



Excerpt from The Charter of the City of Allen, Article II. The Council

ARTICLE II. THE COUNCIL

Sec. 2.01. Number, selection, term.

The council shall consist of seven (7) members, that is a mayor and six (6) councilmembers, elected by numbered place from the city at large in the manner provided in this charter, for staggered terms of three (3) years or until their successors have been elected and take office as provided in this charter. (Amendment of 5-6-95; 5-5-01)

Sec. 2.02. Qualifications.

The members of the council shall be qualified voters of the City of Allen and shall have been residents of the city for at least one (1) year immediately preceding their election. Members of the council shall hold no other elected office or appointed public office or position of emolument, except as authorized by state law. If a member of the council shall cease to possess any of these qualifications or shall be convicted of a felony or a crime involving moral turpitude, such person shall immediately forfeit such office. The city council shall be the judge of the election and qualifications of its own members. (Amendment of 5-6-95)

Sec. 2.03. Compensation.

Members of the council shall serve with compensation provided by ordinance. They shall be entitled to reimbursement of necessary expenses incurred in the performance of their official duties when approved by the council. (Amendment of 5-6-95)

[Ordinance No. 2855-9-09, set compensation for the Council as follows: Mayor shall receive \$625.00 per month; City Councilmembers shall each receive \$375.00 per month.]

Sec. 2.04. Vacancies in the council.

In the event a vacancy occurs in the office of mayor or Councilmember, a special election shall be called for such purpose within 120 days after such vacancy occurs. (Amendment of 5-6-95; 5-5-01; 5-12-07)

Sec. 2.05. Presiding officer.

The mayor shall preside at meetings of the council, and shall be recognized as the head of city government for all ceremonial purposes and by the governor of the State of Texas for purpose of military law, but shall have no regular administrative duties. The mayor may participate in the discussion of all matters coming before the council. The mayor shall be required to vote as a member thereof on legislative and other matters. The council shall elect from among the councilmembers a mayor pro tempore who shall act as mayor during the absence or disability of the mayor. A vacancy in the office of

mayor must be filled by a majority vote of the qualified voters at a special election called for such purpose within 120 days after such vacancy occurs.
(Amendment of 5-6-95; 5-12-07)

Sec. 2.06. Powers.

Except as otherwise provided by this charter, all powers of the city and the determination of all matters of policy shall be vested in the council. Without limitation of the foregoing powers of the council, the council shall also have the power to:

- (1) Appoint and remove the city manager.
 - (2) Establish, consolidate, or abolish other administrative departments and distribute the work of divisions.
 - (3) Adopt the budget of the city.
 - (4) Authorize the issuance of bonds by a bond ordinance.
 - (5) Inquire into the conduct of any office, department, or agency of the city and make investigations as to municipal affairs.
 - (6) Appoint the members of the planning and zoning commission, the zoning board of adjustment and such other boards, commissions and directors to corporations as may be authorized by state law.
 - (7) Establish such advisory boards as deemed appropriate from time to time to assist the city council and the city manager in performing municipal functions and activities.
 - (8) Adopt and modify the official map of the city.
 - (9) Regulate and restrict the area, height, and number of stories of buildings and other structures, the size of yards and courts, the density of populations, and the location and use of buildings for trade, industry, business, residence, or other purpose, and adopt such other zoning regulations as may be authorized by law.
 - (10) Adopt, modify and carry out plans proposed by the planning and zoning commission for the replanning, improvement, and redevelopment of neighborhoods and for the replanning, reconstruction, or redevelopment of any area or district which may have been destroyed in whole or in part by disaster.
 - (11) Provide an independent audit.
 - (12) Appoint the city attorney, municipal judge and alternate municipal judge.
 - (13) Enact ordinances.
- (Amendment of 5-6-95; 5-12-07)

Sec. 2.07. Appointment of city manager.

The council shall appoint a city manager, for an indefinite term, who shall be the chief administrative and executive officer of the city. No member of the council shall, during the term for which the member was elected, be chosen as the city manager. The city manager shall receive such compensation as may be fixed by the council.

(Amendment of 5-6-95)

Sec. 2.08. Removal of the city manager.

The council may remove the city manager, upon the affirmative vote of a majority of the full membership of the council. If removed after serving three (3) months, the city manager may demand written charges and the right to be heard thereon at a public meeting of the council prior to the date on which the city manager's final removal shall take effect; pending such hearing the council may suspend the city manager from office. The action of the council in suspending or removing the city manager shall be final, it being the intention of the charter to vest all authority and fix all responsibility for such suspension and removal in the council.

(Amendment of 5-6-95)

Sec. 2.09. Removal of other appointive officials.

The council may, upon the affirmative vote of a majority of the full membership of the council, remove members of its appointive boards and commissions as allowed by state law.

(Amendment of 5-6-95)

Sec. 2.10. Council's right of inquiry into appointments and removals.

Neither the council nor any of its members shall direct or request the appointment of any person to or such person's removal from any office under the control of the city manager. In regard to administrative and executive duties under the city manager, the council and its members shall deal solely through the city manager and neither the council nor any member thereof shall give orders to any subordinate of the city manager, either publicly or privately. Any knowing violation of the foregoing provisions of this charter by any member of the council shall constitute official misconduct and shall authorize the council by a vote of a majority of its membership to expel such offending member from the council if found guilty after a public hearing, and thereby create a vacancy in the place held by such member.

(Amendment of 5-6-95)

Sec. 2.11. Investigation by the city council.

The city council shall have power to inquire into the conduct of any office, department, agency, officer or employee of the city and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths and compel the production of books, papers, and other evidence.

(Amendment of 5-6-95)

Sec. 2.12. Reserved.

Editor's note—An amendment approved by the voters of May 6, 1995, repealed former section 2.12 which pertained to the creation of new departments or offices.

Sec. 2.13. Municipal court.

There shall be established and maintained a court designated as a "municipal court" for the trial of misdemeanor offenses, with all such powers and duties as now or hereafter may be prescribed by laws of the State of Texas relative to municipal courts.

(Amendment of 5-6-95)

Sec. 2.14. Municipal judge.

The city council shall appoint a judge and one (1) or more alternate judges of the municipal court or courts to be known as the municipal judge, who shall be appointed for a term of two (2) years, subject to removal by the city council with or without cause. The judge or judges shall receive such compensation as may be fixed by the council. All costs and fines imposed by the municipal court shall be paid into the city treasury for the use and benefit of the city.

(Amendment of 5-6-95)

Sec. 2.15. Induction of council into office; meetings.

The first meeting of each newly elected council, for induction into office, shall be held at the first regular meeting following its election, after which the council shall meet regularly at least once each month on a day and at a time established by resolution from time to time. All regular meetings and all called special meetings of the council shall be open to the public, except as authorized by state law. The mayor or any two (2) members of the city council may call special meetings of the city council at any time after publishing notice of that meeting in accordance with state law.

(Amendment of 5-6-95; 5-5-01)

Sec. 2.16. Procedure for passage of ordinances.

Every ordinance shall be introduced in written or printed form and upon passage, shall take effect at the time indicated therein; provided that any ordinance imposing a penalty, fine or forfeiture for a violation of its provisions shall become effective from the date of its passage; subject to the provisions of this charter. The city secretary shall give notice of the passage of every ordinance imposing a penalty, fine or forfeiture for a violation of the provisions thereof, by causing the caption or title, including the penalty, of any such ordinance to be published in the official newspaper of the City of

Allen at least twice within ten (10) days after the passage of said ordinance. The city secretary shall note on every ordinance, the caption of which is hereby required to be published, and on the record thereof, the fact that same has been published as required by the charter, and the date of such publication, which shall be prima facie evidence of the legal publication and promulgation of such ordinance; provided that the provisions of this section shall not apply to the correction, amendment, revision and codification of the ordinances of the city for publication in book or pamphlet form. Except as otherwise provided by this charter, it shall not be necessary to the validity of any ordinance that it shall be read more than one (1) time or considered at more than one (1) session of the city council. Every ordinance shall be authenticated by the signature of the mayor and city secretary and shall be systematically recorded and indexed in an ordinance book in a manner approved by the council. It shall only be necessary to record the caption or title of ordinances in the minutes or journal of council meetings. The city council shall have power to cause the ordinances of the city to be corrected, amended, revised, codified and printed in code form as often as the council deems 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. Such printed code shall be admitted in evidence in all courts and places without further proof.

(Amendment of 5-6-95)

Sec. 2.17. Reserved.

Editor's note—An amendment approved by the voters of May 6, 1995, repealed former section 2.17 which pertained to the publication of ordinances.

Sec. 2.18. Rules of procedure; minutes.

The council shall determine its own rules of order of business. It shall keep the minutes of its proceedings, and the minutes shall be open to public inspection. Minutes of all meetings of the council shall be promptly entered in the minute book of the council, and the city secretary shall at the same time provide a permanent and adequate index showing the action of the council in regard to all matters submitted to it at both regular and special meetings.

(Amendment of 5-6-95)

Sec. 2.19. Rules of procedure; legal quorum.

The city council shall determine its own rules of procedure and may compel the attendance of its members. Four-sevenths of the qualified members of the city council shall constitute a quorum to do business and the affirmative vote of a majority of those present shall be necessary to adopt any ordinance or resolution. Minutes of the proceedings of all meetings of the city council shall be kept, to which any citizen may have access at all reasonable times and which shall constitute one of the archives of the city. The vote upon the passage of all ordinances and resolutions shall be taken by the "ayes" and "nays" and entered upon the minutes, and every ordinance or resolution, upon its final passage, shall be recorded in a book kept for that purpose under full caption, and shall be authenticated by the signature of the presiding officer and the person performing the duties of the city secretary.

Sec. 2.20. Independent annual audit.

Prior to the end of each fiscal year the council shall designate qualified certified public accountants who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions by the city and shall submit their report to the council and the city manager within six (6) months. Such accountants shall have no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers. They shall not maintain any accounts or records of the city business, but within specifications approved by the council, shall post-audit the books and documents kept by designated departments and any separate or subordinate accounts kept by any other office, department, or agency of the city government. A copy of such audit shall be kept in the office of the city secretary subject to inspection by any citizen or officer during regular office hours.