



City Charter

Article III: The City Council

Article IV: Municipal Elections

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<https://www.keenetx.com/DocumentCenter/View/167/City-of-Keene-City-Charter-PDF>

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permit, all laws governing this City or its agents, officers, or employees at the time this Charter or any Charter amendment becomes fully effective are superseded and void to the extent that they are inconsistent or interfere with the operation of this Charter or of ordinances or resolutions adopted pursuant hereto.

ARTICLE III THE CITY COUNCIL

SECTION 3.01: CITY GOVERNMENT

The governing body of the City shall be known as the “City Council of the City of Keene,” hereinafter referred to as the “City Council.” The City Council shall be composed of a Mayor and six (6) Council Members. The terms “Mayor” and “Council Member” are distinct terms and the Mayor is not considered a Council Member unless expressly designated as such in a particular Charter provision.

SECTION 3.02: EXPENSE REIMBURSEMENT

Each Member of the Council and the Mayor shall receive as compensation for services the sum of \$10.00 for each scheduled meeting of the Council duly attended. The Mayor shall receive a monthly expense allowance of \$50.00. In addition to the above, the City shall, upon receiving receipts and other appropriate documentation for authorized expenditures, reimburse the Members of the City Council and the Mayor for other necessary expenses incurred by them in the performance of their official duties. All activities that require reimbursement must have approval of the Council.

SECTION 3.03: MAYOR AND MAYOR PRO TEM

The Mayor shall sign all contracts and conveyances made or entered into by the City and all bonds issued under the provisions of this Charter. The Mayor shall be recognized as the official head of the City by the court for the purpose of serving civil process, by the governor for the purpose of enforcing military law, and for all ceremonial purposes. The Mayor shall preside at City Council meetings, and shall be recognized as head of the City government. As a Member of the Council, the Mayor may participate in the discussion of all matters coming before the Council, but shall be entitled to vote only in case of a tie upon all affairs considered by the Council, and shall have no veto power. The Mayor, at the City Council meeting in which election results are canvassed and new elected officials are sworn, shall make one (1) nomination for Mayor Pro Tem and the City Council shall elect one of its Members Mayor Pro Tem to serve a one (1) year term. Should the City Council not elect the member nominated by the Mayor, the City Council may appoint a Mayor Pro Tem by selecting one of its members without the Mayor’s nomination. The Mayor Pro Tem shall act as Mayor in the absence of the Mayor and shall have the same duties and powers as the Mayor when doing so. The Mayor Pro Tem shall retain the right to vote as a Council member. All legal documents shall be served to the Mayor, City Manager, and/or City Secretary.

SECTION 3.04: GENERAL DUTIES AND POWERS

Except as otherwise provided by law or by this Charter, all powers of the City shall be vested in the City Council. The City Council shall exercise these powers to ensure the performance of all

duties and obligations imposed on the City by law and by this Charter. Specifically, the City Council is provided with, but not limited to, the following powers:

- a.) To enact municipal legislation.
- b.) To appoint and remove all persons appointed by the City Council. *See also* Charter Section 7.01.
- c.) To set the compensation of all appointed City officers.
- d.) To establish operating policy.
- e.) To establish the boundaries of the City.
- f.) To establish salary structures for each job classification.

SECTION 3.05: PROHIBITIONS

- A. *Holding other office.* Except where authorized by law, no Member of the City Council, including the Mayor, shall hold any other City office or employment with the City during the term for which the Council Member or Mayor was elected to the City Council. No former member of the City Council shall hold any compensated appointed City office or employment with the City for a period of two (2) years after the expiration of his or her term of office. Council Members and the Mayor shall not hold any other public office except that of Notary Public, member of the National Guard or any military reserve, or any public office to which they may be appointed because said office is required to be filled by a member of the legislative body of the City. This latter provision is specifically designed to validate appointments such as memberships on regional boards, committees, or commissions which require that representatives be appointed from each member, City, or jurisdiction.
- B. *Appointments and Removals.* Neither the City Council nor any of its Members, which shall include the Mayor, shall, in any manner, dictate the appointment or removal of any City administrative officer or employee whom the City Manager or any of his subordinates are empowered to appoint.
- C. *Interference in Administrative Matters.* Except for the purpose of inquiry or investigation, the City Council, which shall include the Mayor, shall deal with the administrative departments and the personnel of these departments solely through the City Manager. Neither the City Council nor any Member shall give an order, either publicly or privately, to any subordinate of the City Manager. The City Manager may by written directive, filed with the City Secretary, designate a qualified City employee to exercise the powers and perform the duties of the City Manager during the City Manager's temporary absence or disability. In the absence of the City Manager filing a written directive with the City Secretary, or in the event that the City Manager's temporary absence or disability exceeds thirty (30) days, the City Council may appoint a person to perform the duties of City Manager until the City Manager shall return or such disability shall cease.

SECTION 3.06: VACANCIES AND FORFEITURE OF OFFICE

- A. *Vacancies.* The office of a Council Member and Mayor shall become vacant upon the death, resignation, forfeiture of office, or removal from office in any manner authorized by law or by this Charter. All vacancies shall be filled in accordance with Article IV of this Charter.
- B. *Forfeiture of Office.* A Council Member or the Mayor shall forfeit office if the official:
1. During the term of office lacks at any time any qualifications for the office prescribed by law or by this Charter.
 2. Violates any express prohibition of this Charter as determined by the City Council. The matter requires an affirmative vote of at least four (4) Council Members.
 3. Fails to attend three (3) consecutive regular meetings of the City Council without consent of the City Council.
 4. Fails to attend four (4) regular Council meetings during any one quarter.
 5. Is convicted of a felony or a misdemeanor crime of moral turpitude while in office.
 6. Ceases to reside in the ward to which elected, if elected to a ward, or ceases to reside in the city, if elected to a place or to the position of Mayor.
 7. Commits two or more willful violations of the City's adopted Code of Conduct (Ord. No. 2024-668), as may be amended, excluding any violation of the City's adopted City Council Rules of Order and Procedure, as may be amended.
- C. *Determination of Forfeiture.* The City Council shall be the final judge in matters involving forfeiture of office by a Council Member or the Mayor.

SECTION 3.07: INVESTIGATIONS

The City Council may investigate the affairs of the City and the official conduct of any City department, office, or agency. For this purpose, the City Council may as allowed by law subpoena witnesses, administer oaths, take testimony, and compel the production of all pertinent evidence. Any person who fails or refuses to obey a lawful order issued by the City Council shall be guilty of a misdemeanor as provided by ordinance.

SECTION 3.08: MEETINGS OF THE CITY COUNCIL

- A. The City Council shall hold regular meetings and as many additional meetings as it deems necessary to transact the business of the City.
- B. All meetings shall comply with State and Municipal law.

- C. Special meetings may be called by the City Secretary on the written request of the Mayor or any two (2) City Council Members. All City Council meetings shall be held at City Hall or at such place in the City that will permit the attendance of the general public. All City Council meetings and all sessions of the City Council shall be open to the public; however, the City Council may recess for the purpose of discussing in an executive session those matters permitted by State law.
- D. All executive sessions must be called and provided for in a public meeting and must state the general subject to be discussed. No final action or vote with regard to any matter considered in an executive session shall be made except in a public meeting.
- E. *Rules and Journal.* The City Council shall determine its own rules and order of business, and shall provide for keeping a journal of all its proceedings. This journal shall be public record.
- F. *Voting.* The ayes and nays shall be recorded in the journal. Four (4) Council Members of the City Council shall constitute a quorum. All matters may be passed by majority of the quorum except as otherwise provided herein.

SECTION 3.09: PASSAGE OF ORDINANCES

- A. The City Council shall legislate by ordinance, and the enacting clause of every ordinance shall be: "Be it ordained by the City Council of the City of Keene, Texas ..."
- B. Any ordinance which repeals or amends an existing ordinance or part of the City code shall clearly set forth the provision or provisions being repealed or amended.
- C. The City Council may adopt emergency ordinances only to meet public emergencies affecting life, health, property, or the public peace. In particular, such ordinance shall not levy taxes, grant or renew or extend a franchise, or regulate the rate charged by any public utility for its services. Neither shall they authorize the borrowing of money except as provided in this Charter.
- D. Any emergency ordinance shall be for not more than sixty-one (61) days, renewable by the City Council, and shall be introduced in the form and manner generally prescribed for ordinances, except that they shall be plainly designated in the title as an emergency ordinance and shall contain after the enacting clause a declaration stating that an emergency exists and describing the emergency in clear and specific terms.
- E. An emergency ordinance may be introduced at any Council meeting and can be adopted or rejected with or without amendment. The affirmative vote of at least four (4) members of the City Council shall be required for adoption.

- F. Emergency ordinances shall become effective upon adoption and shall be published as soon thereafter as practical.
- G. All such emergency ordinances, where printed and published by authority of the City Council, may be admitted and received in all courts, subject to the rules of evidence and laws of the jurisdiction where proof of such ordinances is tendered, without further proof.

SECTION 3.10: STATE OF EMERGENCY

- A. A state of emergency shall be deemed to exist during periods of impending or actual public crisis or disaster. Whenever conditions threaten to render inadequate the normal procedures of the City for protection of persons or property, a state of emergency may be declared by the vote of the Council, or by order of the Mayor, or, in the Mayor's absence or disability, the Mayor Pro Tem, if a meeting of the Council cannot be called within the time available. During a state of emergency, the Mayor, or in the Mayor's absence or disability, the Mayor Pro Tem shall have all the powers which would be vested in the Council by state law to the extent the Mayor 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.

SECTION 3.11: AUTHENTICATION, RECORDING, AND CODIFICATION

- A. *Authentication and Recording.* The City Secretary shall record in full, in a properly indexed book kept for the purpose, all ordinances and resolutions adopted by the City Council. This record shall be authenticated by the signature of the City Secretary.
- B. *Codification.* After adoption of this Charter, the City Council may provide for the updating of the general codification of all City ordinances and resolutions having the force and effect of law.

**ARTICLE IV
MUNICIPAL ELECTION**

SECTION 4.01: ANNUAL ELECTIONS

The regular election for City Council Members and Mayor shall be held on the first Tuesday after the first Monday of November, or as otherwise provided by State law.

SECTION 4.02: CITY COUNCIL WARDS, PLACES & TERMS

- A. All members of the City Council, other than the Mayor, shall be elected by ward or place under the ward/ place system set forth in Section 1.02 of this Charter. All eligible voters shall be entitled to vote for candidates for all places and wards and for the office of the Mayor.

- B. The Mayor and each Member of the City Council shall hold office for a two (2) year term. The Mayor, Ward II and Places 1 and 3 shall be elected in even-numbered years, and Wards I, III and Place 2 shall be elected in odd-numbered years.
- C. All members of the City 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.

SECTION 4.03: REGULAR OR SPECIAL ELECTION

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 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.

**SECTION 4.04: POLITICAL ACTIVITIES OF SALARIED OFFICERS,
EMPLOYEES, AND CANDIDATES**

- A. While serving in an official capacity, no employee of the City shall engage in any political activity to influence the nomination, election, or defeat of any candidate for Mayor or Council Member; or campaign for or against the recall of the Mayor or any Council Member. This provision shall not prohibit the ordinary exercise of the right to express opinions and to vote.
- B. No candidate for municipal office may solicit the support, the endorsement, or the financial contributions of any City employee.

SECTION 4.05: QUALIFICATIONS FOR CANDIDACY

- A. Each Member of the City Council, including the Mayor, shall meet the following qualifications: (1) be a registered voter of the City; (2) for election to a ward, have resided in the City and the ward in which he or she represents for one (1) year before the date of election and continue residency in the City and the ward in which he or she represents during the term of office; (3) for election to a place, have resided in the City for one (1) year before the date of the election and continue residency in the City during the term of office; (4) not hold more than one public elective office; (5) not hold an appointed office of the City excluding boards, committees, and commissions; (6) be at least 21 years of age; (7) not currently be subject to a finding of mental incompetence by a final judgment of a court; and (8) not have been finally convicted of a felony from which the person has

not been pardoned or otherwise released from the resulting disabilities.

- B. No candidate may file for more than one City office per election.

SECTION 4.06: FILING FOR OFFICE

Any qualified person may file for a place on the official ballot as a candidate for office of Council Member or Mayor by completing an application as required by State law.

SECTION 4.07: THE OFFICIAL BALLOT

The name of all candidates for office, except such as may have died, withdrawn, or become ineligible, shall be printed on the official ballot, as required by State law, without party designation in the order determined in a drawing of lots conducted by the City Secretary.

SECTION 4.08: OATHS OF OFFICE

Every officer of the City shall, before entering upon the duties of his or her office, take and subscribe to the oath or oaths required by State Law.

SECTION 4.09: CANVASSING OF ELECTION AND DECLARATION OF RESULTS

Returns of each municipal election shall be delivered by the Election Judge to the City Secretary and to the City Council as required by State law. The City Council shall canvass the returns according to the Texas Election Code. To be elected to an office of the municipality, a person must receive a majority of the votes cast for the office. Should any candidate for City Council or Mayor fail to receive a majority of votes at the regular election for the office for which they are a candidate, the City Council shall immediately order a runoff election between the two highest candidates in the race to be held in accordance with State law.

SECTION 4.10: VACANCIES

- A. If a vacancy occurs in the office of the Mayor, it shall be filled by the Mayor Pro Tem. Any other vacancy on the City Council, including a position vacated by the Mayor Pro Tem, shall be filled by appointment by a majority vote of all of the remaining City Council Members until the next regular November election.
- B. Any vacancy in a Council position with an unexpired term of less than three (3) months may not be filled before the next regular election unless occupancy of that office is necessary to constitute a quorum.