

**City of Manvel  
General Election  
May 2, 2026**

**Candidate Packet 1**

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Instructions, Information, Forms, and  
Guidelines



For the purpose of electing:

Mayor

City Council Place #3

City Council Place #5

# City of Manvel

## General Election - May 2, 2026

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### CANDIDATE FILING PACKET 1

Mayor  
Council Member Place #3  
Council Member Place #5  
(3-Year Terms)

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#### 1. Letter from the City Secretary Section A – Candidate Filing Forms

#### 2. Application for a place on the ballot for the City of Manvel General Election.

- Each candidate must file an Application for a Place on the Ballot with the City Secretary in order to have their name placed on the May 2, 2026, General Election ballot.
- The application includes the candidate's Loyalty Oath, which must be signed and notarized. Notary services are available in the City Secretary's Office for your convenience.
- There is no filing fee for municipal offices in the City of Manvel.
- The filing period begins Wednesday, January 14, 2026, and ends at 5:00 p.m. on Friday, February 13, 2026. The application must be physically received and time-stamped by the City Secretary or the City Secretary's designee by the filing deadline. Applications may not be left unattended or submitted after business hours.

Application For a Place on the Ballot (bilingual):

<https://www.sos.state.tx.us/elections/forms/pol-sub/2-49f.pdf>

#### 3. Appointment of Candidate's Campaign Treasurer (Form CTA)

- A candidate must file an Appointment of a Candidate's Campaign Treasurer (Form CTA) with the City Secretary at the time the application for a place on the ballot is filed, and before the candidate accepts political contributions or makes political expenditures.
- The Form CTA includes a required acknowledgment regarding the Texas nepotism law, which must be signed by the candidate.
- An instruction guide for completing the Form CTA is included in this packet and should be reviewed carefully prior to filing.

Form CTA - Appointment of a Campaign Treasurer by a Candidate:

[https://www.ethics.state.tx.us/data/forms/coh/cta\\_26.pdf](https://www.ethics.state.tx.us/data/forms/coh/cta_26.pdf)

Form CTA – Instruction Guide:

[https://www.ethics.state.tx.us/data/forms/coh/CTA\\_ins26.pdf](https://www.ethics.state.tx.us/data/forms/coh/CTA_ins26.pdf)

# City of Manvel

## General Election - May 2, 2026



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4. Candidate Authorization to Release Email Address
5. Code of Fair Campaign Practices (Form CFCP)

- Voluntary but strongly encouraged

Form CFCP:

<https://www.ethics.state.tx.us/data/forms/coh/cfcp.pdf>

Fair Campaign Practices Act (Texas Election Code, Chapter 258):

<https://www.ethics.state.tx.us/data/statutes/ch258.pdf>

#### Section D – Texas Ethics Commission

6. Texas Ethics Commission – Notice to Local Filing Authorities – 2026  
(This notice contains links to forms, instructions, and guides)
7. Texas Ethics Commission – 2026 Filing Schedule for Reports

#### Section C – City-Provided Information & Reference Materials

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#### Additional Resources

Texas Secretary of State – Elections Form Index

<https://www.sos.state.tx.us/elections/forms/pol-sub/index.shtml>

Texas Ethics Commission

<http://www.ethics.state.tx.us>

# City of Manvel

## General Election - May 2, 2026



January 14, 2026

Dear Prospective Candidate:

Thank you for your interest in seeking public office with the City of Manvel. Serving as an elected official is a significant responsibility and requires compliance with applicable provisions of the Texas Election Code, Texas Ethics Commission requirements, and the City of Manvel Home Rule Charter and ordinances.

To assist prospective candidates, the City Secretary's Office has prepared this **Candidate Filing Packet**, which contains the required filing forms, key election dates, and reference materials commonly used during the filing and campaign process. You are strongly encouraged to review this letter and all enclosed material carefully before completing any forms or filing for office.

### Offices on the Ballot

The **May 2, 2026, General Election** will include the following seats of office:

- Mayor
- City Council Member, Place 3
- City Council Member, Place 5

All positions are elected **at large** and carry a **three-year term** beginning in May 2026 and ending in May 2029.

### Candidate Qualifications

To be eligible for office, a candidate must:

- Be **21 years of age** on the first day of the term to be filled
- Be a **citizen of the United States**
- Be a **qualified voter** of the City of Manvel
- Have **resided within the city limits** for at least **twelve (12) consecutive months** immediately preceding Election Day
- File for **only one office or place number** per election
- **Not have been convicted** of a felony or an offense involving moral turpitude

### Filing Period & Office Hours

The filing period for a place on the May 2, 2026, ballot begins **Wednesday, January 14, 2026**, and ends at **5:00 p.m. on Friday, February 13, 2026**.

City Secretary's Office hours are:

- Monday–Thursday: 8:30 a.m. – 5:30 p.m.
- Friday: 8:30 a.m. – 11:30 a.m.

*Please note: The City Secretary's Office will remain open until 5:00 p.m. on Friday, February 13, 2026, to accept candidate filings.*

All filing documents must be **physically received and time-stamped** by the City Secretary or the City Secretary's designee by the filing deadline.

# City of Manvel

## General Election - May 2, 2026

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### Ballot Position Drawing

The drawing for the order of names to appear on the ballot will be held on:

**Thursday, February 19, 2026**

**10:00 a.m.**

**Manvel City Hall**

20031 Highway 6, Manvel, Texas 77578

Candidates are invited and encouraged to attend.

### Required Filing Documents

At the time of filing, **the two forms required** to be submitted are:

- 1. Application for a Place on the Ballot**
- 2. Form CTA – Appointment of a Campaign Treasurer by a Candidate**

All other materials included in this packet are provided for informational or optional purposes. Each filing will be reviewed for compliance with the Texas Election Code as to form and content. Documents that are incomplete or contain errors will be considered **insufficient until corrected and re-filed**. Candidates are encouraged to file early to allow sufficient time for review.

### Explanation of Forms Included in This Packet

#### Application for a Place on the General Election Ballot (Bilingual)

Each candidate must file an Application for a Place on the Ballot with the City Secretary in order to have their name placed on the ballot. The application includes a **Loyalty Oath**, which must be **signed and notarized**. Notary services are available in the City Secretary's Office at the time of filing.

The application may be filed no earlier than **8:00 a.m. on January 14, 2026**, and no later than **5:00 p.m. on Friday, February 13, 2026**. The application must be physically received and time-stamped by the City Secretary or the City Secretary's designee.

#### Candidate Authorization Form to Release Email Address

All information included on the Application for a Place on the Ballot is public information. Providing an email address on the application is optional. If a candidate chooses to include an email address, the authorization form must also be completed.

#### Appointment of a Campaign Treasurer by a Candidate (Form CTA)

A candidate must file Form CTA **at the time the application for a place on the ballot is filed, and before** accepting political contributions or making political expenditures. The form includes a required acknowledgment regarding the Texas nepotism law. An instruction guide is provided for reference.

#### Code of Fair Campaign Practices (Form CFCP)

This form is voluntary but strongly encouraged. By signing it, a candidate affirms their intention to conduct a fair, ethical, and honest campaign.

# City of Manvel

## General Election - May 2, 2026

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### Notice Regarding Campaign Finance Reporting Forms

Please be aware that Section 254.036(a) of the Election Code requires that **all forms pertaining to financial reporting be written in black ink or typed with black typewriter ribbon**, unless the report is a computer printout. If the report is a computer printout, the printout must conform to the same format and paper size as the form prescribed by the commission. I would also like to emphasize the importance of adhering to the financial reporting procedures. Campaign reports are considered open records; therefore, they are subject to the Public Information Act and will be made available for review by the general public, reporters, and opponents alike, upon request.

### Important Disclaimer and Guidance

It is the candidate's responsibility to become familiar with **all laws and requirements applicable to seeking and campaigning for public office**. Filing dates are listed in the attached Election Calendar. Please note that the City Secretary's role is limited to accepting and filing required documents, as well as **recording the date and time of filing**. The City Secretary's Office **cannot assist candidates with completing any form**, including the Application for a Place on the Ballot, campaign finance forms, affidavits, or other documents, and **cannot provide legal advice or interpret statutory requirements**. This office should not be expected to comment on the **timeliness, accuracy, or sufficiency** of any filing.

Questions regarding campaign finance reporting, political contributions, or political expenditures should be directed to the **Texas Ethics Commission** at (512) 463-5800 or [www.ethics.state.tx.us](http://www.ethics.state.tx.us). All complaints, concerns, or alleged violations related to campaign practices should be reported to the Texas Ethics Commission, not to the City of Manvel.

Questions regarding election law may be directed to the Texas Secretary of State at (800) 252-8683 or [www.sos.state.tx.us](http://www.sos.state.tx.us). Candidates are also reminded that campaign finance reports are public records and are subject to disclosure under the Texas Public Information Act.

The City Secretary's Office is available to assist with procedural filing questions and to receive required documents. Your interest in serving the City of Manvel is sincerely appreciated, and we wish you the very best as you consider this important civic role.

Should you have questions regarding the filing process, please contact the City Secretary's Office at 832-336-4064, via email at [tbell@cityofmanvel.com](mailto:tbell@cityofmanvel.com), or visit City Hall during regular business hours.

Sincerely,

**Tammy Bell**  
City Secretary

## APPLICATION FOR A PLACE ON THE BALLOT FOR A GENERAL ELECTION FOR A CITY, SCHOOL DISTRICT OR OTHER POLITICAL SUBDIVISION

ALL INFORMATION IS REQUIRED TO BE PROVIDED UNLESS INDICATED AS OPTIONAL<sup>1</sup> Failure to provide required information may result in rejection of application.

<b>APPLICATION FOR A PLACE ON THE _____ GENERAL ELECTION BALLOT</b>					
TO: City Secretary/Secretary of Board _____ (name of election)					
I request that my name be placed on the above-named official ballot as a candidate for the office indicated below.					
<b>OFFICE SOUGHT</b> (Include any place number or other distinguishing number, if any.)				<b>INDICATE TERM</b> <input type="checkbox"/> FULL <input type="checkbox"/> UNEXPIRED	
<b>FULL NAME</b> (First, Middle, Last)			<b>PRINT NAME AS YOU WANT IT TO APPEAR ON THE BALLOT*</b>		
<b>PERMANENT RESIDENCE ADDRESS</b> (Do not include a P.O. Box or Rural Route. If you do not have a residence address, describe location of residence.)			<b>PUBLIC MAILING ADDRESS (Optional)</b> (Address for which you receive campaign related correspondence, if available.)		
<b>CITY</b>	<b>STATE</b>	<b>ZIP</b>	<b>CITY</b>	<b>STATE</b>	<b>ZIP</b>
<b>PUBLIC EMAIL ADDRESS (Optional)</b> (Address for which you receive campaign related emails, if available.)		<b>OCCUPATION (Do not leave blank)</b>	<b>DATE OF BIRTH</b> / /	<b>VOTER REGISTRATION VOID NUMBER<sup>2</sup> (Optional)</b>	
<b>TELEPHONE CONTACT INFORMATION (Optional)</b> Home: _____ Office: _____ Cell: _____					
<b>FELONY CONVICTION STATUS (You MUST check one)</b>			<b>LENGTH OF CONTINUOUS RESIDENCE AS OF DATE THIS APPLICATION WAS SWORN</b>		
<input type="checkbox"/> I have not been finally convicted of a felony.  <input type="checkbox"/> I have been finally convicted of a felony, but I have been pardoned or otherwise released from the resulting disabilities of that felony conviction and I have provided proof of this fact with the submission of this application. <sup>3</sup>			<b>IN THE STATE OF TEXAS</b> _____ year(s) _____ month(s)		<b>IN TERRITORY/DISTRICT/PRECINCT FROM WHICH THE OFFICE SOUGHT IS ELECTED</b> _____ year(s) _____ month(s)
<b>This Box Must ONLY be Completed by Candidates for School District Board of Trustees</b>					
<b>Check the Box Below:</b> <input type="checkbox"/> I am aware that I am not eligible to serve as a trustee of an independent school district if I am required to register as a sex offender under Chapter 62, Code of Criminal Procedure.					
*If using a nickname as part of your name to appear on the ballot, you are also signing and swearing to the following statements: I further swear that my nickname does not constitute a slogan or contain a title, nor does it indicate a political, economic, social, or religious view or affiliation. I have been commonly known by this nickname for at least three years prior to this election. Please review sections 52.031, 52.032 and 52.033 of the Texas Election Code regarding the rules for how names may be listed on the official ballot.					
Before me, the undersigned authority, on this day personally appeared (name of candidate) _____, who being by me here and now duly sworn, upon oath says: "I, (name of candidate) _____, of _____ County, Texas, Being a candidate for the office of _____, swear that I will support and defend the Constitution and laws of the United States and of the State of Texas. I am a citizen of the United States eligible to hold such office under the constitution and laws of this state. I have not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote. I am aware of the nepotism law, Chapter 573, Government Code. I am aware that I must disclose any prior felony conviction, and if so convicted, must provide proof that I have been pardoned or otherwise released from the resulting disabilities of any such final felony conviction. I am aware that knowingly providing false information on the application regarding my possible felony conviction status constitutes a Class B misdemeanor. I further swear that the foregoing statements included in my application are in all things true and correct.					
<b>X</b> _____ SIGNATURE OF CANDIDATE					
Sworn to and subscribed before me this the _____ day of _____, _____, by _____. (day) (month) (year) (name of candidate)					
Signature of Officer Authorized to Administer Oath <sup>4</sup>			Printed Name of Officer Authorized to Administer Oath		
_____			Notarial or Official Seal		
Title of Officer Authorized to Administer Oath					
<b>TO BE COMPLETED BY FILING OFFICER: THIS APPLICATION IS ACCOMPANIED BY THE REQUIRED FILING FEE (If Applicable) PAID BY:</b> <input type="checkbox"/> CASH <input type="checkbox"/> CHECK <input type="checkbox"/> MONEY ORDER <input type="checkbox"/> CASHIERS CHECK OR <input type="checkbox"/> PETITION IN LIEU OF A FILING FEE. This document and \$_____ filing fee or a nominating petition of _____ pages received. <input type="checkbox"/> <b>Voter Registration Status Verified</b>					
_____/_____/_____ Date Received		_____/_____/_____ Date Accepted		(See Section 1.007) _____ Signature of Filing Officer or Designee	

## INSTRUCTIONS

An application for a place on the general election for a city, school district or other political subdivision, may not be filed earlier than 30 days before the deadline prescribed by this code for filing the application. An application filed before that day is void. All fields of the application **must** be completed unless specifically marked optional.

For an election to be held on a uniform election date, the day of the filing deadline is the 78th day before Election Day.

If you have questions about the application, please contact the Secretary of State's Elections Division at 800-252-8683.

## NEPOTISM LAW

The candidate must sign this statement indicating his awareness of the nepotism law. When a candidate signs the application, it is an acknowledgment that the candidate is aware of the nepotism law. The nepotism prohibitions of chapter 573, Government Code, are summarized below:

No officer may appoint, or vote for or confirm the appointment or employment of any person related within the second degree by affinity (marriage) or the third degree by consanguinity (blood) to the officer, or to any other member of the governing body or court on which the officer serves when the compensation of that person is to be paid out of public funds or fees of office. However, nothing in the law prevents the appointment, voting for, or confirmation of anyone who has been continuously employed in the office or employment for the following period prior to the election or appointment of the officer or member related to the employee in the prohibited degree: six months, if the officer or member is elected at an election other than the general election for state and county officers.

No candidate may take action to influence an employee of the office to which the candidate is seeking election or an employee or officer of the governmental body to which the candidate is seeking election regarding the appointment or employment of a person related to the candidate in a prohibited degree as noted above. This prohibition does not apply to a candidate's actions with respect to a bona fide class or category of employees or prospective employees.

## FOOTNOTES

<sup>1</sup>An application for a place on the ballot, including any accompanying petition, is public information immediately on its filing. (Section 141.035, Texas Election Code)

<sup>2</sup>Inclusion of a candidate's VUID is optional. However, many candidates are required to be registered voters in the territory from which the office is elected at the time of the filing deadline. Please visit the Elections Division of the Secretary of State's website for additional information. <https://www.sos.state.tx.us/elections/laws/voter-reg-req-candidate-faq.shtml>

<sup>3</sup>Proof of release from the resulting disabilities of a felony conviction would include proof of judicial clemency under Texas Code of Criminal Procedure 42A.701, proof of executive pardon under Texas Code of Criminal Procedure 48.01, or proof of a restoration of rights under Texas Code of Criminal Procedure 48.05. (Texas Attorney General Opinion KP-0251)

**One of the following documents must be submitted with this application.**

Judicial Clemency under Texas Code of Criminal Procedure 42A.701

Executive Pardon under Texas Code of Criminal Procedure 48.01

Restoration of Rights under Texas Code of Criminal Procedure 48.05

<sup>4</sup>All oaths, affidavits, or affirmations made within this State may be administered and a certificate of the fact given by a judge, clerk, or commissioner of any court of record, a notary public, a justice of the peace, city secretary (for a city office), and the Secretary of State of Texas. See Chapter 602 of the Texas Government Code for the complete list of persons authorized to administer oaths.

**SOLICITUD DE INSCRIPCIÓN PARA UN LUGAR EN LA BOLETA DE UNA ELECCIÓN GENERAL  
 PARA UNA CIUDAD, DISTRITO ESCOLAR U OTRA SUBDIVISIÓN POLÍTICA**

TODA LA INFORMACIÓN ES REQUERIDA A MENOS QUE SE INDIQUE COMO OPCIONAL<sup>1</sup> El hecho de no proporcionar la información requerida puede resultar en el rechazo de la solicitud.

<b>SOLICITUD DE INSCRIPCIÓN PARA UN LUGAR EN LA BOLETA DE UNA ELECCIÓN GENERAL DE _____</b>					
Para: Secretario(a) de la Ciudad/ Secretario(a) del Consejo			(nombre de la elección)		
Solicito que mi nombre se incluya en la boleta oficial mencionada anteriormente como candidato(a) al cargo indicado a continuación.					
<b>CARGO SOLICITADO</b> (Incluya cualquier número de cargo u otro número distintivo, si lo hay.)			<b>INDIQUE TÉRMINO</b> <input type="checkbox"/> TÉRMINO COMPLETO <input type="checkbox"/> TÉRMINO INCOMPLETO		
<b>NOMBRE COMPLETO</b> (Primer Nombre, Segundo Nombre, Apellido)			<b>ESCRIBA SU NOMBRE COMO DESEA QUE APAREZCA EN LA BOLETA*</b>		
<b>DIRECCIÓN DE RESIDENCIA PERMANENTE</b> (No incluya un apartado postal o una ruta rural. Si usted no tiene una dirección de residencia, describa la ubicación de la residencia.)			<b>DIRECCIÓN DE CORREO PÚBLICO (Opcional)</b> (Dirección en la que recibe la correspondencia relacionada con la campaña, si está disponible.)		
<b>CIUDAD</b>	<b>ESTADO</b>	<b>CÓDIGO POSTAL</b>	<b>CIUDAD</b>	<b>ESTADO</b>	<b>CÓDIGO POSTAL</b>
<b>DIRECCIÓN DE CORREO ELECTRÓNICO PÚBLICO (Opcional)</b> (Dirección donde recibe correo electrónico relacionado con la campaña, si está disponible.)		<b>OCUPACIÓN (No deje este espacio en blanco)</b>	<b>FECHA DE NACIMIENTO</b> / /	<b>VOID – NÚMERO ÚNICO DE IDENTIFICACIÓN DE VOTANTE<sup>2</sup> (Opcional)</b>	
<b>INFORMACIÓN DE CONTACTO TELEFÓNICO (Opcional)</b> Hogar: _____ Trabajo: _____ Celular: _____					
<b>ESTADO DE CONDENA POR DELITO GRAVE (DEBE marcar una)</b>			<b>DURACIÓN DE RESIDENCIA CONTINUA A PARTIR DE LA FECHA EN QUE ESTA SOLICITUD FUE JURADA</b>		
<input type="checkbox"/> No he sido finalmente condenado por un delito grave. <input type="checkbox"/> He sido finalmente condenado por un delito grave, pero he sido indultado o liberado de otro modo de las discapacidades resultantes de esa condena por delito grave y he proporcionado prueba de este hecho con la presentación de esta solicitud. <sup>3</sup>			<b>EN EL ESTADO DE TEXAS</b> ____ año(s) ____ mes(es)		<b>EN EL TERRITORIO/DISTRITO/PRECINTO DEL CUAL SE ELIGE EL CARGO BUSCADO</b> ____ año(s) ____ mes(es)
<b>Esta casilla SÓLO debe ser rellena por los candidatos para la Junta Directiva del Distrito Escolar</b> Marque la casilla a continuación: <input type="checkbox"/> Reconozco que no soy elegible para servir como fideicomisario de un distrito escolar independiente si estoy obligado a registrarme como delincuente sexual conforme al Capítulo 62 del Código de Procedimiento Penal.					
*Si usa un apodo como parte de su nombre para aparecer en la boleta, también está firmando y jurando las siguientes declaraciones: Juro además que mi apodo no constituye un lema ni contiene un título, ni indica un punto de vista o afiliación política, económica, social o religiosa. He sido comúnmente conocido por este apodo durante al menos tres años antes de esta elección. Por favor, revise las secciones 52.031, 52.032 y 52.033 del Código Electoral de Texas con respecto a las reglas sobre cómo se pueden incluir los nombres en la boleta oficial.					
Ante mí, la autoridad abajo firmante, en este día apareció personalmente (nombre del candidato) _____, quien estando a mi lado aquí y ahora debidamente juramentado, bajo juramento dice: “Yo, (nombre del candidato) _____, del condado de _____, Texas, siendo candidato para el cargo de _____, juro que apoyaré y defenderé la Constitución y las leyes de los Estados Unidos y del Estado de Texas. Soy un ciudadano de los Estados Unidos elegible para ocupar dicho cargo según la Constitución y las leyes de este estado. No se me ha determinado por un fallo final de una corte que ejerce la jurisdicción testamentaria que esté totalmente incapacitado mentalmente o parcialmente incapacitado sin derecho a voto. Soy consciente de la ley de nepotismo según el Capítulo 573 del Código de Gobierno. Soy consciente de que debo divulgar cualquier condena previa de un delito grave y, si he sido condenado, debo proporcionar prueba de que he sido indultado o liberado de otro modo de las discapacidades resultantes de dicha condena final por delito grave. Soy consciente de que proporcionar a sabiendas información falsa en la solicitud con respecto a mi posible estado de condena por delito grave constituye un delito menor de Clase B. Juro además que las declaraciones anteriores incluidas en mi solicitud son, en todos los aspectos, verdaderas y correctas.”					
			<b>X</b>		
			<b>FIRMA DEL CANDIDATO</b>		
Jurado y suscrito ante mí este día ____ de ____ del ____ por ____. (día) (mes) (año) (nombre de candidato)					
Firma del oficial autorizado para administrar el juramento <sup>4</sup> _____ Título del oficial autorizado para administrar el juramento			Nombre del oficial autorizado para administrar juramentos en letra de molde _____ Notarial o sello oficial		
<b>TO BE COMPLETED BY FILING OFFICER: THIS APPLICATION IS ACCOMPANIED BY THE REQUIRED FILING FEE (If Applicable) PAID BY:</b> <input type="checkbox"/> CASH <input type="checkbox"/> CHECK <input type="checkbox"/> MONEY ORDER <input type="checkbox"/> CASHIERS CHECK OR <input type="checkbox"/> PETITION IN LIEU OF A FILING FEE.					
This document and \$_____ filing fee or a nominating petition of _____ pages received. <input type="checkbox"/> <b>Voter Registration Status Verified</b>					
____/____/____		____/____/____		(See Section 1.007) _____	
Date Received		Date Accepted		Signature of Filing Officer or Designee	

## INSTRUCCIONES

Una solicitud para un lugar en la elección general para una ciudad, distrito escolar u otra subdivisión política, no puede ser presentada antes de los 30 días antes de la fecha límite prescrita por este código para presentar la solicitud. Una solicitud presentada antes de ese día es nula. Todos los **campos** de la solicitud **deben** completarse a menos que estén específicamente marcados como opcional.

Para una elección que se lleve a cabo en una fecha de elección uniforme, el día de la fecha límite de presentación es el 7<sup>o</sup> día antes del día de la elección.

Si tiene preguntas sobre la solicitud, por favor póngase en contacto con la División de Elecciones del Secretario de Estado llamando al 800-252-8683.

## LEY DE NEPOTISMO

El candidato debe firmar esta declaración indicando su conocimiento de la ley del nepotismo. Cuando un candidato firma la solicitud, es un reconocimiento de que el candidato conoce la ley del nepotismo. Las prohibiciones de nepotismo del capítulo 573, Código de Gobierno, se resumen a continuación:

Ningún funcionario puede nombrar, votar o confirmar el nombramiento o empleo de cualquier persona emparentada dentro del segundo grado por afinidad (matrimonio) o del tercer grado por consanguinidad (sangre) con sí mismo, o con cualquier otro miembro del órgano de gobierno o corte en el que se desempeña cuando la compensación de esa persona debe pagarse con fondos públicos o honorarios del cargo. Sin embargo, nada en la ley impide el nombramiento, la votación o la confirmación de cualquier persona que haya estado empleada continuamente en la oficina o el empleo durante el período siguiente antes de la elección o el nombramiento del funcionario o miembro emparentado con el empleado en el grado prohibido: seis meses, si el funcionario o miembro es elegido en una elección que no sea la elección general para funcionarios estatales y del condado.

Ningún candidato puede tomar medidas para influir en un empleado del cargo al que aspira a ser elegido o en un empleado o funcionario del organismo gubernamental al que aspira a ser elegido en relación con el nombramiento o el empleo de una persona emparentada con el candidato en un grado prohibido, tal como se ha indicado anteriormente. Esta prohibición no se aplica a las acciones de un candidato con respecto a una clase o categoría de buena fe de empleados o empleados prospectos.

## NOTAS

<sup>1</sup>Una solicitud para un lugar en la boleta electoral, incluida cualquier petición que la acompañe, es información pública inmediatamente después de su presentación. (Sección 141.035, Código Electoral de Texas)

<sup>2</sup>La inclusión del número único de identificación de votante (VUID, por sus siglas en Inglés) es opcional. Sin embargo, a muchos candidatos se les exige que estén registrados como votantes en el territorio desde el cual se elige el cargo en el momento de la fecha límite de presentación. Por favor, visite el sitio web de la División de Elecciones de la Secretaría de Estado para obtener información adicional. <https://www.sos.state.tx.us/elections/laws/voter-reg-req-candidate-faq.shtml>

<sup>3</sup>La prueba de liberación de las discapacidades resultantes de una condena por un delito grave incluiría prueba de clemencia judicial según el Código de Procedimiento Penal de Texas 42A.701, prueba de indulto ejecutivo según el Código de Procedimiento Penal de Texas 48.01, o prueba de una restauración de derechos según el Código de Procedimiento Penal de Texas 48.05. (Opinión de Fiscal General de Texas KP-0251)

**Se debe enviar uno de los siguientes documentos con esta solicitud:**

Clemencia judicial según el Código de Procedimiento Penal de Texas 42A.701

Prueba de indulto ejecutivo según el Código de Procedimiento Penal de Texas 48.01

Prueba de una restauración de derechos según el Código de Procedimiento Penal de Texas 48.05

<sup>4</sup>Todos los juramentos, declaraciones juradas o afirmaciones hechas dentro de este estado pueden ser administrados y un certificado del hecho dado por un juez, secretario(a) o comisionado de cualquier corte de registro, un notario público, un juez de paz, secretario municipal (para una oficina de la ciudad) y el Secretario de Estado de Texas. Consulte el Capítulo 602 del Código del Gobierno de Texas para obtener la lista completa de personas autorizadas a administrar juramentos.



# CANDIDATE MODIFIED REPORTING DECLARATION

FORM CTA  
PG 2

11 CANDIDATE  
NAME

12 MODIFIED  
REPORTING  
DECLARATION

## COMPLETE THIS SECTION ONLY IF YOU ARE CHOOSING MODIFIED REPORTING

•• This declaration must be filed no later than the 30th day before the first election to which the declaration applies. ••

•• The modified reporting option is valid for one election cycle only. ••  
(An election cycle includes a primary election, a general election, and any related runoffs.)

• Candidates for the office of state chair of a political party may NOT choose modified reporting. ••

I do not intend to accept more than \$1,140 in political contributions or make more than \$1,140 in political expenditures (excluding filing fees) in connection with any future election within the election cycle. I understand that if either one of those limits is exceeded, I will be required to file pre-election reports and, if necessary, a runoff report.

\_\_\_\_\_  
Year of election(s) or election cycle to  
which declaration applies

\_\_\_\_\_  
Signature of Candidate

**This appointment is effective on the date it is filed with the appropriate filing authority.**

TEC Filers may send this form to the TEC electronically at [treasappoint@ethics.state.tx.us](mailto:treasappoint@ethics.state.tx.us)  
or mail to  
Texas Ethics Commission  
P.O. Box 12070  
Austin, TX 78711-2070

**Non-TEC Filers must file this form with the local filing authority  
DO NOT SEND TO TEC**

For more information about where to file go to:  
<https://www.ethics.state.tx.us/filinginfo/QuickFileAReport.php>

# TEXAS ETHICS COMMISSION

## APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE

### FORM CTA--INSTRUCTION GUIDE



Revised January 1, 2026

Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711

[www.ethics.state.tx.us](http://www.ethics.state.tx.us)

(512) 463-5800 • TDD (800) 735-2989

*Promoting Public Confidence in Government*

# FORM CTA—INSTRUCTION GUIDE

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## **APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE**

### **GENERAL INSTRUCTIONS**

*These instructions are for the APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE (Form CTA). Use Form CTA only for appointing your campaign treasurer. Use the AMENDMENT (Form ACTA) for changing information previously reported on Form CTA and for renewing your choice to report under the modified schedule. Note: Candidates for most judicial offices use Form JCTA to file a campaign treasurer appointment.*

### **DUTIES OF A CANDIDATE OR OFFICEHOLDER**

As a candidate or officeholder, you alone, not the campaign treasurer, are responsible for filing this form and all candidate/officeholder reports of contributions, expenditures, and loans. Failing to file a report on time or filing an incomplete report may subject you to criminal or civil penalties.

### **QUALIFICATIONS OF CAMPAIGN TREASURER**

A person is ineligible for appointment as a campaign treasurer if the person is the campaign treasurer of a political committee that has outstanding filing obligations (including outstanding penalties). This prohibition does not apply if the committee in connection with which the ineligibility arose has not accepted more than \$5,000 in political contributions or made more than \$5,000 in political expenditures in any semiannual reporting period. A person who violates this prohibition is liable for a civil penalty not to exceed three times the amount of political contributions accepted or political expenditures made in violation of this provision. Note: A candidate may appoint himself or herself as his or her own campaign treasurer.

### **DUTIES OF A CAMPAIGN TREASURER**

State law does not impose any obligations on a candidate's campaign treasurer.

### **REQUIREMENT TO FILE BEFORE BEGINNING A CAMPAIGN**

If you plan to run for a public office in Texas (except for a federal office), you must file this form when you become a candidate even if you do not intend to accept campaign contributions or make campaign expenditures. A "candidate" is a person who knowingly and willingly takes affirmative action for the purpose of gaining nomination or election to public office or for the purpose of satisfying financial obligations incurred by the person in connection with the campaign for nomination or election. Examples of affirmative action include:

- (A) the filing of a campaign treasurer appointment, except that the filing does not constitute candidacy or an announcement of candidacy for purposes of the automatic resignation provisions of Article XVI, Section 65, or Article XI, Section 11, of the Texas Constitution;
- (B) the filing of an application for a place on the ballot;

- (C) the filing of an application for nomination by convention;
- (D) the filing of a declaration of intent to become an independent candidate or a declaration of write-in candidacy;
- (E) the making of a public announcement of a definite intent to run for public office in a particular election, regardless of whether the specific office is mentioned in the announcement;
- (F) before a public announcement of intent, the making of a statement of definite intent to run for public office and the soliciting of support by letter or other mode of communication;
- (G) the soliciting or accepting of a campaign contribution or the making of a campaign expenditure; and
- (H) the seeking of the nomination of an executive committee of a political party to fill a vacancy.

Additionally, the law provides that you must file this form before you may accept a campaign contribution or make or authorize a campaign expenditure, including an expenditure from your personal funds. A filing fee paid to a filing authority to qualify for a place on a ballot is a campaign expenditure that may not be made before filing a campaign treasurer appointment form with the proper filing authority.

If you are an officeholder, you may make officeholder expenditures and accept officeholder contributions without having a campaign treasurer appointment on file. If you do not have a campaign treasurer appointment on file and you wish to accept *campaign* contributions or make *campaign* expenditures in connection with your office or for a different office, you must file this form before doing so. In such a case, a sworn report of contributions, expenditures, and loans will be due no later than the 15th day after filing this form.

## WHERE TO FILE A CAMPAIGN TREASURER APPOINTMENT

The appropriate filing authority depends on the office sought or held.

**a. Texas Ethics Commission.** The Texas Ethics Commission (Commission) is the appropriate filing authority for the Secretary of State and for candidates for or holders of the following offices:

- Governor, Lieutenant Governor, Attorney General, Comptroller, Treasurer, Land Commissioner, Agriculture Commissioner, Railroad Commissioner.
- State Senator or State Representative.
- Supreme Court Justice, Court of Criminal Appeals Judge, and Court of Appeals Judge.\*

- State Board of Education.
- A multi-county district judge\* or multi-county district attorney.
- A single-county district judge.\*
- An office of a political subdivision other than a county if the political subdivision includes areas in more than one county and if the governing body of the political subdivision has not been formed.
- A chair of the state executive committee of a political party with a nominee on the ballot in the most recent gubernatorial election.
- A county chair of a political party with a nominee on the ballot in the most recent gubernatorial election if the county has a population of 350,000 or more.

\* Judicial candidates use FORM JCTA to appoint a campaign treasurer.

**b. County Clerk.** The county clerk (or the county elections administrator or tax assessor, as applicable) is the appropriate local filing authority for a candidate for:

- A county office.
- A precinct office.
- A district office (except for multi-county district offices).
- An office of a political subdivision other than a county if the political subdivision is within the boundaries of a single county and if the governing body of the political subdivision has not been formed.
- An elected position on the board of directors of an appraisal district.

**c. Local Filing Authority.** If a candidate is seeking an office of a political subdivision other than a county, the appropriate filing authority is the *clerk or secretary of the governing body* of the political subdivision. If the political subdivision has no clerk or secretary, the appropriate filing authority is the governing body's presiding officer. Basically, any political subdivision that is authorized by the laws of this state to hold an election is considered a local filing authority. Examples are cities, school districts, and municipal utility districts.

## FILING WITH A DIFFERENT AUTHORITY

If you have a campaign treasurer appointment on file with one authority, and you wish to accept campaign contributions or make or authorize campaign expenditures in connection with another office that would require filing with a different authority, you must file a new campaign treasurer appointment *and* a copy of your old campaign treasurer appointment (certified by the old authority) with the new filing authority before beginning your campaign. You should also

provide written notice to the original filing authority that your future reports will be filed with another authority; use Form CTA-T for this purpose.

### **FORMING A POLITICAL COMMITTEE**

As a candidate, you must file an APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE (FORM CTA). You may also form a specific-purpose committee to support your candidacy. Remember that filing a campaign treasurer appointment for a political committee does not eliminate the requirement that a candidate file his or her own campaign treasurer appointment (FORM CTA) and the related reports.

**NOTE:** *See the Campaign Finance Guide for Political Committees for further information about specific-purpose committees.*

### **CHANGING A CAMPAIGN TREASURER**

If you wish to change your campaign treasurer, simply file an amended campaign treasurer appointment (FORM ACTA). This will automatically terminate the outgoing campaign treasurer appointment.

### **AMENDING A CAMPAIGN TREASURER APPOINTMENT**

If *any* of the information reported on the campaign treasurer appointment (FORM CTA) changes, file an AMENDMENT: APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE (FORM ACTA) to report the change.

### **REPORTING REQUIREMENT FOR CERTAIN OFFICEHOLDERS**

If you are an officeholder who appoints a campaign treasurer after a period of not having one, you must file a report of contributions, expenditures, and loans no later than the 15th day after your appointment is effective. This requirement is not applicable if you are a candidate or an officeholder who is merely changing campaign treasurers.

### **TERMINATING A CAMPAIGN TREASURER APPOINTMENT**

You may terminate your campaign treasurer appointment at any time by:

- 1) filing a campaign treasurer appointment for a successor campaign treasurer, or
- 2) filing a final report.

Remember that you may not accept any campaign contributions or make or authorize any campaign expenditures without a campaign treasurer appointment on file. You may, however, accept officeholder contributions and make or authorize officeholder expenditures.

If your campaign treasurer quits, he or she must give written notice to both you and your filing authority. The termination will be effective on the date you receive the notice or on the date your filing authority receives the notice, whichever is later.

## FILING A FINAL REPORT

For filing purposes, you are a “candidate” as long as you have an appointment of campaign treasurer on file. If you do not expect to accept any further campaign contributions or to make any further campaign expenditures, you may file a final report of contributions and expenditures. A final report terminates your appointment of campaign treasurer and relieves you of the obligation of filing further reports as a candidate. If you have surplus funds, or if you retain assets purchased with political funds, you will be required to file annual reports. (*See instructions for FORM C/OH - UC.*) If you are an officeholder at the time of filing a final report, you may be required to file semiannual reports of contributions, expenditures, and loans as an officeholder.

If you do not have an appointment of campaign treasurer on file, you may not accept *campaign* contributions or make *campaign* expenditures. A payment on a campaign debt is a campaign expenditure. An officeholder who does not have an appointment of campaign treasurer on file may accept *officeholder* contributions and make *officeholder* expenditures.

To file a final report, you must complete the CANDIDATE/OFFICEHOLDER CAMPAIGN FINANCE REPORT (FORM C/OH), check the “final” box on Page 1, Section 9, and complete and attach the DESIGNATION OF FINAL REPORT (FORM C/OH-FR).

## ELECTRONIC FILING

All persons filing campaign finance reports with the Commission are required to file those reports electronically unless the person is entitled to claim an exemption. Please check the Commission’s website at <http://www.ethics.state.tx.us> for information about exemptions from the electronic filing requirements.

## GUIDES

All candidates should review the applicable Commission’s campaign finance guide. Guides are available on the Commission’s website at <http://www.ethics.state.tx.us>.

## SPECIFIC INSTRUCTIONS

*Each numbered item in these instructions corresponds to the same numbered item on the form.*

### PAGE 1

- 1. TOTAL PAGES FILED:** After you have completed the form, enter the total number of pages of this form and any additional pages. A “page” is one side of a two-sided form. If you are not using a two-sided form, a “page” is a single sheet.
- 2. CANDIDATE NAME:** Enter your full name, including nicknames and suffixes (e.g., Sr., Jr., III), if applicable. Enter your name in the same way on Page 2, Section 11, of this form.
- 3. CANDIDATE MAILING ADDRESS:** Enter your complete mailing address, including zip code. This information will allow your filing authority to correspond with you. **We recommend using a PO Box or other address where you receive mail, rather than your home**

address. This will be public information. If this information changes, please notify your filing authority immediately.

4. **CANDIDATE PHONE:** Enter your phone number, including the area code and extension, if applicable.
5. **OFFICE HELD:** If you are an officeholder, please enter the office you currently hold. Include the district, precinct, or other designation for the office, if applicable.
6. **OFFICE SOUGHT:** If you are a candidate, please enter the office you seek, if known. Include the district, precinct, or other designation for the office, if applicable.
7. **CAMPAIGN TREASURER NAME:** Enter the full name of your campaign treasurer, including nicknames and suffixes (e.g., Sr., Jr., III), if applicable.
8. **CAMPAIGN TREASURER STREET ADDRESS:** Enter the complete street address of your campaign treasurer, including the zip code. You may enter either the treasurer's business or residential street address. If you are your own treasurer, you may enter either your business or residential street address.
9. **CAMPAIGN TREASURER PHONE:** Enter the phone number of your campaign treasurer, including the area code and extension, if applicable.
10. **CANDIDATE SIGNATURE:** Enter your signature after reading the summary. Your signature here indicates that you have read the following summary of the nepotism law; that you are aware of your responsibility to file timely reports; and that you are aware of the restrictions on contributions from corporations and labor organizations.
  - The Texas nepotism law (Government Code, chapter 573) imposes certain restrictions on both officeholders and candidates. You should consult the statute in regard to the restrictions applicable to officeholders.
  - A candidate may not take an affirmative action to influence an employee of the office to which the candidate seeks election in regard to the appointment, confirmation, employment or employment conditions of an individual who is related to the candidate within a prohibited degree.
  - A candidate for a multi-member governmental body may not take an affirmative action to influence an officer or employee of the governmental body to which the candidate seeks election in regard to the appointment, confirmation, or employment of an individual related to the candidate in a prohibited degree.
  - Two people are related within a prohibited degree if they are related within the third degree by consanguinity (blood) or the second degree by affinity (marriage). The degree of consanguinity is determined by the number of generations that separate them. If neither is descended from the other, the degree of consanguinity is determined by adding the number of generations that each is separated from a common ancestor. Examples: (1) first degree - parent to child; (2) second degree - grandparent to grandchild; or brother to sister; (3) third degree - great-grandparent

to great-grandchild; or aunt to niece who is child of individual's brother or sister. A husband and wife are related in the first degree by affinity. A wife has the same degree of relationship by affinity to her husband's relatives as her husband has by consanguinity. For example, a wife is related to her husband's grandmother in the second degree by affinity.

**PAGE 2**

**11. CANDIDATE NAME:** Enter your name as you did on Page 1.

**12. MODIFIED REPORTING DECLARATION:** Sign this option if you wish to report under the modified reporting schedule.

The modified reporting option is not available for candidates for the office of state chair of a political party and candidates for county chair of a political party.

To the left of your signature, enter the year of the election or election cycle to which your selection of modified reporting applies.

Your selection of modified reporting is valid for an entire election cycle. For example, if you choose modified reporting before a primary election, your selection remains in effect for any runoff and for the general election and any related runoff. You must make this selection at least 30 days before the first election to which your selection applies.

An opposed candidate in an election is eligible to report under the modified reporting schedule if he or she does not intend to accept more than \$1,140 in political contributions or make more than \$1,140 in political expenditures in connection with an election. The amount of a filing fee paid to qualify for a place on the ballot does not count against the \$1,140 expenditure limit. An opposed candidate who reports under the modified schedule is not required to file pre-election reports (due 30 days and 8 days before an election) or runoff reports (due 8 days before a runoff). (Note: An *unopposed* candidate is not required to file pre-election reports in the first place.) The obligations to file semiannual reports, special pre-election reports (formerly known as telegram reports), or special session reports, if applicable, are not affected by selecting the modified schedule.

The \$1,140 maximums apply to each election within the cycle. In other words, you are limited to \$1,140 in contributions and expenditures in connection with the primary, an additional \$1,140 in contributions and expenditures in connection with the general election, and an additional \$1,140 in contributions and expenditures in connection with a runoff.

**EXCEEDING \$1,140 IN CONTRIBUTIONS OR EXPENDITURES.** If you exceed \$1,140 in contributions or expenditures in connection with an election, you must file according to the regular filing schedule. In other words, you must file pre-election reports and a runoff report, if you are in a runoff.

If you exceed either of the \$1,140 limits *after the 30th day before the election*, you must file a sworn report of contributions and expenditures within 48 hours after exceeding the limit. After that, you must file any pre-election reports or runoff reports that are due under the regular filing schedule.

Your selection is not valid for other elections or election cycles. Use the AMENDMENT (FORM ACTA) to renew your option to file under the modified schedule for a different election year or election cycle.

*For more information, see the Commission's campaign finance guide that applies to you.*



# CITY OF MANVEL

<http://www.cityofmanvel.com>

PO Box 187  
Manvel, Texas 77578

Phone: (281) 489-0630  
Fax: (281) 489-0634

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STATE OF TEXAS

COUNTY OF BRAZORIA

Candidate for the May 2, 2026, City of Manvel General Election  
Email Release Form

- On the “Application for a Place on the General Election Ballot” form, there is a box to list the candidate’s e-mail address.
- Listing the e-mail address is indicated as an optional item to fill out. The City Secretary will use email to contact Candidates, so it would be helpful to include this information.
- The application is subject to open records under the Public Information Act; however, personal emails are considered confidential.

I, \_\_\_\_\_, agree \_\_\_\_\_ / do not agree \_\_\_\_\_ to allow my email address that is included on my candidate application to be published for public information.

\_\_\_\_\_  
Signature of Candidate

Date: \_\_\_\_\_

# CODE OF FAIR CAMPAIGN PRACTICES

## FORM CFCP COVER SHEET

Pursuant to chapter 258 of the Election Code, every candidate and political committee is encouraged to subscribe to the Code of Fair Campaign Practices. The Code may be filed with the proper filing authority upon submission of a campaign treasurer appointment form. Candidates or political committees that already have a current campaign treasurer appointment on file as of September 1, 1997, may subscribe to the code at any time.

*Subscription to the Code of Fair Campaign Practices is voluntary.*

### OFFICE USE ONLY

Date Received

Date Hand-delivered or Postmarked

Date Processed

Date Imaged

**1 ACCOUNT NUMBER**  
(Ethics Commission Filers)

**2 TYPE OF FILER**

CANDIDATE

POLITICAL COMMITTEE

*If filing as a candidate, complete boxes 3 - 6, then read and sign page 2.*

*If filing for a political committee, complete boxes 7 and 8, then read and sign page 2.*

**3 NAME OF CANDIDATE**  
(PLEASE TYPE OR PRINT)

TITLE (Dr., Mr., Ms., etc.)

FIRST

MI

NICKNAME

LAST

SUFFIX (SR., JR., III, etc.)

**4 TELEPHONE NUMBER OF CANDIDATE**  
(PLEASE TYPE OR PRINT)

AREA CODE

PHONE NUMBER

EXTENSION

( )

**5 ADDRESS OF CANDIDATE**  
(PLEASE TYPE OR PRINT)

STREET / PO BOX;

APT / SUITE #;

CITY;

STATE;

ZIP CODE

**6 OFFICE SOUGHT BY CANDIDATE**  
(PLEASE TYPE OR PRINT)

**7 NAME OF COMMITTEE**  
(PLEASE TYPE OR PRINT)

**8 NAME OF CAMPAIGN TREASURER**  
(PLEASE TYPE OR PRINT)

TITLE (Dr., Mr., Ms., etc.)

FIRST

MI

NICKNAME

LAST

SUFFIX (SR., JR., III, etc.)

**GO TO PAGE 2**

# CODE OF FAIR CAMPAIGN PRACTICES

There are basic principles of decency, honesty, and fair play that every candidate and political committee in this state has a moral obligation to observe and uphold, in order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their constitutional rights to a free and untrammelled choice and the will of the people may be fully and clearly expressed on the issues.

## THEREFORE:

- (1) I will conduct the campaign openly and publicly and limit attacks on my opponent to legitimate challenges to my opponent's record and stated positions on issues.
- (2) I will not use or permit the use of character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or the candidate's personal or family life.
- (3) I will not use or permit any appeal to negative prejudice based on race, sex, religion, or national origin.
- (4) I will not use campaign material of any sort that misrepresents, distorts, or otherwise falsifies the facts, nor will I use malicious or unfounded accusations that aim at creating or exploiting doubts, without justification, as to the personal integrity or patriotism of my opponent.
- (5) I will not undertake or condone any dishonest or unethical practice that tends to corrupt or undermine our system of free elections or that hampers or prevents the full and free expression of the will of the voters, including any activity aimed at intimidating voters or discouraging them from voting.
- (6) I will defend and uphold the right of every qualified voter to full and equal participation in the electoral process, and will not engage in any activity aimed at intimidating voters or discouraging them from voting.
- (7) I will immediately and publicly repudiate methods and tactics that may come from others that I have pledged not to use or condone. I shall take firm action against any subordinate who violates any provision of this code or the laws governing elections.

I, the undersigned, candidate for election to public office in the State of Texas or campaign treasurer of a political committee, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct the campaign in accordance with the above principles and practices.

---

Signature

---

Date

**TEXAS ETHICS COMMISSION**  
**CHAPTER 258, ELECTION CODE**  
**FAIR CAMPAIGN PRACTICES**



**Effective September 1,  
1997 (Revised 9/1/2023)**

**Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711**

[www.ethics.state.tx.us](http://www.ethics.state.tx.us)

**(512) 463-5800 • TDD (800) 735-2989**

*Promoting Public Confidence in Government*

**CHAPTER 258, ELECTION CODE**

**FAIR CAMPAIGN PRACTICES**

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**ELECTION CODE**

**TITLE 15. REGULATING POLITICAL FUNDS AND CAMPAIGNS**

**CHAPTER 258. FAIR CAMPAIGN PRACTICES**

**Sec. 258.001. SHORT TITLE.** This chapter may be cited as the Fair Campaign Practices Act.

**Sec. 258.002. PURPOSE.**

(a) The purpose of this chapter is to encourage every candidate and political committee to subscribe to the Code of Fair Campaign Practices.

(b) It is the intent of the legislature that every candidate and political committee that subscribes to the Code of Fair Campaign Practices will follow the basic principles of decency, honesty, and fair play to encourage healthy competition and open discussion of issues and candidate qualifications and to discourage practices that cloud the issues or unfairly attack opponents.

**Sec. 258.003. DELIVERY OF COPY OF CODE.**

(a) When a candidate or political committee files its campaign treasurer appointment, the authority with whom the appointment is filed shall give the candidate or political committee a blank form of the Code of Fair Campaign Practices and a copy of this chapter.

(b) The authority shall inform each candidate or political committee that the candidate or committee may subscribe to and file the code with the authority and that subscription to the code is voluntary.

**Sec. 258.004. TEXT OF CODE.** The Code of Fair Campaign Practices reads as follows:

**CODE OF FAIR CAMPAIGN PRACTICES**

There are basic principles of decency, honesty, and fair play that every candidate and political committee in this state has a moral obligation to observe and uphold, in order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their constitutional rights to a free and untrammelled choice and the will of the people may be fully and clearly expressed on the issues.

**THEREFORE:**

(1) I will conduct the campaign openly and publicly and limit attacks on my opponent to legitimate challenges to my opponent's record and stated positions on issues.

(2) I will not use or permit the use of character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or the candidate's personal or family life.

(3) I will not use or permit any appeal to negative prejudice based on race, sex, religion, or national origin.

(4) I will not use campaign material of any sort that misrepresents, distorts, or otherwise falsifies the facts, nor will I use malicious or unfounded accusations that aim at creating or exploiting doubts, without justification, as to the personal integrity or patriotism of my opponent.

(5) I will not undertake or condone any dishonest or unethical practice that tends to corrupt or undermine our system of free elections or that hampers or prevents the full and free expression of the will of the voters, including any activity aimed at intimidating voters or discouraging them from voting.

(6) I will defend and uphold the right of every qualified voter to full and equal participation in the electoral process, and will not engage in any activity aimed at intimidating voters or discouraging them from voting.

(7) I will immediately and publicly repudiate methods and tactics that may come from others that I have pledged not to use or condone. I shall take firm action against any subordinate who violates any provision of this code or the laws governing elections.

I, the undersigned, candidate for election to public office in the State of Texas or campaign treasurer of a political committee, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct the campaign in accordance with the above principles and practices.

**VOID – COPY ONLY - VOID<sup>1</sup>**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

**Sec. 258.005. FORMS.** The commission shall print copies of the Code of Fair Campaign Practices and shall supply the forms to the authorities with whom copies of the code may be filed in quantities and at times requested by the authorities.

**Sec. 258.006. ACCEPTANCE AND PRESERVATION OF COPIES.**

(a) An authority with whom a campaign treasurer appointment is filed shall accept each completed copy of the code submitted to the authority that is properly subscribed to by a candidate or the campaign treasurer of a political committee.

(b) Each copy of the code accepted under this section shall be preserved by the authority with whom it is filed for the period prescribed for the filer's campaign treasurer appointment.

**Sec. 258.007. SUBSCRIPTION TO CODE VOLUNTARY.** The subscription to the Code of Fair Campaign Practices by a candidate or a political committee is voluntary.

<sup>1</sup> This document is a copy of chapter 258, Election Code. To subscribe to the Code of Fair Campaign Practices, a candidate or campaign treasurer of a political committee must submit Texas Ethics Commission FORM CFCP, not a signed copy of this document.

**Sec. 258.008. INDICATION ON POLITICAL ADVERTISING.** A candidate or a political committee that has filed a copy of the Code of Fair Campaign Practices may so indicate on political advertising in a form to be determined by the commission.

**Sec. 258.009. CIVIL CAUSE OF ACTION.** This chapter does not create a civil cause of action for recovery of damages or for enforcement of this chapter.

# TEXAS ETHICS COMMISSION

*Mailing Address:*

P.O. Box 12070, Capitol Station  
Austin, Texas 78711-2070  
512-463-5800



*Street Address:*

201 E. 14th St., 10th Floor  
Austin, Texas 78701  
[www.ethics.state.tx.us](http://www.ethics.state.tx.us)

## NOTICE TO LOCAL FILING AUTHORITIES - 2026

Below is a list of the forms, instructions, filing schedules, and other materials you should have in order to comply with your responsibilities as a filing authority for campaign finance reports under Title 15 of the Texas Election Code. All of these materials are available at [www.ethics.state.tx.us](http://www.ethics.state.tx.us) on the Texas Ethics Commission's website under the "Resources" and "Forms/Instructions" main menu items.

If you prepare filing packets for candidates and officeholders, we recommend that packet include the items that are marked with an asterisk (\*). To determine if you have the most current items, refer to the forms and instructions pages for local filers located on our website:

[Local Candidates and Officeholders \(COH\)](#)

[Local Specific-Purpose Committee \(SPAC\)](#)

Please do not hesitate to call if you have any difficulty accessing our forms, instructions, filing schedules, or other filing materials, or if you have any questions about the campaign finance laws. We encourage you to refer your campaign finance filers to the applicable guides and instructions or to our office if they have any questions about their filing obligations.

**URGENT REMINDER:** It is imperative that you affix a date stamp on the first page of every campaign finance report/document that is filed with your office. A date affixed by the filer when signing the report or a notary public when witnessing the filer's signature is not considered a date stamp of the filing authority. Also, encourage individuals with reporting questions to review the form instructions guide and appropriate campaign finance guide and to call the Ethics Commission if they still have questions.

**All Political Subdivisions Must Post Campaign Finance Reports Online:** Effective September 1, 2023, per HB 2626 passed by the 88th legislature, all political subdivisions are required to post on their website all campaign finance reports filed on or after September 1, 2023. The new Internet posting requirement applies to all entities that receive campaign finance reports, including counties, cities, school districts, hospital districts, library districts, utility districts, water districts, etc. The campaign reports must be posted within 10 business days of receipt and remain on the political subdivision's website for five years after the report is first made available. The political subdivision may redact the address (other than city, state and zip code) of any contributor before posting the report on its website. The report that includes the full address must remain available at the political subdivision's office.

### List of Forms, Instructions, and Guides

[Guide to a Local Filing Authority's Duties under the Campaign Finance Law](#)

\* [2026 Schedule for Elections Held on Uniform Election Dates](#)

\* Campaign Finance Guides for Those Who File With Local Filing Authorities:

Candidates and Officeholders: [Covers 1/1/2026-12/31/2026](#)

Political Committees: [Covers 1/1/2026-12/31/2026](#)

- \* [Political Advertising: What You Need to Know](#)
- \* [Fair Campaign Practices Act](#)
- \* [Form CFCP – Code of Fair Campaign Practices](#)
- \* [Form CTA – Appointment of a Campaign Treasurer by a Candidate](#)
- \* Form CTA – Instruction Guide: [Covers 1/1/2026-12/31/2026](#)
- \* [Form ACTA – Amended Appointment of a Campaign Treasurer by a Candidate](#)
- \* Form ACTA – Instruction Guide: [Covers 1/1/2026-12/31/2026](#)
- \* [Form C/OH – Candidate/Officeholder Campaign Finance Report](#)
- \* Form C/OH – Instruction Guide: [Covers 1/1/2026-12/31/2026](#)
- [Form STA – Appointment of a Campaign Treasurer by a Specific-Purpose Committee](#)
- Form STA – Instruction Guide: [Covers 1/1/2026-12/31/2026](#)
- [Form ASTA – Amended Appointment of a Campaign Treasurer by a Specific-Purpose Committee](#)
- Form ASTA – Instruction Guide: [Covers 1/1/2026-12/31/2026](#)
- [Form SPAC – Specific-Purpose Committee Campaign Finance Report](#)
- Form SPAC – Instruction Guide: [Covers 1/1/2026-12/31/2026](#)
- [Form C/OH-UC – Candidate/Officeholder Report of Unexpended Contributions](#)
- Form C/OH-UC– Instruction Guide: [Covers 1/1/2026-12/31/2026](#)
- [Form COR-C/OH – Correction Affidavit for Candidate/Officeholder](#)
- [Form COR-PAC – Correction Affidavit for Political Committee](#)
- \*\* [Form CIS – Local Government Officer Conflicts Disclosure Statement](#)
- \*\* [Form CIQ – Conflict of Interest Questionnaire](#)
- [Title 15 of the Election Code](#)
- [Texas Ethics Commission Rules](#)

\*\* As required by the Legislature, the Texas Ethics Commission adopted Forms CIS and CIQ. Please note that the Texas Ethics Commission does NOT have jurisdiction to interpret or enforce Chapter 176 of the Government Code; that responsibility rests with the local filing authority. Also, please note that these forms are filed with the local filing authority and NOT with the Texas Ethics Commission.



**TEXAS ETHICS COMMISSION**  
**2026 FILING SCHEDULE FOR REPORTS DUE IN CONNECTION WITH**  
**ELECTIONS HELD ON UNIFORM ELECTION DATES**

This is a filing schedule for reports to be filed in connection with elections held on uniform election dates in May and November. Examples of elections held on uniform election dates are elections for school board positions and city offices. The uniform election dates in 2026 are May 2 and November 3.

Candidates and officeholders must file semiannual reports (due on January 15, 2026, and July 15, 2026). In addition, a candidate who has an opponent on the ballot in an election held on a uniform election date must file two pre-election reports (unless the candidate has elected modified reporting).

The campaign treasurer of a political committee that is involved in an election held on a uniform election date must also file pre-election reports (unless the committee is a general-purpose political committee that files monthly or a specific-purpose political committee that files on the modified reporting schedule). This schedule sets out the due dates for pre-election reports in connection with elections on uniform election dates. Please consult the 2026 REGULAR FILING SCHEDULE FOR GENERAL-PURPOSE POLITICAL COMMITTEES (GPAC), COUNTY EXECUTIVE COMMITTEES (CEC), AND SPECIFIC-PURPOSE POLITICAL COMMITTEES (SPAC) for a complete listing of political committee deadlines.

Candidates for and officeholders in local offices regularly filled at the general election for state and county officers (the November election in even-numbered years) should use the 2026 FILING SCHEDULE FOR CANDIDATES AND OFFICEHOLDERS FILING WITH THE COUNTY CLERK OR ELECTIONS ADMINISTRATOR.

EXPLANATION OF THE FILING SCHEDULE CHART

COLUMN I: REPORT DUE DATE - This is the date by which the report must be filed. If the due date for a report falls on a Saturday, Sunday, or legal holiday, the report is due on the next regular business day. This schedule shows the extended deadline where applicable. A report transmitted to the Texas Ethics Commission over the Internet is considered timely filed if it is transmitted *by midnight, Central Time Zone, on the night of the filing deadline*. For most filing deadlines, a report filed on paper is considered timely filed if it is deposited with the U.S. Post Office or a common or contract carrier properly addressed with postage and handling charges prepaid, or hand-delivered to the filing authority by the filing deadline. **Pre-Election Reports:** A report due 30 days before an election and a report due 8 days before an election must be *received* by the appropriate filing authority no later than the report due date to be considered timely filed.

COLUMN II: TYPE OF REPORT (WHO FILES) - This column gives the report type and explains which reporting form to use and which filers are required to file the report.

COLUMN III: BEGINNING DATE OF PERIOD COVERED - This column sets out the beginning date of the time period covered by the report. Use the latest one of the applicable dates. The "date of campaign treasurer appointment" is the beginning date only for the *first* report filed after filing a campaign treasurer appointment. For officeholders recently appointed to an elective office, the beginning date for the first report will be the date the officeholder took office, provided that he or she was not already filing as an officeholder or candidate at the time of the appointment. (*NOTE: If you are ever confused about the beginning date for a required report, remember this rule: **There should never be gaps between reporting periods and, generally, there should not be overlaps.***)

COLUMN IV: ENDING DATE OF PERIOD COVERED - This column sets out the ending date of the time period covered by the report. The report must include reportable activity occurring on the ending date.

Please consult the CAMPAIGN FINANCE GUIDE FOR CANDIDATES AND OFFICEHOLDERS WHO FILE WITH LOCAL FILING AUTHORITIES or the CAMPAIGN FINANCE GUIDE FOR POLITICAL COMMITTEES for further information.

<u>COLUMN I</u> DUE DATE	<u>COLUMN II</u> TYPE OF REPORT (WHO FILES)	<u>COLUMN III</u> BEGINNING DATE OF PERIOD COVERED	<u>COLUMN IV</u> ENDING DATE OF PERIOD COVERED
Thursday, January 15, 2026	<b>January semiannual</b> [FORM C/OH] (all local candidates and officeholders, except for officeholders who do not have a campaign treasurer appointment on file and who do not exceed \$1,110 in contributions or expenditures for the reporting period) [FORM GPAC] (all GPACs) [FORM SPAC] (all SPACs)	July 1, 2025, <i>or</i>  the date of campaign treasurer appointment, <i>or</i>  the day after the date the last report ended.	December 31, 2025
Thursday, January 15, 2026	<b>Annual report of unexpended contributions</b> [FORM C/OH-UC] (former candidates and former officeholders who have filed a final report and who retained unexpended contributions or assets purchased with contributions)	January 1, 2025, <i>or</i>  the day after the date the final report was filed.	December 31, 2025

**REPORTS DUE BEFORE THE MAY 2, 2026, UNIFORM ELECTION**

Thursday, April 2, 2026  <b>NOTE: This report must be received by the appropriate filing authority no later than April 2, 2026.</b>	<b>30th day before the May 2, 2026, uniform election</b>  [FORM C/OH] (all local candidates who have an opponent on the ballot in the May 2 election and who do not file on the modified reporting schedule)  [FORM GPAC] (all GPACs that are involved in the May 2 election)  [FORM SPAC] (all SPACs that do not file on the modified reporting schedule and that supported or opposed an opposed candidate or a measure in the May 2 election)	January 1, 2026, <i>or</i>  the date of campaign treasurer appointment, <i>or</i>  the day after the date the last report ended.	March 23, 2026
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**NOTE:** A political committee must file pre-election reports if the committee is involved in the election during each pre-election reporting period. **A political committee must file an 8-day pre-election report if the committee filed a 30-day pre-election report, even if there is no activity to report during the 8-day reporting period.** The campaign treasurer of a political committee may be required to file 30-day and 8-day pre-election reports in connection with elections not listed on this schedule.

<b><u>COLUMN I</u></b> <b>DUE DATE</b>	<b><u>COLUMN II</u></b> <b>TYPE OF REPORT (WHO FILES)</b>	<b><u>COLUMN III</u></b> <b>BEGINNING DATE OF PERIOD COVERED</b>	<b><u>COLUMN IV</u></b> <b>ENDING DATE OF PERIOD COVERED</b>
<p><b>Friday, April 24, 2026</b></p> <p><b>NOTE: This report must be <u>received</u> by the appropriate filing authority no later than April 24, 2026.</b></p>	<p><b>8th day before May 2, 2026, uniform election</b></p> <p>[FORM C/OH] (all local candidates who have an opponent on the ballot in the May 2 election and who do not file on the modified reporting schedule)</p> <p>[FORM GPAC] (all GPACs that filed a “30th Day Before Election Report” or that are involved in the May 2 election)</p> <p>[FORM SPAC] (all SPACs that do not file on the modified reporting schedule and that filed a “30th Day Before Election Report” or that supported or opposed an opposed candidate or a measure in the May 2 election)</p>	<p>March 24, 2026, <i>or</i></p> <p>the date of campaign treasurer appointment, <i>or</i></p> <p>the day after the date the last report ended.</p>	<p>April 22, 2026</p> <p><b>NOTE:</b> Daily pre-election reports of contributions accepted and direct campaign expenditures made after April 22, 2026, may be required. Please consult the Campaign Finance Guide for further information.</p>
<p><b>Wednesday, July 15, 2026</b></p>	<p><b>July semiannual</b></p> <p>[FORM C/OH] (all local candidates and officeholders, except for officeholders who do not have a campaign treasurer appointment on file and who do not exceed \$1,140 in contributions or expenditures for the reporting period)</p> <p>[FORM GPAC] (all GPACs)</p> <p>[FORM SPAC] (all SPACs)</p>	<p>January 1, 2026, <i>or</i></p> <p>the date of campaign treasurer appointment, <i>or</i></p> <p>the day after the date the last report ended.</p>	<p>June 30, 2026</p>
<p><b>NOTE:</b> A political committee must file pre-election reports if the committee is involved in the election during each pre-election reporting period. <b>A political committee must file an 8-day pre-election report if the committee filed a 30-day pre-election report, even if there is no activity to report during the 8-day reporting period.</b> The campaign treasurer of a political committee may be required to file 30-day and 8-day pre-election reports in connection with elections not listed on this schedule.</p>			

<b><u>COLUMN I</u></b> <b>DUE DATE</b>	<b><u>COLUMN II</u></b> <b>TYPE OF REPORT (WHO FILES)</b>	<b><u>COLUMN III</u></b> <b>BEGINNING DATE OF PERIOD COVERED</b>	<b><u>COLUMN IV</u></b> <b>ENDING DATE OF PERIOD COVERED</b>
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**REPORTS DUE BEFORE THE NOVEMBER 3, 2026, UNIFORM ELECTION**

<p><b>Monday, October 5, 2026</b></p> <p><i>Deadline is extended because of weekend.</i></p> <p><b>NOTE: This report must be <u>received</u> by the appropriate filing authority no later than October 5, 2026.</b></p>	<p><b>30th day before the November 3, 2026, uniform election</b></p> <p>[FORM C/OH] (all local candidates who have an opponent on the ballot in the November 3 election and who do not file on the modified reporting schedule)</p> <p>[FORM GPAC] (all GPACs that are involved in the November 3 election)</p> <p>[FORM SPAC] (all SPACs that do not file on the modified reporting schedule and that supported or opposed an opposed candidate or a measure in the November 3 election)</p>	<p>July 1, 2026, <u>or</u></p> <p>the date of campaign treasurer appointment, <u>or</u></p> <p>the day after the date the last report ended.</p>	<p>September 24, 2026</p>
<p><b>Monday, October 26, 2026</b></p> <p><b>NOTE: This report must be <u>received</u> by the appropriate filing authority no later than October 26, 2026.</b></p>	<p><b>8th day before the November 3, 2026, uniform election</b></p> <p>[FORM C/OH] (all local candidates who have an opponent on the ballot in the November 3 election and who do not file on the modified reporting schedule)</p> <p>[FORM GPAC] (all GPACs that filed a “30th Day Before Election Report” or that are involved in the November 3 election)</p> <p>[FORM SPAC] (all SPACs that do not file on the modified reporting schedule and that filed a “30th Day Before Election Report” or that supported or opposed an opposed candidate or a measure in the November 3 election)</p>	<p>September 25, 2026, <u>or</u></p> <p>the date of campaign treasurer appointment, <u>or</u></p> <p>the day after the date the last report ended.</p>	<p>October 24, 2026</p> <p><b>NOTE: Daily pre-election reports of contributions accepted and direct campaign expenditures made after October 24, 2026, may be required. Please consult the Campaign Finance Guide for further information.</b></p>

**NOTE:** A political committee must file pre-election reports if the committee is involved in the election during each pre-election reporting period. **A political committee must file an 8-day pre-election report if the committee filed a 30-day pre-election report, even if there is no activity to report during the 8-day reporting period.** The campaign treasurer of a political committee may be required to file 30-day and 8-day pre-election reports in connection with elections not listed on this schedule.

<b><u>COLUMN I</u></b> <b>DUE DATE</b>	<b><u>COLUMN II</u></b> <b>TYPE OF REPORT (WHO FILES)</b>	<b><u>COLUMN III</u></b> <b>BEGINNING DATE OF PERIOD COVERED</b>	<b><u>COLUMN IV</u></b> <b>ENDING DATE OF PERIOD COVERED</b>
<b>Friday, January 15, 2027</b>	<p><b>January semiannual</b></p> <p>[FORM C/OH] (all local candidates and officeholders, except for officeholders who do not have a campaign treasurer appointment on file and who do not exceed \$1,140 in contributions or expenditures for the reporting period)</p> <p>[FORM GPAC] (all GPACs)</p> <p>[FORM SPAC] (all SPACs)</p>	<p>July 1, 2026, <i>or</i></p> <p>the date of campaign treasurer appointment, <i>or</i></p> <p>the day after the date the last report ended.</p>	December 31, 2026
<b>Friday, January 15, 2027</b>	<p><b>Annual report of unexpended contributions</b></p> <p>[FORM C/OH-UC] (former candidates and former officeholders who have filed a final report and who retained unexpended contributions or assets purchased with contributions)</p>	<p>January 1, 2026, <i>or</i></p> <p>the day after the date the final report was filed.</p>	December 31, 2026

# Important Dates for Candidates

CITY OF MANVEL GENERAL ELECTION • MAY 2, 2026



January 14, 2026	First day to file an application for a place on the ballot
February 13, 2026	Last day to file an application for a place on the ballot (Must be received by 5 p.m.)
February 20, 2026	Last day for a candidate to withdraw application for a place on the ballot (Must be received in writing by 5 p.m.)
February 19, 2026	Drawing for position on the ballot at 10:00 a.m. in the City Secretary's office. (Date subject to change – all candidates will be notified if a change is made)
April 2, 2026	Last day to register to vote to be able to vote in the May 2, 2026 election
April 2, 2026	1 <sup>st</sup> report of candidate/officeholder campaign finance report due (Must be received by 5 p.m.)
April 20, 2026	First day for Early Voting
April 24, 2026	2 <sup>nd</sup> report of candidate/officeholder campaign finance report due (Must be received by 5 p.m. or midnight if filing electronically)
April 28, 2026	Last day for Early Voting
<b>May 2, 2026</b>	<b>***ELECTION DAY***      7 a.m. to 7 p.m.</b>
TBA	Official canvass of returns
TBA	Oaths of office for newly elected officials at City Council Meeting
July 15, 2026	Last day for timely filing of semi-annual report of contributions and expenditures from campaigns.

## PART I HOME RULE CHARTER<sup>1</sup>

### PREAMBLE

We, the citizens of Manvel, Texas, in order to establish a home rule municipal government, provide for the future progress of our city and obtain more fully the benefits of local self-government, do hereby adopt this Home Rule Charter in accordance with the statutes of the State of Texas; and do hereby declare the residents of the City of Manvel in Brazoria County, Texas, living within the legally established boundaries of the said city to be a political subdivision of the State of Texas incorporated forever under the name and style of the "City of Manvel" with such powers, rights and duties as are herein provided.

### ARTICLE I. INCORPORATION, FORM OF GOVERNMENT AND BOUNDARIES

#### Sec. 1.01. Incorporation, corporate name.

All inhabitants of the City of Manvel, Brazoria County, Texas, within the boundaries of said city now established or as hereinafter established in the manner provided by law, shall constitute a municipal body politic incorporated under the name of the "City of Manvel," hereinafter referred to as the "city," with such powers, rights, authority, privileges, obligations, and immunities as are herein provided.

#### Sec. 1.02. Form of government.

The municipal government provided by this Charter shall be known as a "council-manager form of government." Pursuant to the provisions of, and subject only to the limitations imposed by, the state constitution, state laws and this Charter, all powers of the city shall be vested in an elective council, hereinafter referred to as the "city council" or the "council."

#### Sec. 1.03. Corporate boundaries.

The boundaries and limits of the city are hereby established and described as those boundaries heretofore established in the original incorporation proceedings of the city, and those boundaries established and changed thereafter by all annexation ordinances and proceedings of the city, filed in the office of the city secretary.

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<sup>1</sup>Editor's note(s)—Printed herein is the Home Rule Charter of the City of Manvel, Texas, adopted by the Charter Commission on February 1, 2011, and passed by the voters at an election held on May 14, 2011.

Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision derives unchanged from the 2011 Charter. A uniform system of punctuation and capitalization has been used. Obvious misspellings have been corrected without notation and material in brackets has been added for clarity.

## ARTICLE II. POWERS OF THE CITY

### Sec. 2.01. General powers of city.

- (a) The city shall have all powers, functions, rights, privileges, and immunities of every name and nature that are now or hereafter may be granted to municipal corporations by the constitution and laws of this state, together with all implied powers necessary to carry into execution all such powers granted.
- (b) Among such powers, the city shall have police powers, the power to adjust its boundaries, to contract and to cooperate with the government of the State of Texas or any agency or subdivision thereof, or with the federal government or any agency thereof, to accomplish any lawful purpose. The city may use a corporate seal; may acquire property within or outside of its corporate limits for any purpose in fee simple, or in any lesser interest or estate, and, subject to the provisions of this Charter, may sell, lease, mortgage, hold, manage, improve, exchange, and control property as may now or hereafter be owned by it; may access, levy and collect taxes for general and special purposes on all lawful subjects of taxation; may borrow and appropriate money for all lawful purposes; may furnish municipal services, both within and outside of its corporate limits; may provide for the expenditure of public funds for a retirement system, group health, life and accident insurance coverage, and surety bonds for city employees or officers; may pass ordinances, resolutions, and enact such regulations as may be expedient for the maintenance of good government, order and peace of the city and the interest, welfare, health, morals, comfort, safety, security, and convenience of the city and its inhabitants consistent with the provisions of this Charter.

### Sec. 2.02. General powers adopted.

The enumeration of the particular powers of 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 powers 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.

### Sec. 2.03. Annexation.

- (a) The council shall have the power, by ordinance, to fix boundaries of the city and to provide for the alteration or the extension of said boundaries, pursuant to any laws of the State of Texas now or hereinafter enacted, with or without the consent of the owners or inhabitants of such territory.
- (b) The annexation ordinance shall describe the territory to be annexed. Notice shall be published and public hearings held as required by state law. Amendments not enlarging or extending the boundaries set forth in the proposed ordinance may be incorporated therein without the necessity of republication of said notice. The additional territory annexed shall be a part of the city and the property situated therein shall bear its pro rata share of the taxes levied by the city as provided by state law. The inhabitants thereof shall be entitled to all the rights and privileges of other citizens and shall be bound by the acts, ordinances, resolutions, and regulations of the city.

### Sec. 2.04. Disannexation.

The council may, by ordinance, disannex any territory within the corporate boundaries of the city, if the council determines that the territory is not necessary or suitable for city purposes, and may exchange territory

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with other municipalities. When a disannexation ordinance is passed, the disannexed territory shall cease to be a part of the city.

**Sec. 2.05. Eminent domain.**

The city shall have the full right, power and authority 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 or laws of the State of Texas. The power of eminent domain hereby conferred shall include the right of the city to take fee title and easement interest in the lands so condemned, and such power and authority shall include the right to condemn public or private property for such purposes. The power of eminent domain shall be limited as provided in the constitution and laws of the State of Texas.

It shall take an affirmative vote of two-thirds (2/3) of the entire council (including the mayor) to institute and culminate eminent domain proceedings.

**Sec. 2.06. Power to acquire property inside and outside city for any lawful purposes.**

The city shall have the power to sell and acquire property either private or public located inside or outside its corporate limits for any lawful purpose.

**Sec. 2.07. Other powers.**

In addition to the powers granted above, the city may regulate and control the use, for whatever purpose, of the streets and other public places; may make and enforce all police, health, sanitation, 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 residences; and may provide suitable penalties for the violation of any ordinance enacted by the city; and, except as prohibited by the constitution and laws of this state or restricted by this Charter, the city may exercise all municipal powers, functions, rights, privileges, and immunities of every name and nature whatsoever.

**ARTICLE III. CITY COUNCIL AND MAYOR**

**Sec. 3.01. Governing body.**

The governing and lawmaking body of the city shall consist of a mayor and six (6) councilmembers and shall be known as the city council or the council.

**Sec. 3.02. Elective officers.**

The mayor and the councilmembers shall be elected and hold office as herein provided:

- (a) Each councilmember shall be elected to and occupy a place on the council, such places being numbered 1, 2, 3, 4, 5 and 6.
- (b) The mayor and all members of the city council shall be elected by the qualified voters of the entire city, commonly known as "at large." Each councilmember shall be elected at large by place. See section 3.02(a).
- (c) All councilmembers and the mayor shall be elected for terms as follows:

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- (1) If this Charter is adopted, the mayor shall be elected for a three-year term at the regular city election held in May 2011 and, thereafter, elected to three-year terms.
  - (2) If this Charter is adopted, councilmembers who hold positions 3 and 5, which terms expire in 2011, shall be designated as places 3 and 5, and the councilmembers elected to such places at the regular city election held in May 2011 shall be elected for three-year terms and, thereafter, elected to three-year terms.
  - (3) If this Charter is adopted, councilmembers who hold positions 1 and 2, which terms expire in 2012, shall be designated as places 1 and 2, and the councilmembers elected to such places at the regular city election held in May 2012 shall be elected for three-year terms and, thereafter, elected to three-year terms.
  - (4) If this Charter is adopted, the councilmember who holds position 4, which term expires in 2012, shall be designated as place 4, and the councilmember elected to such place at the regular city election held in May 2012 shall be elected for a one-year term and, thereafter, beginning in the regular city election held in May 2013 shall be elected to three-year terms.
  - (5) If this Charter is adopted, councilmember place 6 will be filled at the regular election held in May 2011, for a two-year term and, thereafter, beginning in the regular city election held in May 2013, shall be elected to three-year terms.
- (d) The members of city council at the time of adoption of this Charter shall have all the powers and duties granted in this Charter.
  - (e) The limitations prescribed in section 3.03 of article III of this Charter shall apply to all persons elected or appointed to a three-year term of office in 2011 and thereafter, but will not include terms of office which began prior to adoption of this Charter or the initial one-year term of office of councilmember place 4 or the initial two-year term of office of councilmember place 6.

### **Sec. 3.03. Limitation on consecutive terms for elected officials.**

- (a) A person who has been elected as mayor or councilmember for three (3) consecutive terms shall not again be eligible to become a candidate for, or to serve in the office of, mayor or councilmember until the second regular election after the third consecutive term has expired.
- (b) For the purposes of this section, a term of office shall be defined as an elected period of three (3) years (defined as from regular election date to general election date). A person elected to fill an unexpired term or terms of less than three (3) years may serve three additional consecutive terms.
- (c) A councilmember shall be considered to serve consecutive terms if serving in different places consecutively; however, it shall not be considered a consecutive term when a councilmember is elected to the office of mayor. However, a person who has served six (6) consecutive terms as both mayor and councilmember shall not again be eligible to serve in either capacity until the second regular election after the sixth consecutive term has expired.
- (d) If an incumbent seeks a different elected office or elected position of the city other than that which he/she then holds, he/she shall submit a letter of resignation to the city council at least seventy-five (75) days prior to the date of election for such desired office or position. Unless otherwise prohibited by operation of law or this Charter, the incumbent shall hold over in the office or position subject to resignation until their successor qualifies for the incumbent's vacated position, or until such incumbent qualifies for the different office or position sought, whichever first occurs.

(Ord. No. 2017-O-06, 2-13-2017)

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### **Sec. 3.04. Qualifications.**

- (a) *Candidates.* Each person who becomes a candidate for mayor or councilmember shall meet the following qualifications:
- (1) Be at least twenty-one (21) years of age on the first day of the term to be filled at the election;
  - (2) Be a citizen of the United States;
  - (3) Be a qualified voter of the city;
  - (4) At the time of the election, and for at least twelve (12) consecutive months preceding the election, shall reside within the corporate limits of the city;
  - (5) No candidate may file for more than one (1) office or place number per election;
  - (6) Must not have been convicted of a felony or any offense involving moral turpitude.
- (b) When any member of the council or the mayor no longer possesses all of the qualifications specified in this section, or is convicted of a felony or any offense involving moral turpitude while in office, the office shall immediately and automatically become vacant. The council shall be the judge of the qualifications of its members in accordance with section 3.08(b) and for these purposes shall have the power to conduct a tribunal, subpoena witnesses and require the production of records.

(Ord. No. 2017-O-06, 2-13-2017)

### **Sec. 3.05. Compensation.**

The members of the city council shall be compensated at the amounts of \$400.00 (councilmember), \$500.00 (mayor pro tem), and \$600.00 (mayor), per month. Members of the city council may, in addition, be reimbursed for approved expenses incurred during the course of their duties. Reimbursement guidelines and requirements for members of the city council shall be the same as for city employees.

(Res. No. 2022-R-05, § 4, 5-16-2022)

### **Sec. 3.06. Presiding officer; duties of mayor.**

The mayor shall preside over the meetings of the council, and perform such other duties consistent with the office as may be imposed upon him/her by this Charter, and by ordinances and resolutions passed in pursuance thereof. He/she shall participate in the discussion of all matters coming before the council, may make or second motions on all matters before the council, and shall have a vote. He/she shall be recognized as the official head of the city by the courts for the purpose of enforcing martial law and for all ceremonial purposes.

### **Sec. 3.07. Mayor pro tem.**

At the first meeting after each regular election or regular runoff election, if any, or as soon thereafter as practicable, the city council shall appoint one (1) of its councilmembers as mayor pro tem who shall hold said office for one (1) year. The mayor pro tem shall perform the duties of mayor in case of the absence or disability of the mayor.

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### **Sec. 3.08. Vacancies; forfeiture of office; filling of vacancies.**

- (a) *Vacancies.* The office of the mayor or a councilmember shall become vacant upon the mayor or councilmember's death, resignation, removal from office (in any manner authorized by law), or forfeiture of office.
- (b) *Forfeiture of office.* The mayor or a councilmember shall forfeit his/her office if, during a term of office, the mayor or councilmember:
  - (1) Is no longer a US citizen or qualified voter of the city or lacks any qualification for the office prescribed by this Charter or by other law;
  - (2) Violates any express prohibition of this Charter;
  - (3) Is convicted of a felony or is convicted of a crime involving moral turpitude; or
  - (4) Fails to attend three (3) consecutive regular meetings of the council without being excused by the council.

When any member of the council or the mayor no longer possesses all of the qualifications specified in this section, the office shall immediately and automatically become vacant. The council shall be the judge of the qualifications of its members and for these purposes shall have the power to conduct a tribunal, subpoena witnesses and require the production of records. The council shall, by an affirmative vote of a majority of the entire membership, be the final judge in matters involving forfeiture of office by a councilmember or the mayor.

- (c) *Filling of vacancies.* If a vacancy or vacancies occur on the council, then the remaining councilmembers shall call a special election for the purpose of filling the unexpired term in accordance with state law.

### **Sec. 3.09. Meetings of city council.**

The city council shall hold at least one (1) regular meeting each month and as many additional special meetings as they deem necessary to transact the business of the city. Special meetings may be held on the call of the mayor or four (4) or more councilmembers. The city council shall fix, by resolution, the days and times of the regular meeting. All meetings of the city council shall be held at the city hall, or at such other public place as may be approved by city council, and all meetings of the city council shall be open to the public, except as authorized by state law. Each member of city council, if present, shall vote upon all matters before the city council, except when the matter involves the consideration of that member's own official conduct or where that member's participation in the vote is prohibited by state law.

### **Sec. 3.10. Rules of procedure.**

The city council shall, by resolution, determine its own rules and order of business. The city council shall provide for minutes being taken and recorded of all its public meetings, and such minutes shall be a public record. Four (4) members of city council shall constitute a quorum for the purpose of transaction of business, and no action of the city council shall be valid or binding unless approved by the affirmative vote of a majority of the entire city council. If, at any meeting of four (4) or more members of the city council, neither the mayor nor mayor pro tem is present, then those councilmembers present shall elect one of their numbers to be the chairman for conducting the meeting as provided herein.

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**Sec. 3.11. Code of ethics and conduct.**

The city council shall adopt, by ordinance, a code of ethics and conduct that is consistent with the provisions of this Charter and the laws of the State of Texas. The code of ethics and conduct shall be applicable to all elected officers, appointed board, commission, and committee members, and employees of the city.

**ARTICLE IV. RESPONSIBILITIES OF CITY COUNCIL**

**Sec. 4.01. Powers of council.**

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

**Sec. 4.02. Appointment of members of boards and commissions.**

The members of all boards and commissions created by this Charter or by the council shall be appointed by the council. Members of all boards shall be residents of the city, unless otherwise provided by law.

**Sec. 4.03. Investigative powers of council.**

The council as a whole shall have the power to inquire into or investigate the official conduct of any department, agency, officer, or employee of the city and, for that purpose, shall have the power to administer oaths, subpoena witnesses, compel the production of books, papers, records, or other evidence, conduct a tribunal, and as shall be provided by ordinance, to punish and fix penalties for contempt for failure or refusal to obey any such subpoena or to produce any such books, papers, records, or other evidence. All powers granted by this section shall be exercised only in a meeting of a quorum of the council held in compliance with state law.

**Sec. 4.04. Depository of city funds.**

The council shall select a depository, according to state law, for city funds.

**Sec. 4.05. Interference in administrative matters.**

The city manager shall be the chief administrative officer and the head of the administrative branch of the city. Except for the purpose of inquiry or investigation, the council and its members shall deal with the administrative departments and personnel solely through the city manager, and no member of the council shall give orders to any subordinate of the city manager, either publicly or privately.

**Sec. 4.06. Appointive offices.**

In addition to the elected officers, the other officers of the city shall be the city manager, city secretary, municipal court judge, and city attorney, and such other officers as the council may from time to time establish. The council may abolish or consolidate such offices and positions as it may deem to be in the best interest of the city and may divide the administration of such offices or positions as it may deem advisable, create new offices and positions, and discontinue any office or position at its discretion, except the offices of city manager, city secretary,

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municipal court judge, and city attorney. Removal of officers appointed by the city council shall be at the discretion of the council, by vote of the majority of the entire council.

**Sec. 4.07. State of emergency.**

- (a) A state of emergency shall be deemed to exist during periods of impending or actual public crisis or disaster. A state of emergency may be declared by the vote of the council, or by order of the mayor as authorized by state law, or, in his/her absence or disability, the mayor pro tem, and in the absence or disability of the mayor and mayor pro tem, by three (3) members of the council, if a meeting of the council cannot be called within the time available, and conditions threaten to render the normal procedures of the city inadequate for the protection of persons or property. During a state of emergency, the mayor, or, in his/her absence or disability, the mayor pro tem shall have all the powers that would be vested in the council by state law to the extent he/she considers reasonable or necessary for the protection of persons or property.
- (b) The emergency powers herein provided shall be exercised only to the extent made necessary by the nature of the emergency and during the continuation of the state of emergency.
- (c) The mayor, or person authorized by this Charter to carry out the duties of the mayor, or the council by a majority vote, shall be authorized to declare the emergency terminated.

**Sec. 4.08. Validation of all ordinances, rules and regulations.**

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

**Sec. 4.09. Form of ordinances.**

Every proposed ordinance shall be introduced in writing and in substantially the form required for final adoption. The subject of the ordinance shall be clearly expressed in its title. The enacting clause of every ordinance shall be: "Be it ordained by the City Council of the City of Manvel," but the same shall be omitted when the ordinances of the city are codified and published in a book or pamphlet form by the city. Any ordinance that repeals or amends an existing ordinance or part of the City Code shall clearly set forth the provision or provisions being repealed or amended and, if amended, shall further clearly set forth the amendment being made.

**Sec. 4.10. Procedure for enacting ordinances and resolutions; publication.**

- (a) Ordinances and resolutions may be passed at any regular or special meeting called for that purpose provided notice has been given in accordance with the Texas Open Meetings Act.
- (b) All ordinances, except those defined in section 4.10(f), shall be considered and passed at two (2) separate council meetings. On second presentation, the council may consider and approve any changes it deems necessary from the ordinance presented at first reading, unless otherwise provided by state law.
- (c) The descriptive caption or title of an ordinance that imposes a penalty, fine or forfeiture and the penalty for violating the ordinance shall be published at least once in the official newspaper of the city.
- (d) An ordinance required to be published takes effect when the publication requirement is satisfied, unless the ordinance provides otherwise, and an ordinance that is not required to be published takes effect when adopted, unless the ordinance provides otherwise.

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- (e) The city attorney shall review and approve as to form all proposed ordinances prior to adoption and shall make any suggestions and/or objections to said ordinance in writing to the city council.
  - (f) The requirement of reading an ordinance at two (2) council meetings shall not apply to ordinances relating to the adoption or amendment of a budget, the assessment, levy, or collection of taxes, the calling of an election, or the canvassing of the returns and declaration of results of an election, the incurring of indebtedness, including, specifically, the issuance or sale of bonds or certificates of obligation, or an emergency if so declared by council.
  - (g) An ordinance requiring two (2) readings shall be deemed rejected if approval on second reading is not obtained within ninety (90) days of the date approval on first reading is obtained.

#### **Sec. 4.11. Emergency ordinances.**

The council may adopt emergency ordinances only to meet public emergencies affecting the life, health, property, or the public peace. Such ordinances shall not grant, renew, or extend a franchise, or regulate the rate charged by any public utility for its services. An emergency ordinance shall be introduced in the form and manner generally prescribed for ordinances, except that it shall be plainly designed in the title as an emergency ordinance and shall contain, after the enacting clause, a finding stating that an emergency exists and describing such emergency in clear and specific terms. An emergency ordinance can be adopted with or without amendment or rejected at the meeting at which it is introduced. The affirmative vote of four (4) members of the council shall be required for adoption. After adoption, the ordinance shall be published as required for other adopted ordinances, but may become effective immediately upon enactment.

#### **Sec. 4.12. Codification of ordinances.**

The city council shall cause all general ordinances of the city to be compiled and printed in code form. For the purpose of this section, general ordinances shall be deemed to be those ordinances of a permanent nature which affect the residents of the city at large. Every general ordinance enacted subsequent to the original codification required above shall be enacted as an amendment to the Code. When adopted by the city council, the printed codes of general ordinances contemplated by this section shall be known and cited officially as the "Manvel City Code" and shall be in full force and effect without the necessity of such Code or any part thereof being published in any newspaper, unless otherwise required by law. The caption, descriptive clause, and other formal parts of the ordinances of the city may be omitted without affecting the validity of such ordinances when they are published as a code. Copies of the Code shall be furnished to the city officers, placed in any city library for free reference, and made available for purchase by the public at a reasonable price.

#### **Sec. 4.13. Proof of ordinance.**

An ordinance of the city may be proved prima facie by a printed code of ordinances purporting to be printed by authority of the city, or by a copy of the ordinance certified by the city secretary to be a true copy of the same, or by the city secretary's record thereof.

### **ARTICLE V. CITY ADMINISTRATION**

#### **Sec. 5.01. Administrative departments.**

- (a) There shall be such administrative departments as are established by this Charter and as may be established by ordinance. Except as otherwise provided in this Charter, the administrative departments shall be under the direction of the city manager. The council shall have power, by ordinance, to establish administrative

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departments or offices not herein provided by this Charter. The council may discontinue, redesignate, or combine any of the departments and/or administrative offices. No changes shall be made by the council in the organization of the administrative services of the city until recommendations by the city manager thereon shall have been heard by the council.

- (b) The head of each department shall be a director, who shall have supervision and control over his/her department. Directors include persons who hold the positions of chief, superintendent or coordinator, if they report directly to the city manager. Two (2) or more departments may be headed by the same individual, and the city manager may head one or more departments.

## **Sec. 5.02. City manager.**

### *(a) Appointment and qualifications.*

- (1) The council, by majority vote of the entire council, shall appoint a city manager, who shall be the chief administrative officer of the city.
- (2) The method of selection shall be left to the discretion of the council so long as the method ensures orderly, non-partisan action toward securing a competent and qualified person to fill the position. The city manager shall be chosen solely upon the basis of the person's administrative training, experience, ability, and character.
- (3) Neither the mayor nor any councilmember may be appointed as city manager or acting city manager while holding office or for a period of two (2) years thereafter.
- (4) The city manager shall establish residency within the city unless excused by city council.

### *(b) Compensation.* The city manager shall receive compensation as may be fixed by the council.

### *(c) Term and removal.*

- (1) The city manager shall be appointed for a definite term, but may be removed at the discretion of the council, by a majority vote of the entire council.
- (2) The action of the council in suspending or removing the city manager shall be final. It is the intention of this Charter to vest all authority and fix all responsibilities of such suspension or removal in the council.
- (3) The council is authorized to enter into a contract with a city manager to establish additional terms of employment.
- (4) The council shall discuss separation pay in any employment agreement with a city manager.

### *(d) Bond of city manager.* The council shall require the city manager, before entering upon the duties of his/her office, to execute a good and sufficient surety bond, in such amount as the council may demand, payable to the city, and conditioned for the faithful performance of the duties of his/her office. The premium of such bond shall be paid by the city.

### *(e) Powers and duties.* The city manager shall be the chief administrative officer and head of the administrative branch of the city. He/she shall be responsible to the council for the proper administration of all the affairs of the city and to that end shall have the power and be required to:

- (1) In cooperation with the city attorney, see that all state laws and city ordinances are effectively enforced;
- (2) Except as prohibited by this Charter, appoint, suspend, and/or remove all or any one of the directors of departments of the city, with the concurrence of the city council, and shall have the authority to appoint, suspend, and/or remove all other employees of the city;

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- (3) Exercise control and supervision over all departments and subdivisions thereof created by this Charter, or that may hereafter be created by the council, except as hereinafter provided;
  - (4) Attend all meetings of the council, except when excused by the council;
  - (5) Prepare a proposed budget annually and submit it to the council each year and be responsible for the administration of such budget after its adoption;
  - (6) Prepare and submit to the council at the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year;
  - (7) Keep the council advised of the financial condition and future needs of the city and make such recommendations as he/she deems advisable; and
  - (8) Perform such other duties as may be prescribed by this Charter or required by the council not inconsistent with this Charter.
- (f) *Acting city manager.* The city manager, or the council, shall designate a qualified person of the city to perform the duties of the city manager in case of his/her absence or disability. Such designation by the city manager shall be subject to approval by the council. Upon resignation or termination of the city manager, the acting city manager shall perform the duties of the city manager until a new city manager or acting city manager is appointed by the council.

(Ord. No. 2017-O-06, 2-13-2017)

### **Sec. 5.03. Municipal court.**

- (a) There shall be established and maintained a court, designated as the "Municipal Court" for the trial of misdemeanor offenses, with all such powers and duties as are now or may hereafter be prescribed by the laws of the State of Texas relative to municipal courts.
- (b) The municipal court shall be presided over by a magistrate who shall be known as the "judge of the municipal court." The council may, by ordinance, divide the municipal court into two (2) or more panels or divisions, one of which shall be presided over by the presiding judge. Each additional panel or division shall be presided over by an associate judge, who is a magistrate with the same powers as the presiding judge. The judge or judges for said court shall be appointed by council for a term of three (3) years to run concurrent with the term of the mayor, but any judge may be removed or replaced at any time at the discretion of the council, with or without cause, by a majority vote of the entire council. Each judge shall receive such salary as may be fixed by council and shall be a licensed attorney in the State of Texas.
- (c) There shall be a court administrator of said court appointed by the city manager. Said administrator, and such deputies as may be authorized by the council and appointed by the city manager, shall have the power to administer oaths and affidavits, make certificates, keep records of the proceedings of the court, affix the seal of said court thereto, and generally do and perform any and all acts usual and necessary as performed by clerks and deputy clerks of courts. The city shall require the court administrator, before entering upon the duties of the office, to execute a good and sufficient surety bond, in such amount as the city may demand, payable to the city, and conditioned for the faithful performance of the duties of the office. The premium of such bond shall be paid by the city.
- (d) In case of the disability or absence of the judge of the municipal court, the council shall appoint a qualified person to act as judge of the municipal court.

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### **Sec. 5.04. City secretary.**

There shall be a city secretary, who shall be appointed by and serve at the pleasure of the city manager, with the concurrence of council. There shall be an assistant city secretary, if authorized by council who shall act in the absence of the city secretary. The city secretary and assistant city secretary, if any, shall act as the secretary to the council.

The city secretary shall:

- (1) Attend all meetings of the council and keep accurate records of all actions taken by the council;
- (2) Maintain the official records and files of the city;
- (3) Administer oaths;
- (4) Attest contracts, certificates, and other legal instruments when executed by the authorized officers of the city;
- (5) Serve as the election official for all city elections; and
- (6) Perform such other duties as may be required of the city secretary by this Charter, the council, or state law.

### **Sec. 5.05. City attorney.**

- (a) The council shall appoint a competent, duly qualified, licensed, and practicing attorney in the State of Texas, to be an attorney for the city, hereinafter referred to as the "city attorney." He/she shall serve at the discretion of the council and shall receive for his/her services such compensation as may be fixed by the council. The city attorney shall be the adviser to, and attorney for, all of the offices and departments of the city, and shall represent the city in all litigation and legal proceedings; provided, however, the council may retain special counsel at any time it is deemed appropriate and necessary. The city attorney shall review and concur or dissent upon all documents, contracts, and legal instruments in which the city may have an interest. The city attorney shall perform such other duties prescribed by this Charter, by ordinance, or as directed by the council.
- (b) The council may contract with an attorney or with a firm of attorneys to perform the duties of the city attorney. If the council contracts with a firm, the firm shall designate a primary attorney for providing legal services to the city. A contract attorney shall not be considered as a city official but shall qualify as the city attorney under [section] 5.05(a).
- (c) There may be assistant city attorneys as may be authorized and appointed by the council and who shall receive such compensation as may be fixed by the council.

## **ARTICLE VI. ELECTIONS**

### **Sec. 6.01. City elections.**

The regular city officers' election shall be held annually in May, or on the date established by state law, at which time officers will be elected to fill those offices, the terms of which expire that year. The council shall fix the place for holding such election and notice of such election shall be published according to state law. In the order, ordinance, or resolution of the council calling any election at which more than one (1) councilmember shall be elected, the council shall, in calling such election, provide for a separate place on the ballot for each vacancy to be filled at such election, designating such positions as Place 1, Place 2, etc.; and in case an unexpired term is to be

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filled at such election, the place number for the unexpired term shall be so designated. The city council may elect to hold its election jointly with one or more other taxing jurisdictions. All city elections shall be nonpartisan.

### **Sec. 6.02. Special elections.**

The council, by ordinance or resolution, may call such special elections as are authorized by state law, this Charter, or for any other reason the council deems necessary, fix the date and place of holding same, and provide all means for holding such special elections in accordance with state law. The city council may elect to hold a special election jointly with one or more other taxing jurisdictions.

### **Sec. 6.03. Regulation of elections.**

All general and special elections shall be held in accordance with the laws of the State of Texas regulating the holding of municipal elections and in accordance with this Charter and all ordinances or resolutions adopted by the council for the conduct of elections. The council shall appoint the election judges and shall provide for the compensation of all election officials in the city elections and for all other expenses in holding said elections.

### **Sec. 6.04. Exception of election code.**

In the event there is a conflict between any of the provisions of this Charter and the Texas Election Code, or an omission of any elements or provisions necessary for the conduct of an election, then the provisions of the Texas Election Code then existing shall prevail.

### **Sec. 6.05. Filing for office; procedures.**

- (a) Each candidate for an elective office shall meet the qualifications set forth in section 3.04.
- (b) Any person so qualified who desires to become a candidate for election shall file an application with the city secretary, in accordance with the Texas Election Code.

### **Sec. 6.06. Holding other office.**

- (a) No person elected to the council shall, during the term for which he/she is elected to the council, hold or be appointed to any office, position, or employment in the service of the city, and no former member of the council shall hold any compensated, appointive city office or employment until one (1) year after the expiration of the term for which he/she is elected to the council. This section shall not prohibit a member of the council from serving on the board of an economic development corporation, crime control and prevention district, or other instrumentality of the city.
- (b) If any member of a board or commission appointed by the council shall become a candidate for election to any public office of the city, he/she shall immediately upon his/her being elected, forfeit his/her office or place as a member of such board or commission.

(Ord. No. 2017-O-06, 2-13-2017)

### **Sec. 6.07. Official ballots.**

- (a) *Candidates names on ballots.* The names of all candidates who have filed for office shall be printed on the official ballot, without party designation. The order on the ballot of the names of the candidates for each office or position shall be determined by lot in a drawing to be held under the supervision of the city secretary, or as otherwise required by state law.

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(b) *Early voting.* Early voting procedures shall be governed by the Texas Election Code.

**Sec. 6.08. Canvassing of election results.**

Returns of every municipal election shall be delivered forthwith by the election judges to the city secretary with a copy of the returns being sent to the mayor. The council shall canvass the returns and declare the official results of the election in accordance with the Texas Election Code. The qualified person receiving a majority of the votes cast for any office shall thereupon be declared elected by said council. The council shall be the final judge of the qualifications of its own members. The decision of the council, as to qualifications of candidates, shall be conclusive and final for all purposes.

**Sec. 6.09. Runoff election.**

In the event no candidate for office receives a majority of all votes cast for such office at such election, the council shall call a runoff election within the time and manner required by law. In such runoff election, the two (2) candidates receiving the highest number of votes for such office shall be voted on again, and the candidate who receives a majority of the votes for such office in the runoff election shall be elected to such office. The runoff election shall be held in accordance with state law.

**Sec. 6.10. Notification of city officers.**

The city secretary, with the concurrence of the council, shall promptly notify all persons elected to office. A candidate who is elected in a regular, special, or runoff election shall, after taking the oath of office as prescribed herein, take office and enter upon his/her duties.

**Sec. 6.11. Oath of office.**

Every officer of the city, whether elected or appointed, shall take the oath of office prescribed by the Texas Constitution prior to assuming office.

**ARTICLE VII. INITIATIVE, REFERENDUM AND RECALL**

**Sec. 7.01. Initiative, referendum and recall.**

- (a) *The power of initiative.* The qualified voters of the city shall have power to propose ordinances to the council and, if the council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a city election; provided, however, such power shall not extend to the budget or a capital program or any ordinance relating to appropriation of money, levy of taxes, issuance of bonds and notes, borrowing of money, salaries of city officers or employees, or matters related to administration of municipal employees, annexation or municipal boundary adjustments, or in any instance where a court of proper jurisdiction determines that the initiated ordinance has been removed from the field of initiative. With respect to zoning, the city will follow state law. Such initiative power may be used to enact a new ordinance or to repeal or to amend sections of any existing ordinances.
- (b) *The power of referendum.* The qualified voters of the city shall have power to require reconsideration by the council of any adopted ordinance and, if the council fails to repeal an ordinance so reconsidered, to approve or reject it at a city election provided that such power shall not extend to the budget or a capital program or any ordinance relating to appropriation of money, levy of taxes, issuance of bonds and notes, borrowing of money, salaries of city officers or employees, or matters related to administration of municipal employees,

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annexation or municipal boundary adjustments, or in any instance where a court of proper jurisdiction determines that the referred ordinance has been removed from the field of referendum. With respect to zoning, the city will follow state law.

- (c) *The power of recall.* The qualified voters of the city reserve the power to recall any elected official and may exercise such power by filing a petition in accordance with this article.
- (d) *Qualified voter defined.* As used in this Charter, a qualified voter is a person who possesses the voter qualifications established by the Texas Election Code, and is a registered voter as defined by said code.
- (e) *Business day defined.* As used in this Charter, business day shall mean every day except Saturdays, Sundays, and official municipal holidays.

### **Sec. 7.02. Commencement of proceedings for initiative and referendum; of petitioners' committee; affidavit.**

- (a) Any fifteen (15) qualified voters may commence initiative or referendum proceedings by filing with the city secretary an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses, specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.
- (b) Promptly after the affidavit of the petitioners' committee is filed, the city secretary shall verify that the applicants are qualified voters and, if they are, shall issue the appropriate petition blanks to the petitioners' committee.

### **Sec. 7.03. Petitions for initiative and referendum.**

- (a) *Number of signatures.* Initiative and referendum petitions must be signed by qualified voters of the city equal in number to at least fifty-one (51) percent of the total number of votes cast in the last regular city election.
- (b) *Form and content.* All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in blue ink and shall be followed by the signer's printed name, the signer's date of birth or voter registration number, the signer's residence address, and date of signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.
- (c) *Affidavit of circulator.* Each paper of a petition shall have attached to it, when filed, an affidavit executed by the circulator thereof stating that he/she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his/her presence, that he/she believes them to be the genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.
- (d) *Time for filing petitions.* Referendum petitions must be filed within one hundred twenty (120) days after adoption by the council of the ordinance sought to be reconsidered. Initiative petitions must be filed within one hundred twenty (120) days after issuance of the appropriate petition blanks to the petitioners' committee; additional time, as specified in [section] 7.04, shall be allowed for supplemental petitions. All petitions shall be filed with the city secretary.

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#### **Sec. 7.04. Procedure after filing petition for initiative or referendum.**

- (a) *Review by city secretary and city attorney.* Upon the filing of a petition, the city secretary shall review the petition to determine the existence of the requisite number of signatures of qualified voters and whether the form of the petition complies with the provisions of this Charter. The city secretary shall also review the petition to determine the genuineness of the signatures. The city attorney shall review the petition for legal sufficiency. The council may provide, by ordinance, the punishment and penalties for contempt for failure or refusal to obey any subpoena or request for production of evidence issued by the city secretary or city attorney.
- (b) *Certificate of city secretary.* Within fifteen (15) business days after the petition is filed, the city secretary, with advice from the city attorney, shall complete a certificate as to its sufficiency or, if insufficient, shall set forth the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by certified mail, return receipt requested.
- (c) *Supplemental petition.* A petition certified insufficient for lack of the required number of valid signatures, or due to inadequate form or content of the affidavit of certification, may not be supplemented, modified, or amended on or after the date it is received, except where expressly authorized by law.
- (d) *Submission to city council.* If a petition or supplemental petition is certified sufficient, or if a petition or supplemental petition is certified insufficient and the petitioners' committee does not elect to supplement as provided in subsection (c) above within the time required, the city secretary shall present this certificate to the council at the next scheduled city council meeting and the certificate shall then be a final determination as to the sufficiency of the petition.

#### **Sec. 7.05. Withdrawal of signatures.**

No signature shall be withdrawn from any petition after such petition has been filed with the city secretary. Before that date, a signer may withdraw his/her signature in the manner authorized by law.

#### **Sec. 7.06. Referendum petitions; suspension of effect of ordinance.**

When a referendum petition is filed with the city secretary, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (1) There is a final determination of insufficiency of the petition, or
- (2) The council repeals the ordinance, or
- (3) The ordinance is approved by the qualified voters of the city.

#### **Sec. 7.07. Consideration by council and submission to electors.**

When the council receives an authorized initiative petition certified by the city secretary to be sufficient, the council shall either:

- (a) Pass the initiated ordinance without amendment within sixty (60) days after the date of the certification to the council;
- (b) Submit said initiated ordinance without amendment to a vote of the qualified voters of the city at a regular or special election to be held on the next authorized uniform election date; or
- (c) At such election, submit to a vote of the qualified voters of the city such initiated ordinance without amendment, and an alternative ordinance proposed by the council on the same subject.

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When the council receives an authorized referendum petition certified by the city secretary to be sufficient, the council shall reconsider the referred ordinance and, if upon such reconsideration such ordinance is not repealed within forty-five (45) days after receipt of such certification, it shall be submitted to the qualified voters of the city at a regular or special election to be held on the next authorized uniform election date. Special elections on initiated or referred ordinances shall not be held more frequently than once each six (6) months, and no ordinance on the same subject as an initiated ordinance, which has been defeated at any election, may be initiated within two (2) years from the date of such election.

#### **Sec. 7.08. Form of ballot for initiated and referred ordinances.**

The ballot used in voting upon initiated or referred ordinances shall, as provided by the Texas Election Code, state the caption of the ordinance and to the left of the caption shall set forth on separate lines the words, "for" and "against."

Where an initiated ordinance and an alternative ordinance proposed by the council are submitted, the ballot shall state the captions of each ordinance, clearly designating them "Ordinance No. 1" and "Ordinance No 2," respectively, and shall set forth to the left of each caption on separate lines the words "for" and "against." Any number of ordinances may be voted on at the same election in accordance with the provisions of this article. If a majority of the votes cast is in favor of a submitted ordinance, it shall thereupon be effective as an ordinance of the city.

#### **Sec. 7.09. Results of election.**

If a majority of the qualified voters vote in favor of a proposed initiative ordinance, it shall thereupon be an initiative ordinance of the city. A referred ordinance, which is not approved by a majority of the electors voting thereon, shall thereupon be deemed repealed. If conflicting or alternative ordinances are approved by the electors at the same election, the one receiving the greatest number of affirmative votes shall prevail.

#### **Sec. 7.10. Repealing ordinances.**

Initiative and referendum ordinances adopted or approved by the qualified voters may be amended or repealed by the council as in the case of other ordinances; provided, however, no ordinance adopted at the polls under the initiative shall be amended or repealed by the council within one (1) year of the adoption of said ordinance; and no ordinance repealed at the polls under the referendum shall be reenacted by the council within one (1) year of the repeal of said ordinance.

#### **Sec. 7.11. Commencement of recall proceedings; petitioners' committee; affidavit.**

Any fifteen (15) qualified voters may commence recall proceedings by filing with the city secretary an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses, specifying the address to which all notices to the committee are to be sent, and setting out the name of the councilmember to be removed and a clear and concise statement of the grounds for his/her removal. As used herein for purposes of recall, "councilmember" shall include the office of mayor.

#### **Sec. 7.12. Recall petitions.**

- (a) *Number of signatures.* Recall petitions must be signed by qualified voters equal in number to at least fifty-one (51) percent of the total number of votes cast in the last regular city election.

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- (b) *Form and content.* The recall petition shall be signed and verified in the same manner as required for an initiative petition and shall contain the name of the councilmember whose removal is sought, contain a clear and concise statement of the grounds on which this removal is sought, and one of the signers of each petition paper shall make an affidavit that the statements therein are true and correct. There shall be a separate petition for each councilmember whose removal is sought.
  - (c) *Time for filing petitions.* No signature to a recall petition shall remain effective or be counted if it was placed upon the petition more than forty-five (45) days prior to filing of the recall petition with the city secretary.

**Sec. 7.13. Procedure after filing petition for recall.**

- (a) *Review by city secretary and attorney.* The recall petition shall be reviewed, supplemented, and certified in the same manner as required for an initiative petition.
- (b) *Submission to city council.* If a petition or supplemental petition is certified sufficient and in compliance with the terms of this article, the city secretary shall promptly present this certificate to the council at its next regular council meeting, or at a specially called meeting, and immediately shall notify the councilmember whose removal is sought and provide him with a copy of the petition.
- (c) *Calling of election.* If the councilmember whose removal is sought does not resign within seven (7) days after the certified petition is presented to the council, the council, at its next regular meeting, or at a specially called meeting, shall order a recall election to be held on the first uniform election date occurring on or after the 62nd day after the date the election is ordered.

**Sec. 7.14. Public hearing.**

The elected official whose removal is sought may, within five (5) days after such recall petition has been certified to the council, request that a public hearing be held to allow him/her to present facts pertinent to the charges specified in the recall petition. In this event, the council shall order such public hearing to be held not more than thirty (30) days after the request for a public hearing is considered by city council.

**Sec. 7.15. Recall ballot.**

Ballots used at recall elections shall conform to the following requirements:

- (1) 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?"
- (2) With each such question there shall be printed the following words, one above the other, in the order indicated:  
"For the recall of (name of person)"  
"Against the recall of (name of the person)"

**Sec. 7.16. Results of recall election.**

If a majority of the votes cast at a recall election shall be against the recall of the elected official named on the ballot, he/she shall continue in office. If the majority of the votes cast at the election be for the recall of the elected official named on the ballot, the council shall immediately declare his/her office vacant and such vacancy shall be filled in accordance with section 3.08 of this Charter for the filling of vacancies.

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**Sec. 7.17. Limitation on recall.**

- (a) No recall petition shall be filed against an elected official within six (6) months after he/she takes office, or within one (1) year after a failed recall election.
- (b) No recall petition shall be filed against an elected official within six (6) months of the end of his/her term.
- (c) No person removed by recall may run again until the next regular election.

**Sec. 7.18. Failure of city council to call an election.**

In case all of the requirements of this Charter shall have been met and the council shall fail or refuse to receive the initiative, referendum or recall petition, or order such initiative, referendum or recall election, or discharge other duties imposed upon said council by the provisions of this Charter with reference to such initiative, referendum or recall, then the County Judge of Brazoria County, Texas, shall discharge any such duties herein provided to be discharged by the city secretary or by the council. In addition, any qualified voter in the city may seek judicial relief in the District Court of Brazoria County, Texas, to have any of the provisions of this Charter pertaining to initiative, referendum or recall carried out by the proper official.

**ARTICLE VIII. BUDGET, FINANCE AND TAXATION**

**Sec. 8.01. Fiscal year.**

The fiscal year of the city shall begin on the first day of October and end the last day of September of each calendar year. Such fiscal year shall also constitute the budget and accounting year.

**Sec. 8.02. Annual budget.**

The budget shall provide a complete financial plan of all city funds and activities. The city manager shall submit an operating budget message which shall explain the budget in fiscal terms and in terms of work programs for the ensuing fiscal year. It shall outline the proposed financial policies of the city, and shall include such other materials, as the city manager deems necessary. The source or basis of the estimates shall be part of the forecast.

The budget shall contain the following:

- (1) Comparative figures for the actual and estimated tax rate, revenues, and other income and expenditures to compare the current and prior fiscal years.
- (2) The proposed expenditures of each office, department, or function, and reasons for proposed increases or decreases;
- (3) A schedule showing the debt service requirement due on all outstanding indebtedness and on any proposed debt;
- (4) The source or basis of the estimates;
- (5) A total of the proposed expenditures, which shall not exceed the total estimated income and the balance of available funds; and
- (6) Such other information as may be required by state law or the council or deemed appropriate by the city manager.

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### **Sec. 8.03. Capital improvements program and budget.**

The city manager shall propose annually a five-year capital improvements program and budget, which may be revised and extended each year, to indicate capital improvements pending or in the process of construction or acquisition, and which shall provide the following items:

- (a) A summary of proposed programs;
- (b) A list of all capital facilities and property improvements that are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
- (c) Cost estimates, method of financing and recommended time schedules for each such improvement with the estimated effect on the tax levy and;
- (d) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired over the five-year period.

### **Sec. 8.04. Submission.**

The city manager shall submit to the council a proposed budget and accompanying message on or before the first day of August of each year. The council shall review the proposed budget and revise it as deemed appropriate prior to general circulation for public hearing.

### **Sec. 8.05. Public notice and hearing.**

The council shall post in the city hall and publish in the city's official newspaper, as required by state law, prior to any required public hearing on the budget a notice stating the time and place where copies of the message and budget are available for inspection by the public, and the time and place of each public hearing on the budget.

### **Sec. 8.06. Amendment before adoption.**

The council may adopt the budget with or without amendment at a regular or special meeting. In amending the budget, it may add or increase any programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income, plus funds available from prior years.

### **Sec. 8.07. Adoption.**

The council shall adopt the budget, by ordinance, not later than the 30th day of September. Adoption of the budget shall constitute appropriations of the amount specified therein as expenditures from the fund indicated.

### **Sec. 8.08. Defect shall not invalidate tax levy.**

Errors or defects in the form or preparation of the budget or the failure to perform any procedural requirements shall not nullify the tax levy or the tax rate.

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**Sec. 8.09. Failure to adopt budget.**

If the council fails to adopt the budget by the beginning of the fiscal year, the amounts appropriated for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis with all items in it prorated accordingly until such time as the council adopts a budget for the ensuing fiscal year.

**Sec. 8.10. Public records.**

Copies of the approved operation budget, capital improvements program budget, and supporting papers shall be filed with the city secretary and shall be public records available to the public for inspection upon request in accordance with state law.

**Sec. 8.11. Specified reserve fund.**

Specified reserve funds may be created for specific purposes, and may be used only for such purposes.

**Sec. 8.12. Amendment of budget.**

The council may amend the budget for any municipal purpose or as otherwise permitted by law.

**Sec. 8.13. Emergency appropriations.**

To meet a public emergency, the council may make emergency appropriations, and may authorize the issuance of emergency debt or notes to the extent permitted by law.

**Sec. 8.14. Supplemental appropriations.**

If, during the fiscal year, the city manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the council, by ordinance, may make supplemental appropriations for the year up to the amount of such excess.

**Sec. 8.15. Reduction of appropriations.**

If, at any time during the fiscal year, it appears probable to the city manager that the revenues available will be insufficient to meet the amount appropriated, he/she shall report to the council without delay, indicating the estimated amount of the deficit, any remedial actions taken by him/her, and his/her recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and, for that purpose, the council may, by ordinance, reduce one or more appropriations.

**Sec. 8.16. Transfer of appropriations.**

At any time during the fiscal year the city manager may transfer part or all of any unencumbered appropriation balance for operations only (excluding capital projects and capital equipment) among programs within a department, division, or office. Upon written request by the city manager, the council may, by ordinance, transfer part or all of any unencumbered appropriation balance from one department, office, or agency to another. The city manager shall within thirty (30) days of the transfer make written reports of all transfers to the city council or as directed by order of the city council.

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**Sec. 8.17. Limitations.**

- (a) No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof.
- (b) No funds of the city shall be expended nor shall any obligation for the expenditure of money be incurred unless there is an appropriation therefore in the budget as duly adopted and unless the city manager or his/her designee first certifies that there is a sufficient unencumbered balance in such budget line item, and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. However, this prohibition shall not be construed to prevent the making or authorize the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is authorized by law and approved by council.

**Sec. 8.18. Effective date.**

The supplemental and emergency appropriations authorized by this article may be made effective immediately upon adoption of the ordinance or budget amendments.

**Sec. 8.19. Authority to incur indebtedness.**

The city shall have the power to borrow money on the credit of the city for any public purpose not now or hereafter prohibited by the constitution and laws of the State of Texas, and shall have the right to issue all tax bonds, revenue bonds, funding and refunding bonds, time warrants, certificates of obligation and other evidence of indebtedness as now authorized or as may hereafter be authorized to be issued by any city under and in accordance with the restrictions, conditions, and laws of the State of Texas. Such power shall include the authority to issue bonds, warrants, certificates of obligation, and other evidence of indebtedness payable from revenues other than taxation for any purpose permitted by the laws of the State of Texas.

**Sec. 8.20. Use of bond funds.**

Any and all bond funds approved by a vote of the citizens of the city will be expended only for the purposes stated in the bond issue.

**Sec. 8.21. Financial reports.**

The city manager shall submit to the council a report of the financial condition of the city budget items for the fiscal year-to-date, monthly, as directed by the council, or as required by law.

**Sec. 8.22. Independent audit.**

At the close of each fiscal year, and at such times as it may be deemed necessary, the council shall cause an independent audit to be made of all accounts of the city by a certified public accountant. The certified public accountant shall have no personal interest, directly or indirectly, in the financial affairs of the city or any of its officers. Upon completion of the audit, the results thereof in a summary form shall be presented to the council. A copy of the audit shall be made available to the public for inspection upon request.

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**Sec. 8.23. Power to tax.**

The council shall have the power to levy, assess and collect taxes within the jurisdiction of the city for any municipal purpose.

**Sec. 8.24. Tax rate.**

The tax rate shall be calculated, publicized and adopted in accordance with state law.

**Sec. 8.25. Other rules and regulations.**

Except as otherwise provided by law or this Charter, the council shall have the power to establish such rules, regulations and procedures to enforce and facilitate the collection and payment of all taxes due to the city as it may deem expedient, and may provide such penalty and interest as prescribed by state law for the failure to pay such taxes.

**ARTICLE IX. FRANCHISES AND PUBLIC UTILITIES**

**Sec. 9.01. Inalienability of control of public property.**

The sole right of control, easement, use, ownership of, and title to the public streets, sidewalks, highways, bridges, alleys, public places, and other real property of the city is hereby declared to be inalienable, except by ordinance adopted by a majority of the city council.

**Sec. 9.02. Powers of city.**

The city shall have the power to buy, sell, construct, lease, maintain, operate, and regulate public services and utilities within or outside of the city limits, and to distribute and sell such utility services, including, but not limited to, water, gas, electric, telephone, cable, waste management, and transportation services. The city shall have such regulatory powers as may now or hereafter be granted under the constitution and laws of the State of Texas.

**Sec. 9.03. Power to grant franchise.**

The council shall have the power, by ordinance and after public hearing, to grant, renew, and extend all franchises for all utilities of every character operating within the city and to amend the same; provided, however, that no franchise shall be granted for an indeterminate term, and that no franchise shall be granted for a term exceeding twenty (20) years from the date of the grant, renewal or extension. Council action on all ordinances granting, renewing, extending, or amending a utility franchise shall comply with the applicable provisions set forth in section 4.10 of this Charter. No grant or franchise to construct, maintain, or operate a public utility and no renewal or extension of such grant shall be exclusive. All required publication costs shall be paid by the utility.

**Sec. 9.04. Transfer of franchise.**

No utility franchise shall be transferable except with the approval of the council expressed by ordinance following a public hearing. The term "transferable" as used herein, shall not be construed in such a manner as to prevent the franchise holder from pledging said franchise as security for a valid debt or mortgage.

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### **Sec. 9.05. Right of franchise.**

All grants, renewals, extensions, or amendments of utility franchises shall be subject to the following rights 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, such power to be exercised only after due notice and hearing.
- (b) To require an adequate extension of plant and service as is necessary to provide adequate service to the public, and maintenance of the plant and fixtures at the highest reasonable standard of efficiency.
- (c) To require at any time compensation and rental for use of public streets, sidewalks, highways, bridges, alleys, and public places.
- (d) To require the franchisee to locate, move, or remove its facilities when needed for the installation, maintenance or repair of city facilities.
- (e) To require the franchisee to restore, at the franchisee's expense, all public or private property to a condition equally as good as or better than before disturbed by construction, repair or removal. The franchise holder in opening and refilling of all earth openings shall repair the pavement and do all other work necessary to complete restoration of streets, sidewalks or grounds to a condition equally as good or better as when disturbed.
- (f) To require every franchisee to furnish to the city, in January of each year and without cost to the city, a general map, with updates outlining the location, character, size, length, and terminals of all facilities of such franchise in, over, and under ground of property in the city and to provide detailed information on request in a format as specified by the city.
- (g) To impose other regulations, requirements, and conditions as may be deemed necessary to promote the health, safety, welfare, or accommodation of the public and to ensure safe, efficient and continuous service to the public.

### **Sec. 9.06. Regulation of rates.**

The council shall have full power after due notice and hearing to regulate by ordinance the rates, charges and fares of all public utility franchise holders operating in the city as authorized by state and federal law.

### **Sec. 9.07. Records and accounts.**

The city council may periodically examine and, if deemed appropriate, request and audit the records of all franchise holders and municipally owned public utilities. The city council shall also demand that all franchise holders and municipally-owned public utilities keep a standard system of accounting and furnish reports on the local operations of the utility. Such reports shall be prepared in such form and contain such information as the city council shall prescribe.

### **Sec. 9.08. Municipally-owned utilities.**

The council shall have the right to:

- (a) Set rates of city-owned public services; and
- (b) Require any city-owned public services to keep accounts of financial operations. Accounts must show actual cost of each service to the city, including costs of extensions and improvements and source of

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funds extended for these purposes. Costs and revenues of services furnished to other cities of government agencies must be included.

**Sec. 9.09. Franchise records.**

The city shall compile and maintain a public record of utility franchises.

**Sec. 9.10. Extensions.**

All extensions of service of utilities within the city limits shall become a part of the aggregate property of the utility, shall operate 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 and maintain any extension shall terminate with the original grant and shall be terminable as provided in this article. In case of extension of a 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.

**Sec. 9.11. Franchises granted before ratification of Charter.**

All franchises granted before ratification of this Charter are recognized as contracts between the city and the grantee, and the contractual rights contained in any such franchise shall not be impaired by the provisions hereof.

**ARTICLE X. GENERAL AND TRANSITIONAL PROVISIONS**

**Sec. 10.01. Effect of Charter on existing law.**

All ordinances, resolutions, rules, and regulations in force in the city on the effective date of this Charter, shall remain in force until altered, amended or repealed. All taxes, assessments, liens, encumbrances, and demands of or against the city, fixed or established before such date, or for the fixing or establishing of which proceedings have begun at such date, shall be valid when properly fixed or established either under the law in force at the time of beginning of such proceedings or under the law after adoption of this Charter.

**Sec. 10.02. Continuation of present offices.**

All persons holding administrative office at the time this Charter takes effect shall continue in office and in the performance of their duties until provision shall have been made in accordance herewith for the performance of such duties or the discontinuance of such office. The powers conferred and the duties imposed upon any office, department or agency of the city by the laws of the state shall, if such office, department or agency be abolished by this Charter or under its authority, be thereafter exercised and discharged by the office, department or agency designated by the council unless otherwise provided herein.

**Sec. 10.03. Public meetings.**

All meetings of the council and all boards and commissions appointed by the council shall be governed by the provisions of the Texas Open Meetings Act, Texas Government Code, and any amendments thereto. This section shall not be construed to require any action or measure beyond that required by state law.

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**Sec. 10.04. Public records.**

Access to the records of every office, department or agency of the city shall be subject to public inspection as provided by the Texas Public Information Act, Texas Government Code, and any amendments thereto. This section shall not be construed to require any action or measure beyond that required by state law.

**Sec. 10.05. Official newspaper.**

The council may designate, by resolution, one or more newspapers of general circulation within the city as the official newspaper of the city, and shall cause to be published therein all ordinances, notices and other matters which are required to be published by this Charter, the ordinances of the city, or the constitution or laws of the State of Texas.

**Sec. 10.06. Notice of injury or damage.**

Before the city shall be liable for any claim for damages for the death or personal injuries of any person or for damages to property, the complainant or his/her authorized representative shall notify the city secretary in accordance with this section. The notification shall be in writing and shall state specifically how, when and where the death, injury or damage occurred; the amount of loss claimed; and the identity of any witnesses upon whom it is relied to establish the claim. The notification shall be filed within six (6) months of the date of injury or damage or in the case of death, within six months (6) of the date of death.

**Sec. 10.07. Bond or security not required.**

It shall not be necessary in any action, suit or proceeding in which the city is a party, for any bond, including superseded bond, undertaking or security to be demanded or executed by or on behalf of the city, but in all such actions, suits, appeals or proceedings same shall be conducted in the same manner as if such bond, undertaking or security had been given as required by law.

**Sec. 10.08. Judicial notice.**

This Charter shall be deemed a public act and shall have the force and effect of a general law; may be read in evidence without pleading or proof, and judicial notice shall be taken thereof in all courts and places without further proof.

**Sec. 10.09. Continuance of contracts and succession of rights.**

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 or ordinances. All suits, taxes, penalties, forfeitures and all other rights, claims, and demands, which have accrued under the laws, heretofore in force governing the city shall belong to and be vested in and shall be prosecuted by and for the use and benefit of the city, and shall not in any way be diminished, affected or prejudiced by the adoption and taking effect of this Charter.

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**Sec. 10.10. Continuance of present governing body.**

All members of the council, including the mayor, holding office at the time of passage of this Charter shall continue to hold their respective place and office until their respective term of office for which they were elected expires, in accordance with Article III of this Charter.

**Sec. 10.11. Property not subject to execution.**

No property owned or held by the city shall be subject to any execution of any kind or nature.

**Sec. 10.12. Garnishment.**

No funds of the city shall be subject to garnishment, and the city shall never be required to answer in any garnishment proceedings.

**Sec. 10.13. Persons serving on boards or commissions.**

Persons serving on any city board or commission at the time of the adoption of this Charter shall continue to serve until their term shall have expired or until their successors shall have qualified.

**Sec. 10.14. Assignment of wages.**

The city shall never be liable, unless otherwise provided by law, to the assignee of any wages 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.

**Sec. 10.15. Severability clause.**

If any section or part of a section of this Charter is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not invalidate or impair the validity, force, or effect of any other section or part of a section of this Charter.

**Sec. 10.16. Meaning of words.**

The provisions of this Charter shall be liberally construed for the purpose of effecting the objects and ends thereof. Unless some other meaning is manifest, the word "city" shall be construed to mean the "City of Manvel." All references to state law or laws of the State of Texas, however expressed, shall mean "as presently enacted or hereinafter enacted or amended."

**Sec. 10.17. Amendment of Charter.**

Amendments to this Charter may be framed and submitted to the voters of the city in the manner provided in the Texas Local Government Code, as now or hereafter enacted, or amended.

**Sec. 10.18. Charter review commission.**

The council shall appoint at its first regular meeting in June of every fifth (5th) year after the last review of the Charter, a Charter review commission composed of eleven (11) citizens of the city.

(a) *Duties of the commission:*

- (1) Inquire into the operation of the city government under the Charter provisions and determine whether any such provisions require revision. To this end, public hearings may be held;
  - (2) Propose, if it deems desirable, amendments to this Charter to improve the effective application of the Charter to current conditions; and
  - (3) Report its findings and present its proposed amendments, if any, to the council.
- (b) *Action by the council.* The council shall receive the final report of the Charter review commission, shall consider any recommendations made, and if deemed appropriate by the council, may submit proposed Charter amendments to the voters of the city at a special election to be held for such purpose in accordance with state law. The council shall cause such proposed amendments to be published in accordance with state law. Notice of and the conduct of such election shall be in accordance with state law.
- (c) *Term of office.* The term of office of such Charter review commission shall be six (6) months and, at the completion of such term, a report shall be presented to the council, and all records of the proceedings of such commission shall be filed with the city secretary and shall become a public record.

(Ord. No. 2017-O-06, 2-13-2017)

**Sec. 10.19. Submission of Charter to voters.**

The Charter commission in preparing this Charter concludes that it is impracticable to segregate each subject so as to permit a vote of "yes" or "no" on the same, for the reason that the Charter is so constructed that in order to enable it to work and function it is necessary that it should be adopted in its entirety. For these reasons, the Charter commission directs that the said Charter be voted upon as a whole and that it shall be submitted to the qualified voters of the city at an election to be held for that purpose on May 14, 2011. Before the thirtieth (30th) day prior to such election, the council shall cause the city secretary to mail a copy of this Charter to each qualified voter of the city as appears from the latest certified list of registered voters. If a majority of the qualified voters voting in such election shall vote in favor of the adoption of this Charter, it shall immediately become the governing law of the city, until amended or repealed.

**HOME RULE CHARTER COMPARATIVE TABLE**

This table shows the location of the sections of the Home Rule Charter and any amendments thereto.

Ord. No.	Date	Section	Section this Charter
	2- 1-2011		1.01 – 10.19
2017-O-06	2-13-2017		3.03, 3.04(a)(6)
		Added	5.02(c)(4)
		Rpld	6.06(c)
			10.18
2022-R-05(Res.)	5-16-2022	4	3.05