:** The Finance Officer of the City of Beaumont shall be responsible for assuring that the assessing and collection of taxes is done in the best interest of the City of Beaumont. (Enacted 4/5/86; amended 9/16/03)

Section 2 – **POWER TO TAX:** The City Council shall have the power under the provision of State law to levy, assess and collect an annual tax upon taxable property within the City to the maximum provided by the Constitution and general laws of the State of Texas. (Enacted 4/5/86)

State law references—Local taxation, V.T.C.A., Tax Code, ch. 301 et seq.; property taxes authorized, V.T.C.A., Tax Code, sec. 302.001.

* **Note**—New article VIII enacted by amendment, 4/5/86.

State law references—Texas Property Tax Code supersedes municipal charter, V.T.C.A., Tax Code, sec. 1.02; local taxation, V.T.C.A., Tax Code, ch. 301 et seq.

Section 3 – **ASSESSMENT OF TAXES:** All property, real, personal or mixed, lying and being within the corporate limits of the City of Beaumont on the first day of January in each year not expressly exempt by law shall be subject to annual taxation in accordance with the procedures set forth in the Constitution or general laws of the State of Texas. (Enacted 4/5/86)

State law reference—Property taxes, V.T.C.A., Tax Code, sec. 1.01 et seq.

Section 4 – **TAXES; WHEN DUE AND PAYABLE:** All taxes due to the City of Beaumont shall be payable at the entity designated by the City to collect taxes for the City of Beaumont. Taxes shall be due and shall become delinquent as provided in the Texas Tax Code as amended, which code further provides for delinquent taxes, interest, attorneys fees, penalty, and procedures for the collection of taxes. (Enacted 4/5/86; amended 9/16/03)

State law reference—Delinquency date for payment of taxes, V.T.C.A., Tax Code, sec. 31.02.

Section 5 – **SEIZURE AND SALE OF PERSONAL PROPERTY:** The seizure and sale of personal property for taxes due shall be accomplished according to the provisions of the Texas Tax Code, as amended. (Enacted 4/5/86)

Section 6 – **TAX LIENS:** The tax levied by the City shall be a first and prior lien upon the property upon which the tax is due, which lien may be enforced and foreclosed according to the provisions of the Texas Tax Code, as amended. (Enacted 4/5/86)

State law reference—Tax liens, V.T.C.A., Tax Code, ch. 32.

Article IX ISSUANCE AND SALE OF BONDS.*

Section 1 – **POWER TO BORROW:** The City of Beaumont shall have the right and power to borrow money on the credit of the City for permanent public improvements or for any other public purpose consistent with the Constitution and laws of the State of Texas.

State law references—Municipal bonds, V.T.C.A., Government Code, ch. 1331; authority of municipality to issue bonds for public improvements, V.T.C.A., Government Code, sec. 1331.052.

Section 2 – **BOND ORDINANCE AND ELECTION:** The City shall authorize the issuance of bonds by a Bond Ordinance passed by an affirmative vote of a

* **State law references**—Public Security Procedures Act, V.T.C.A., Government Code, ch. 1201; refunding bonds, V.T.C.A., Government Code, ch. 1207; bond elections generally, V.T.C.A., Government Code, ch. 1251; municipal bonds, V.T.C.A., Government Code, ch. 1331.

majority of all members of the City Council, and approved by a majority of the qualified property taxpaying voters voting at an election called for the purpose of authorizing the issuance of such bonds. The Bond Ordinance shall provide for proper notice, the calling of the election, and the propositions to be submitted. The latter shall distinctly specify:

- (a) The purpose for which the bonds are to be issued, and, where possible, the probable period of usefulness of improvements for which the bond funds are to be expended;
- (b) The amount thereof;
- (c) The rate of interest;
- (d) The levy of taxes sufficient to pay interest and sinking fund;
- (e) That the bonds to be issued shall mature serially within a given number of years not to exceed forty.

The Bond Ordinance and the manner of conducting the election shall in all respects conform to the general laws of this State.

State law reference—Bond elections generally, V.T.C.A., Government Code, ch. 1251.

Section 3 – **ISSUANCE OF BONDS**: Repealed 1/25/72.

Section 4 – **ADVERTISING AND SALE OF BONDS**: All bonds of the City, after having been authorized and issued in accordance with the provisions of this Charter and the laws of the State, shall be advertised once a week for two consecutive weeks, the first publication to be at least fourteen (14) days prior to the time set for the sale, and shall be sold at public sale for the best bid. The City Council shall have the right to reject any or all bids.

Section 5 – **CREATION OF SINKING FUND AND INVESTMENTS**: The ordinance authorizing any bonds or warrants to be issued shall provide for the creation of a sinking fund sufficient to pay the bonds or warrants at maturity, and make provision for the payment of the interest thereon as it matures, and any surplus in any sinking fund or any general fund may be invested in bonds of the State of Texas, or in securities of the United States, or such funds may be used for the purchase of the bonds or warrants of the City of Beaumont which are not yet due, provided, however, that the price paid for said bonds or securities shall not exceed the market value at the time of purchase and the accrued interest provided for in said bonds or securities, and provided further that no such bonds or securities shall be purchased which, according to their terms, mature at a date subsequent to the time of maturity of the bonds for the payment of which such

sinking fund was created. Neither interest nor sinking fund shall be devoted to any other purpose whatsoever.

Article X ORDINANCES.*

Section 1 – **ENACTING CLAUSE:** Every ordinance passed by the City Council shall begin with the following heading:

“BE IT ORDAINED BY THE CITY OF BEAUMONT”

Section 2 – **GENERAL:** The Code of the City of Beaumont and all ordinances, resolutions, rules and regulations of said City heretofore ordained, passed, adopted or enacted that are in force at the time this Charter becomes effective and are not in conflict herewith shall remain in full force and effect until amended or repealed; provided that the same were valid and authorized by the Charter under which they were enacted.

Section 3 – **READING:** Except as otherwise provided herein it shall not be necessary to the validity of any ordinance that it shall be read more than one time or considered at more than one session of the City Council.

Section 4 – **PENAL ORDINANCES; PUBLICATION:** The City Clerk shall give notice of the passage of every ordinance imposing any penalty, fine, imprisonment or forfeiture for violation of its provisions by causing a descriptive caption or title of same to be published within ten (10) days after passage thereof for three (3) successive days in some newspaper of general circulation in the City of Beaumont. Such ordinances shall take effect and be in force from and after the publication thereof unless otherwise expressly provided herein.

Section 5 – **PUBLICATION OF FRANCHISE ORDINANCES:** All ordinances granting or confirming a franchise shall be accepted in writing by the grantees and before taking effect shall be published as otherwise provided in this Charter.

Section 6 – **PUBLICATION NOT NECESSARY:** Unless otherwise provided herein, publication of ordinances shall not be necessary.

Section 7 – **DATE TO TAKE EFFECT:** Ordinances not requiring publication shall take effect from and after their passage unless otherwise therein expressly provided. Ordinances requiring publication shall take effect from and after the last required publication, except as otherwise provided in this Charter.

* **State law references**—Ordinance, rule or regulation necessary to carry out other powers, V.T.C.A., Local Government Code, sec. 51.001; publication of ordinances, V.T.C.A., Local Government Code, sec. 52.013; code of ordinances, V.T.C.A., Local Government Code, ch. 53; enforcement of municipal ordinances, V.T.C.A., Local Government Code, ch. 54.

Section 8 – **ENROLLMENT**: Every ordinance passed by the City Council shall be enrolled by the City Clerk as soon as practicable after its passage.

Section 9 – **CODIFICATION OF ORDINANCES**: The City Council shall have the power to cause the ordinances of the City to be printed in code form as often as the Council may deem advisable and such printed code when adopted by the Council shall be in full force and effect without the necessity of publishing the same or any part thereof in a newspaper. All printed ordinances or code of ordinances shall be admitted as evidence in all courts and shall have the same force and effect as would the original ordinance.

State law reference—Code of ordinances, V.T.C.A., Local Government Code, ch. 53.

Article XI INITIATIVE, REFERENDUM AND RECALL.

Section 1 – **POWER OF INITIATIVE REFERENDUM**: The electors shall have the power to propose any ordinance or to repeal any ordinance except an ordinance appropriating money, authorizing the levy of taxes, making the annual tax levy, or an ordinance authorizing the issuance of bonds which have been authorized by a vote of the people. (Amended 4/5/86)

Section 2 – **PETITION**: Any proposed ordinance may be submitted to the City Council in the form in which the petitioner desires the same to be passed, by a petition filed with the City Clerk in the following manner:

1. Any elector shall make application to the City Clerk and file an intention to circulate a petition giving the date and the proposed ordinance to be circulated. Unless the final petition, with the required number of signatures, is returned within sixty (60) days, it shall not be received for any purpose. For the purpose of this section only, if the 60th day falls on a Saturday, Sunday, or legal holiday, the final petition, with the required number of signatures, must be received the next business day by 5:00 p.m. (Amended 5/2/98)
2. The petition must contain the names of a number of qualified voters in the City of Beaumont equal to five percent (5%) of the qualified voters of the City of Beaumont as appears on the latest available county voter registration list, as of the date of the last general municipal election.
3. To be valid, a petition submitted for the purpose of complying with this section must:

- (a) contain signatures that comply with requirements prescribed by the Texas Election Code and any other applicable requirements prescribed by law; (Amended 5/2/98)
 - (b) contain on each page the text of the proposed ordinance to be circulated; and
 - (c) contain on each page the name of the person circulating the petition. The person circulating the petition must be an elector of the City.
4. Every person circulating any page of a petition shall file with the City Clerk a sworn statement containing his or her name, address, voting precinct number, voter registration number and a statement that:

“I circulated the attached ____ (number[s]) pages of this petition. I am an elector of the City of Beaumont and the signers freely signed this petition. _____ (signature of circulator)

SWORN to this the ____ day of _____, 20 ____.

Notary Public”

(Amended 5/2/98)

Section 3 – DUTIES OF THE CLERK: Each page comprising the petition shall be assembled and filed with the City Clerk as one instrument. Within ten (10) days after a petition is filed, the City Clerk shall determine whether each page of the petition complies with the requirements of Article XI, Section 2, and whether the petition is sufficient. After completing the examination of the petition, the City Clerk shall certify the result thereof to the City Council at its next regular meeting. If the petition is found by the Clerk to be insufficient, it shall be returned to the person filing same along with a written statement concerning the reasons for the insufficiency. The petition may be amended within ten (10) days after notice of insufficiency. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose. (Amended 4/5/86)

Section 4 – CONSIDERATION BY THE COUNCIL: Whenever the City Council receives a certified petition from the City Clerk, it shall consider same and shall either (a) pass said ordinance within thirty (30) days after date of City Clerk's certificate of sufficiency to the petition; or (b) submit said proposed ordinance to a vote of the people at the next election date as set by the election code of the State of Texas, which is at least thirty (30) days after the date of the City Clerk's certificate to the Council. (Amended 4/5/86)

Section 5 – **RESULTS OF ELECTION:** If a majority of the electors voting on a proposed initiative or referendum ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the City of Beaumont. (Amended 4/5/86)

Section 6 – **AMENDMENTS:** Initiative ordinances adopted by the electors may be amended or repealed as in the case of other ordinances, provided that no such ordinance shall be amended in such manner as to defeat its purpose nor may such ordinance be repealed sooner than six (6) months after its enactment. Ordinances which have been the subject of a successful referendum shall not be re-enacted by the City Council sooner than six (6) months after their repeal by the referendum. (Amended 4/5/86)

Section 7 – **POWER OF REFERENDUM:** Repealed 4/5/86.

Section 8 – **REFERENDUM PETITION; EFFECT:** Repealed 4/5/86.

Section 9 – **CONSIDERATION OF REFERENDUM PETITION BY CITY COUNCIL:** Repealed 4/5/86.

Section 10 – **RESULTS OF ELECTION:** Repealed 4/5/86.

Section 11 – **FORM OF BALLOT FOR INITIATED AND REFERRED ORDINANCES:** Ordinances submitted to vote of the electors in accordance with the initiative and referendum provisions of this Charter shall be submitted by ballot which shall state the title of the ordinance to be voted on and shall have below the title the following propositions, one above the other in the order indicated:

“For the Ordinance”
“Against the Ordinance”

Any number of ordinances may be voted on at the same election and may be submitted on the same ballot.

Section 12 – **RECALL; GENERAL:** The Mayor or any member of the City Council may be removed from office by recall.

Section 13 – **RECALL; PROCEDURE:** Any elector of the City of Beaumont may make and file with the City Clerk an affidavit containing the name or names of the officer or officers whose removal is sought and a statement of the grounds for removal. The Clerk shall thereupon deliver to the elector making such affidavit copies of petition blanks demanding such removal. The Clerk shall keep a sufficient number of such printed petition blanks on hand for distribution. Such blanks when issued by the City Clerk shall bear the signature of that officer and be addressed to the City Council, and shall be numbered, dated, and indicate the

name of the person to whom issued. The petition blanks when issued shall also indicate the number of such blanks issued and the name of the officer whose removal is sought. The City Clerk shall enter in a record to be kept in his office the name of the elector to whom the petition blanks were issued and the number issued to said person.

Section 14 – **RECALL PETITIONS:** The recall petition, to be effective, must be returned and filed with the City Clerk within thirty (30) days after the filing of the sworn statement required in Article XI, Section 13, and it must be signed by qualified electors of the City of Beaumont equal to at least five percent (5%) of the qualified voters of the City of Beaumont as it appears on the latest available county voter registration list as of the date of the last general municipal election. Said petition shall conform to the provisions of Article XI, Section 2. No petition paper shall be accepted as part of a petition unless it bears the signature of the City Clerk as required in Article XI, Section 13. (Amended 4/5/86)

Section 15 – **DUTIES OF THE CITY CLERK:** Each page comprising the petition shall be assembled and filed with the City Clerk as one instrument. Within ten (10) days after a petition is filed, the City Clerk shall determine whether each page of the petition complies with the requirements of Article XI, Section 2, and whether the petition is sufficient. After completing the examination of the petition, the City Clerk shall certify the result thereof to the City Council at its next regular meeting, and notify the officer sought to be recalled of such action. If the petition is found by the City Clerk to be insufficient, it shall be returned to the person filing same along with a written statement concerning the reasons for the insufficiency. The petition may be amended within ten (10) days after notice of insufficiency. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose. If the officer whose removal is sought does not resign within five (5) days after notice from the City Clerk of the sufficiency of the recall petition or amended recall petition, the City Council shall thereupon order and fix a date for holding a recall election. Any such election shall be held at the next election date as provided by the Election Code of the State of Texas, which is at least thirty (30) days after the date of the City Clerk’s certificate to the City Council. (Amended 4/5/86)

Section 16 – **BALLOTS IN RECALL ELECTION:** Ballots used at recall elections shall conform to the following requirements:

- (a) With respect to each person whose removal is sought, the question shall be submitted “Shall [name of person] be removed from the office of [name of office] by recall?”
- (b) Immediately below each such question there shall be printed the two following propositions, one above the other, in the order indicated:

“For the recall of [name of person]”
Against the recall of [name of person]”

Section 17 – **RESULTS OF RECALL ELECTION:** If a majority of the votes cast at a recall election shall be against the recall of the officer named on the ballot, he shall continue in office for the remainder of his unexpired term, subject to recall as before. If a majority of the votes cast at such an election be for the recall of the officer named on the ballot, he shall, regardless of any technical defects in the recall petition, be deemed removed from office and the vacancy shall be filled by the City Council as in other vacancies.

Section 18 – **LIMITATIONS ON RECALLS:** No recall petition shall be filed against the Mayor or a Councilman within six (6) months after he takes office nor in respect to an officer subjected to a recall election and not removed thereby, until at least six (6) months after such election.

Section 19 – **DISTRICT JUDGE MAY ORDER ELECTION:** Should the City Council fail or refuse to order any of the elections as provided for in this Article, when all the requirements for such election have been complied with by the petitioning electors in conformity with this Article of the Charter, then it shall be the duty of any one of the District Judges of Jefferson County, Texas, upon proper application being made therefor, to order such elections and to enforce the carrying into effect of the provisions of this Article of this Charter.

Article XII LAW-MUNICIPAL COURT.

Section 1 – **CITY ATTORNEY:**

(a) The City Council shall appoint the City Attorney who must be a competent practicing attorney in the City of Beaumont. He shall receive for his services such compensation as may be fixed by the Council and shall hold his office until his successor is appointed and qualified.

(b) The City Attorney shall represent the City in all litigations. He shall be the legal advisor of and attorney and counsel for the City and for all officers and departments thereof.

(c) The City Attorney shall have power to appoint such assistants as may be deemed necessary by him, subject to the approval of the City Council, at such compensation as fixed by the Council.

Section 2 – **MUNICIPAL COURT:** There shall be a court for the trial of misdemeanor offenses known as the Municipal Court of the City of Beaumont,

with such powers and duties as are given and prescribed by the laws of the State of Texas. (Amended 1/25/72)

State law references—Municipal courts generally, V.T.C.A., Government Code, sec. 29.001 et seq.; jurisdiction of municipal courts, V.T.C.A., Government Code, sec. 29.003.

Section 3 – **CITY MAGISTRATE**: There shall be one or more magistrates of said Municipal Court known as City Magistrates, one of whom shall be designated Chief Magistrate, who shall be elected by a majority vote of the City Council for a term of two (2) years. The Chief Magistrate and other City Magistrates shall be licensed attorneys at law, in good standing, and residents of the City of Beaumont for at least one (1) year preceding his or their appointment. Compensation for said Magistrates shall be fixed by the City Council. The Magistrates may be removed by the City Council for incompetency, misconduct or malfeasance. (Amended 1/25/72)

Section 4 – **CLERK OF COURT**: The City Manager shall appoint the Clerk of Municipal Court. The Clerk and the deputies to the Clerk shall have the power to administer oaths and affidavits, make certificates, affix the seal of the said court thereto and generally do and perform any and all acts usual and necessary by clerks of courts in issuing processes of said courts and conducting the business thereof. (Amended 9/16/03)

State law reference—Municipal court clerk generally, V.T.C.A., Government Code, sec. 29.010.

Article XIII ADMINISTRATIVE DEPARTMENTS.*

Section 1 – **GENERAL**: There shall be a Finance Department and such other departments and offices as may be established by ordinance. All of said departments shall be under the control of the City Manager except where otherwise provided in this Charter. The City Council may discontinue any department or office established by ordinance and may prescribe, combine, distribute or abolish the functions and duties of departments and offices, but no function or duty assigned by this Charter to a particular department or office shall be abolished or assigned to any other department or office.

Section 2 – **DIRECTORS OF DEPARTMENTS**: At the head of each department there shall be a director who shall have supervision and control of the department subject to supervision and approval by the City Manager except as specifically provided otherwise by this Charter. Two (2) or more departments may

* **State law references**—Creation of municipal offices, V.T.C.A., Local Government Code, sec. 26.041; residency requirements for municipal employees, V.T.C.A., Local Government Code, sec. 150.021.

be headed by the same individual. The City Manager may head one or more departments and directors of departments may also serve as chiefs of divisions. The work of each administrative department may be distributed among such divisions thereof as may be established by resolution of the City Council upon the recommendation of the City Manager.

Section 3 – DIRECTORS OF ADMINISTRATIVE DEPARTMENTS; SALARY: The directors of all administrative departments shall be appointed by the City Manager unless otherwise provided in this Charter, and shall receive such compensation as shall be prescribed by the City Council, and before entering upon the duties of the office shall, if required by the Council, make bond in some responsible Surety Company acceptable to the City Council, for such amount as the Council may prescribe, the premium of which bond shall be paid by the City.

State law references—Compensation of officers in home-rule municipality, V.T.C.A., Local Government Code, sec. 141.004; official bonds, V.T.C.A., Government Code, ch. 604.

Article XIV STREET AND SIDEWALK IMPROVEMENT.

Section 1 – POWER AND CONTROL OVER STREETS AND SIDEWALKS: The City of Beaumont shall have the power to lay out, establish, open, alter, widen, lower, extend, grade, abandon, discontinue, abolish, close, care for, pave, supervise, maintain and improve streets, alleys, sidewalks, squares, parks, public places and bridges and regulate the use thereof and require the removal from streets, sidewalks, alleys and other public property or places all obstructions and encroachments of every nature or character upon any of said streets and sidewalks, and to vacate and close private ways as permitted by general law.

State law references—Authority of municipality over and under public highways, streets and alleys, V.T.C.A., Transportation Code, sec. 311.001; authority over sidewalks, V.T.C.A., Transportation Code, sec. 311.004.

Section 2 – STREET AND SIDEWALK IMPROVEMENTS: The City of Beaumont shall have dominion, control and jurisdiction in, upon, and over and under the public streets, avenues, sidewalks, alleys and highways of the City, and may provide for the improvement thereof by paving, repaving, raising, lowering, grading, draining or otherwise. The provisions of the Texas Transportation Code of the State of Texas, Chapter 313, together with existing and future amendments, are expressly adopted and made a part of this charter. (Amended 9/16/03)

State law reference—Street improvements and assessments in cities having more than 1,000 inhabitants, V.T.C.A., Transportation Code, ch. 313.

Article XV
FRANCHISES AND PUBLIC UTILITIES.*

Section 1 – **GENERAL:** The ownership, right of control and use of the streets, highways, alleys, parks, public places, and all other real property of the City of Beaumont is hereby declared to be inalienable to said City except by ordinances passed by a vote of the governing body of the City as hereinafter provided; and no franchise or easement involving the right to use same either along, across, over or under the same shall ever be valid unless expressly granted and exercised in compliance with the terms hereof and of the ordinances granting the same. No act or omission of the City, its governing body, officers or agents shall be construed to confer or extend by estoppel or indirection any right, franchise or easement not expressly granted by ordinance.

Section 2 – **POWER OF CITY COUNCIL:** The City Council shall have power by ordinance to grant, renew and extend all franchises of all public utilities of every character operating within the City of Beaumont and, with the consent of the franchise holder, to amend same, and for such purposes is granted full power. And said City Council shall have the power by ordinance, after reasonable notice and hearing, to determine, fix and regulate charges, fares, or rates of any person, firm or corporation enjoying or that may enjoy a franchise or exercising any other public privilege in said City, and to prescribe the kind of service to be furnished by such person, firm or corporation; and the manner in which it shall be rendered and from time to time to alter or change such rules, regulations and charges. Unless provided in the ordinance granting the same, no public utility franchise shall be transferable except with the approval of the City Council expressed by ordinance. No exclusive franchise or extension or renewal thereof shall ever be granted nor shall any franchise or privilege ever be granted to commence at any time after six months subsequent to the taking effect of the ordinance granting the same.

Section 3 – **ORDINANCE GRANTING FRANCHISES:** All ordinances granting, amending, renewing or extending franchises shall be read at one regular meeting of the City Council and shall take effect thirty (30) days after passage by the City Council; provided, however, if at any time before any such ordinance shall finally take effect a petition or petitions shall be presented to the City Council signed by not less than five hundred (500) of the bona fide qualified voters of the City, then the governing body shall submit the question of the granting of said franchise to a vote of the qualified voters of the City of Beaumont at its next succeeding general election to be held in said City, provided that notice thereof shall be published at least twenty (20) days successively in a daily newspaper in the City of Beaumont prior to the holding of the election. In the event the next succeeding general

* **State law references**—Franchise to use streets in municipality, V.T.C.A., Transportation Code, sec. 311.071 et seq.; authority to grant franchise to use or occupy public grounds, V.T.C.A., Local Government Code, sec. 282.003; municipal home-rule powers to regulate public utilities and franchises using streets, etc., V.A.C.S., art. 1175.

election is not within twelve (12) months from the effective date of the ordinance, then the City Council may submit same at a special election. Ballots shall be used briefly describing the franchise to be voted on and the terms thereof; and shall contain the words "For the granting of a franchise" and "Against the granting of a franchise." The vote shall be canvassed by the City Council and, should it result in a majority of those voting thereon casting their votes in favor of granting a franchise, the City Council shall so declare by order entered in its minutes and said franchise shall at once take effect in accordance with its terms. In the event the majority of such votes be cast "against granting a franchise" then said City Council shall by order entered in its minutes so declare that such franchise shall not take effect. If, at the expiration of any franchise term, the franchise holder has applied for a new franchise and is refused by the City Council, and a petition complying with the foregoing provisions of this section is presented to the City Council, then the Council shall submit the question of the granting of the franchise to the qualified voters in the same manner as heretofore provided. The failure to pass finally on the application within four (4) months after it is filed shall be construed as a refusal. The City Council, in passing an ordinance granting a franchise, may provide therein that it shall not take effect until the same shall have been submitted to and approved by a majority of the qualified voters voting thereon at a general election. After the passage of a franchise ordinance, the full text of such ordinance shall be published on the City's website. (Amended 5/1/21)

Section 4 – **EXCEPTIONS – SPUR TRACKS:** The provisions of Section 3 of this Article relating to effective date of ordinance and publication thereof shall not be applicable to the granting of side track, spur track, or switch privileges to any franchise-holding railway connections and switch privileges to the owners or users of any industrial site. Franchises granting these privileges shall take effect ten (10) days after their adoption on third and final reading, and the full text of such ordinance shall be published once in a newspaper of general circulation published in the City of Beaumont at the expense of the proponent of the franchise.

Section 5 – **TERM:** No indeterminate franchise shall be granted. No determinate or fixed term franchise shall ever be granted for a longer term than thirty-five (35) years. No determinate franchise shall ever be granted except upon the condition that the City shall have the right at any time within five (5) years of the expiration of the term thereof, but prior to the last twelve (12) months of said term, to purchase or cause to be purchased the property of the franchise holder devoted to public service thereunder, same to be effective at the expiration of the fixed term. Before the City shall purchase, or cause to be purchased, property from any franchise holder, the matter of the acquisition of such property shall be submitted at a municipal election to be determined by a majority vote of the qualified taxpayers voting thereon. (Amended 1/25/72)

Section 6 – **RIGHT OF REGULATION:** All grants, renewals, extensions or amendments of public utility franchises, whether it be so provided in the ordinance or not, shall be subject to the right of the City:

- (a) To repeal the same by ordinance at any time for failure to begin construction or operation within the time prescribed or otherwise to comply with the terms of the franchise.
- (b) To require proper and adequate extensions of the plant and service and the maintenance of the plant and fixtures at the highest practicable standard of efficiency.
- (c) To prescribe the forms of accounts kept by each such utility (where a public utility keeps its accounts and books according to a system prescribed by Federal or State authority or Commission, the keeping of such accounts and books in the manner so prescribed shall be deemed a compliance with the foregoing provisions of this subsection); and at any time to examine and audit the accounts and other records of any such utility and to require annual and other reports including reports on local operations by each such utility.
- (d) To impose such reasonable regulations and restrictions as may be desired or conducive to the safety, welfare and accommodation of the public.
- (e) To at any time require such compensation and rental as may be permitted by the laws of the State of Texas.

Section 7 – **CONSENT OF PROPERTY OWNERS:** The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance or operation of any public utility; but nothing in this Charter or any franchise granted thereunder shall ever be construed to deprive any such property owner of any right of action for damages or injury to his property as now or hereafter provided by law.

Section 8 – **EXTENSION:** All extensions of public utilities within the City limits shall become a part of the aggregate property of the public utility, shall be operated as such and shall be subject to all the obligations and reserved rights contained in this Charter and in any original grant hereafter made. The right to use or maintain any extension shall terminate with the original grant and shall be terminable as provided in Section 6 of this Article. In case of an extension of a public utility operated under a franchise hereafter granted such right shall be terminable at the same time and under the same conditions as the original grant.

Section 9 – **ANNUAL REPORT:** The City Council shall require all public service corporations operating within the corporate limits of the City of Beaumont to file a

sworn annual report of the receipts from the operation of the said business for the current year; how expended, how much thereof for the betterment or improvements and the rate of tolls or charges for services rendered to the public. Such annual report shall show any other facts or information that the City Council may deem pertinent for its use in intelligently passing upon any questions that may arise between the City and the said public service corporations; said reports to be filed with the City Clerk.

Section 10 – **POWER TO REGULATE TRACKS:** The City Council shall have the power by ordinance to require any or all railroad companies operating any track or tracks upon or across any public streets of the City of Beaumont to reduce such tracks below the level of the streets intersected or occupied by such tracks, or to elevate such tracks, and to require the company or companies owning or operating such tracks to provide necessary and proper crossing for the public travel at intersecting streets or to remove any tracks from any street occupied by such tracks and to reroute same as designated in the ordinance, provided that the railway company involved be given thirty (30) days notice prior to the adoption of the ordinance.

Section 11 – **FRANCHISE RECORDS:** Within six (6) months after this Charter takes effect, every public utility and every owner of a public utility franchise shall file with the City as may be prescribed by ordinance certified copies of all the franchises owned or claimed within the City or under which such utility operated within the City. The City shall compile and maintain a public record of all public utility franchises issued by the City.

Section 12 – **PRESENT FRANCHISES TO REMAIN IN FORCE:** All franchises now legally in force shall remain in full force and effect for the remainder of the term designated therein. All such franchises, however, shall be subject to the provisions of this Charter, provided no vested rights are impaired thereby.

Article XVI MUNICIPALLY OWNED UTILITIES.*

Section 1 – **POWERS OF THE CITY:** The City shall have the power to buy, own, construct, maintain and operate utilities and to manufacture and distribute electricity, gas or anything else that may be needed or used by the public, and shall have such further powers that may now or hereafter be granted under the Constitution and laws of the State of Texas.

Section 2 – **OPERATION AND CONTROL:** All municipally owned utilities shall be operated by the City in such a manner as to be self-sustaining insofar as is practical, and shall not be converted into general revenue producing agencies of

* **State law references**—Municipal utilities, V.T.C.A., Local Government Code, sec. 402.001 et seq.; authority for municipal public services and utility systems in home-rule municipalities, V.T.C.A., Local Government Code, sec. 402.002.

the City. The City Council may transfer funds of municipally owned utilities to the general fund of the City, provided, however, that the amount so transferred shall not exceed annually 20% of the gross revenue of said utilities for the previous fiscal year. Such sums so transferred to be in lieu of taxes, street rentals or other contributions to general administrative expenses of the City; provided, however, nothing herein is to apply to the operation of charitable and educational facilities operated by the City. Such transfers shall be made annually and shall be non-cumulative.

Section 3 – **ACCOUNTS OF MUNICIPALLY OWNED UTILITIES:** Accounts shall be kept for each public utility owned or operated by the City in such manner as to show the true and complete financial results of such City ownership and operation, including all assets appropriately subdivided into different classes, all liabilities subdivided by classes, depreciation reserve, other reserves and surplus; also revenues, operating expenses including depreciation, interest payments, rental and other distribution of annual income. The accounts shall show the actual capital cost to the City of each public utility owned, also the costs of all extensions, additions and improvements and the source of the funds expended for such capital purposes. They shall show as nearly as possible the cost of any service furnished to or rendered by any such utility to any other city or governmental department. The City Council shall annually cause to be made and published a report showing the financial results of such City ownership and operation, giving the information specified in this section and such additional data as the City Council shall deem expedient.

Section 4 – **SALE OR LEASE OF MUNICIPALLY OWNED UTILITIES:** No public utility or park and/or swimming pools owned by the City of Beaumont shall ever be sold or leased for a period longer than five (5) years until such sale or lease is authorized by a majority vote of the qualified voters of the City; nor shall same be encumbered for more than \$5,000.00 except for purchase money or to refund any existing indebtedness lawfully created, until authorized in like manner.

Section 5 – **ELECTION:** When properties named in Section 4 of this Article are to be sold or leased for a period of more than five (5) years or encumbered for more than \$5,000.00 as provided in said section, the City Council shall, by ordinance, call an election submitting said proposition to the qualified voters of the City of Beaumont; the time and places of holding the election shall be designated in said ordinance and said election shall be held not less than fifteen (15) nor more than thirty (30) days from the passage of said ordinance. Notice of said election shall be given by posting a copy of said ordinance in each of the election precincts in the City and at the City Hall; such ordinance shall also be published on the same day in each of two (2) successive weeks in a newspaper of general circulation published within the City of Beaumont, the date of the first publication to be not less than fourteen (14) days prior to the date set for the election.

Section 6 – **FORM OF BALLOTS:** The question to sell, lease or mortgage shall be submitted on ballots which shall describe the property to be sold, leased or mortgaged, and the terms of the sale, lease or mortgage, and shall have printed below the description and terms:

“For the sale (lease) (mortgage)”
“Against the sale (lease) (mortgage)”

No special election shall be called within sixty (60) days of a general municipal election for the submission of a proposition to sell, lease or mortgage such property but same shall be submitted as herein provided at said general election.

Article XVII GENERAL PROVISIONS.

Section 1 – **BOARDS, COMMITTEES AND COMMISSIONS:** With a goal of making boards, committees and commissions representative of the diversity of the population within the City of Beaumont, the City Council shall have the power to create by ordinance such boards, committees and commissions which it deems necessary to effectively carry on the business and welfare of the City. (Amended 4/5/86)

Section 2 – **CONDEMNATION OF DANGEROUS STRUCTURES:** Whenever in the opinion of the City Council, any building, fence, shed, or structure of any kind or any part thereof is liable to fall down and injure or endanger persons or property, the City Council may order the owner or agent of the same, or occupant of the same, or any owner of the premises upon which such building, shed, awning, or other structure stands or to which it is attached, to take down and remove the same or any part thereof within such time as it may direct, and may punish by fine all persons failing to do so. The City Council shall have the additional power to remove the same at the expense of the City but on the account of the owner of the property and assess the expenses thereof, including the expense of condemnation proceedings, if any, as a special tax against the land and the same may be collected as other special taxes provided for in this Charter or as provided by ordinance, or by suit in any court of competent jurisdiction.

State law reference—Authority of municipality to regulate dangerous and substandard structures, V.T.C.A., Local Government Code, sec. 214.001 et seq.

Section 3 – **CHURCH AND SCHOOL PROPERTY NOT EXEMPT FROM SPECIAL ASSESSMENTS:** No property of any kind, church, school, or otherwise, in the City of Beaumont, shall be exempt from any of the special taxes and assessments authorized by this Charter for local improvements unless exemption is required by State law.

Section 4 – **LIENS AGAINST CITY PROPERTY:** No lien of any kind shall ever exist against any property, real or personal, owned by the City except that same be created as provided in this Charter.

Section 5 – **CITY EXEMPT FROM APPEAL BONDS:** It shall not be necessary in any action, suit or proceeding in which the City of Beaumont is a party, for any bond, undertaking, or security to be executed in behalf of said City, but 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.

State law reference—Cities exempt from security for court costs, V.T.C.A., Civil Practice and Remedies Code, sec. 6.002.

Section 6 – **EXECUTION, GARNISHMENT AND ASSIGNMENT:** The property, real and personal, belonging to said City shall not be liable to be sold or appropriated under any writ of execution or cost bill, nor shall the funds belonging to said City, in the hands of any person, firm or corporation, be liable to garnishment on account of any debt it may owe or funds it may have on hand due any person, nor shall the City or any of its officers or agents be required to answer to any writ of garnishment on any account whatsoever, nor shall said City be liable to the assignee of any wages or [of] any officer, agent or employee of said City, whether earned or unearned, upon any claim or account whatsoever, and as to the City such assignment shall be absolutely void.

State law references—Authority relating to property, V.T.C.A., Local Government Code, sec. 51.076; authority to provide that municipal funds not subject to garnishment, V.T.C.A., Local Government Code, sec. 101.023.

Section 7 – **CITIZENS GIVEN PREFERENCE IN EMPLOYMENT:** Except as herein otherwise provided, qualifications being equal, citizens of Beaumont shall be given preference in employment by the City as well as by any contractor doing work for the City under contract, and such contractors shall pay the prevailing rate of wages paid for the class of work done; and qualifications, prices and quality of material being equal, citizens of Beaumont shall be given preference in the awarding of all contracts over which the City has jurisdiction, provided that this section shall not interfere with the system of purchasing supplies for the various departments by competitive bidding.

Section 8 – **NO OFFICER OR EMPLOYEE TO ACCEPT GIFTS:** No officer or employee of the City of Beaumont shall ever accept, directly or indirectly, any gift, favor, privilege or employment with a value in excess of \$100 from any public utility corporation enjoying the grant of any franchise, privilege or easement from the City during the term of office of such officer or during such employment of such employee except as may be authorized by law or ordinance; provided, however, that policemen or firemen in uniform or wearing their official badges

may accept such free service where the same is permitted by ordinance. Any officer or employee of the City who shall violate the provisions of this section shall be guilty of a misdemeanor and may be punished by any fine that may be prescribed by ordinance for this offense and shall forthwith be removed from office. (Amended 9/16/03)

Section 9 – OFFICERS OR EMPLOYEES NOT TO HAVE FINANCIAL INTEREST IN ANY CONTRACT OF THE CITY: No officer or employee of the City shall have a financial interest direct or indirect or by reason of ownership of stock in any corporation, in any contract with the City, or be financially interested directly or indirectly in the sale to the City of any land, materials, supplies, or services except on behalf of the City as an officer or employee; provided, however, that the provisions of this Section shall only be applicable when the stock owned by the officer or employee exceeds one percent (1%) of the total capital stock of the corporation. Any willful violation of this section shall constitute malfeasance in office and any officer or employee guilty thereof shall thereby forfeit the office or position. Any violation of this section with the knowledge expressed or implied of the person or corporation contracting with the governing body of the City shall render the contract voidable by the City Council.

State law reference—Conflicts of interest of officers, V.T.C.A., Local Government Code, ch. 171.

Section 10 – RELATIVES OF OFFICERS SHALL NOT BE APPOINTED OR EMPLOYED: No person related within the second degree of affinity, or within the third degree of consanguinity, to the Mayor, members of the City Council or City Manager shall be appointed to any office, position or service in the City, but this provision shall not affect officers or employees who were already employed by the City at the time when an officer who may be related within the named degree takes office.

State law reference—Nepotism, V.T.C.A., Government Code, ch. 573.

Section 11 – PERSONS INDEBTED TO CITY SHALL NOT HOLD OFFICE OR EMPLOYMENT: No person shall be qualified to hold a municipal office or serve the City in any other capacity for which compensation is paid who is, or may become while in service, in arrears in the payment of taxes or other liabilities due to the City.

Section 12 – SERVICE OR PROCESS AGAINST: All legal process against the City shall be served upon the Mayor, or acting Mayor.

Section 13 – POWER TO REMIT PENALTIES: The City Council shall have the right to remit, in whole or in part, any fine or penalty belonging to the City, which may be imposed under any ordinance or resolution passed in pursuance of this Charter.

Section 14 – **POWER TO SETTLE CLAIMS:** The City Council shall have the power to compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the City, including suits by the City to recover delinquent taxes.

Section 15 – **WRITTEN NOTICE OF INJURY OR DAMAGE:** Before the City of Beaumont shall be liable for personal injuries of any kind, the person injured or someone in his behalf shall give the City Council notice in writing of such injury within six (6) months after the same has been sustained, stating specifically in such notice when, where and how the injury occurred and the extent thereof, and the names and addresses of any person or persons, if any, witnessing the same, if such names and addresses can be ascertained by reasonable diligence. No officer or employee of the City shall have authority to waive any of the provisions of this section as to notice, but same may be waived only by a resolution of the City Council, made and passed before the expiration of the period herein provided, and evidenced by the minutes of the City Council. (Amended 4/5/86)

State law references—Texas Tort Claims Act, V.T.C.A., Civil Practice and Remedies Code, ch. 101; notice procedures, V.T.C.A., Civil Practice and Remedies Code, sec. 101.101.

Section 16 – **DISABLED EMPLOYEES, PENSIONS, INSURANCE:** The City shall provide a disability and pension plan in accordance with the rules and regulations of the Texas Municipal Retirement System. City Council shall have authority to provide for rules and regulations for maintaining employees when injured and disabled while performing their duties or it may provide for such plan of insurance as it deems proper. All those falling under the heading of employees in this charter and who are employed by the City when the same is in effect, shall be entitled to a credit for the years of continuous service heretofore served; provided, however, that any payment under this provision shall never constitute a waiver or estop the City from asserting any defenses it might have under Section 15 of Article XVII of this charter. (Amended 9/16/03)

Section 17 – **SALE OR LEASE OF PROPERTY OTHER THAN UTILITIES OR ACQUIRED BY TAX SALE:** Any real property owned by the City of Beaumont may be sold or leased by the City Council when in its judgment such sale or lease will be for the best interests of the City; provided, however, a sale or a lease for more than five (5) years shall never become effective until thirty (30) days after the passage of the ordinance or resolution effecting same. If, during such thirty-day period, a referendum petition is presented to the City Clerk, which in all respects conforms to the provisions of Section 2 of Article XI of this Charter, and same is found to be sufficient, then the City Clerk shall certify the sufficiency of same to the City Council, and an election shall be called submitting the question of whether or not the sale or lease, as the case may be, shall be consummated; provided, further, however, the provisions of this Article shall not

apply to the sale or lease of public utilities as provided for under Article XIV, Section 14 [Article XVI, Section 4], of this Charter, nor shall it apply to property purchased by the City at tax sales.

State law reference—Authority relating to property, V.T.C.A., Local Government Code, sec. 51.076.

Section 18 – **PROVISION FOR INDEPENDENT PORT DISTRICT**: Repealed 9/16/03.

Section 19 – **DIVORCEMENT OF BEAUMONT INDEPENDENT SCHOOL DISTRICT**: Repealed 9/16/03.

Section 20 – **CONTINUANCE OF CONTRACTS**: All contracts entered into by the City, or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws or ordinances existing at the time this Charter takes effect may be carried to completion in accordance with the provisions of such existing laws and ordinances.

Section 21 – **MUNICIPAL OWNERSHIP – ACCOUNTS**: Accounts shall be kept for each revenue producing property, tract or parcel of real estate owned or operated by the City, including revenue producing properties owned or held by the City or its officers as trustees, and other trust funds, in such manner as to show the true and complete financial results of such ownership and operation, including all revenues and all distributions of such revenues, and the City Council shall annually cause to be made and published a report showing the financial results of such ownership and operation, and giving such information and such additional data as the City Council shall deem expedient.

Section 22 – **PARTIAL INVALIDITY**: If any section or part of a section of this Charter proves to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force, or effect, of any other section or part of a section of this Charter, unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of a section so held unconstitutional or invalid.

Section 23 – **EFFECTIVE DATE OF CHARTER AND INTERIM GOVERNMENT**: Repealed 9/16/03.

Section 24 – **CITY PLANNING COMMISSION**: There shall be a City Planning Commission. The number of members to serve on said Commission, their term of office, and qualifications for office shall be determined by the City Council. The City Council may combine the City Planning Commission with a City Zoning Commission. The City Planning Commission may make recommendations to the City Manager and the City Council on all matters affecting the physical

development of the City, shall be consulted on the comprehensive plan and the implementation thereof as provided in Section 25, and shall exercise all other responsibilities as may be provided by law. (Added by amendment 1/25/72)

State law reference—Authority of municipality to establish planning and zoning commission, V.T.C.A., Local Government Code, sec. 211.007.

Section 25 – **COMPREHENSIVE PLAN:**

(a) **Content:** The City Council shall adopt a comprehensive plan for the City of Beaumont to be composed of land use, parks and open space, transportation and economic development elements. Said comprehensive plan shall set forth in graphic and textual form policies to govern the future development of the City. Such plan and its elements shall cover the entire City and all of its functions and services. After the adoption of each element of the comprehensive plan, each element shall be reviewed and readopted by the City Council as directed by the City Council. (Amended 9/16/03)

(b) **Adoption:** Upon receipt from the City Manager or his designee of a proposed comprehensive plan or any element thereof or a proposed modification of the existing plan or any element thereof, the City Council shall refer such proposal to the City Planning Commission which shall, within the time specified by City Council, report its recommendations thereon. After receipt of the recommendations of the City Planning Commission, the City Council shall hold a public hearing on the proposed comprehensive plan or element thereof or modification thereof and shall adopt it by resolution with or without amendment. (Amended 4/5/86)

(c) **Effect:** The comprehensive plan shall serve as a guide to all future Council action concerning land use and development regulations.

(d) **Effective Date:** Repealed 4/5/86.

BEAUMONT

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