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CHARTER CITY OF TEMPLE, TEXAS

ARTICLE 1

Corporate Name

Section 1.1. CORPORATE NAME:

That all inhabitants of the City of Temple, in Bell County, Texas, as the boundaries and limits of the City are now established or as hereafter established in the manner provided by this Charter, shall continue to be a municipal body politic and corporate in perpetuity, and to be known by the name and style of the "CITY OF TEMPLE," with such powers, rights and duties as are herein provided.

ARTICLE 2

Municipal Boundaries

Section 2.1. BOUNDARIES:

The boundaries of the City of Temple shall be the same as have heretofore been established or as hereafter established by ordinance, consistent with this Charter and State law, as reflected on the official map of the City on file with the City Secretary.

Section 2.2. ANNEXATION OR DIS-ANNEXATION:

The boundaries of the City of Temple may be enlarged and extended by the annexation of additional territory or decreased by disannexation with or without the consent of the inhabitants thereof in any manner and by any procedure now or hereafter provided by State law. Upon completion of the annexation procedure, the annexed territory shall become a part of the City, and said land and its residents shall be entitled to the rights and privileges provided by the City for its citizens and shall be bound by the acts, ordinances, resolutions, and regulations of the City.

ARTICLE 3

Corporate Powers

Section 3.1. GENERAL POWERS:

The City shall have and may exercise, all the rights and powers granted to home rule cities and towns by the Constitution and laws of the State of Texas; and it shall have, and may exercise, all powers of local self-government granted by said Constitution and laws to cities and towns; and except as prohibited by said Constitution or laws or restricted by this Charter, the City shall have and may exercise all municipal powers, functions, rights, privileges, and immunities of every kind; and may adopt such ordinances which may be deemed expedient for exercising such rights and powers and maintaining and promoting the welfare of the City and its inhabitants. The City may use a corporate seal, make contracts, sue and be sued, implead and be impleaded, in any court, and in any cause of action, in the results of which the City may have an interest; and may cooperate with the Government of the United States and the State of Texas and any political sub-division or agency of either of them, to accomplish any lawful purpose for the advancement of the interests, welfare, health, morals, comfort, safety and/or convenience of the City and its inhabitants.

Section 3.2. CONSTITUTION AND LAWS TO GOVERN:

The above references to the Constitution and/or laws of the State of Texas and each other reference in this Charter to said Constitution and laws, except references to specific parts of said Constitution and/or laws which are now in force, is intended to refer to and identify the Constitution and laws respectively of the State of Texas which is and/or

are in force at the time any question, issue, controversy, or cause of action arises, and each question, issue, controversy or cause of action shall be determined by the Constitution and/or laws then in force.

Section 3.3. RIGHT TO ACQUIRE PROPERTY:

The City may acquire property, both real and personal, within and without its corporate limits for every municipal purpose in fee simple or any lesser estate, either by purchase, gift, devise, lease or condemnation and may sell, mortgage or lease such property as may be deemed best for its interest.

Section 3.4. STYLE OF ORDINANCES:

The style of all ordinances of the City shall be: "Be it ordained by the City Council of the City of Temple," but the same may be omitted when the ordinances of the City are codified and published in book or pamphlet form by the City, or under the authority of its governing body. All ordinances passed by the City after the adoption of this Charter shall be numbered consecutively. A cross index of said ordinances shall be kept up to date by the City Secretary by number and by subject matter.

Section 3.5. PUBLIC PROPERTY EXEMPT FROM EXECUTION:

No public property, or any other character of property, owned or held by the City, shall be subject to any execution of any kind or nature.

Section 3.6. CITY FUNDS NOT SUBJECT TO GARNISHMENT:

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

Section 3.7. EXEMPTION FROM LIABILITY FOR DAMAGES:

The City shall not be liable to any person for damages caused from public buildings or structures, streets, alleys, avenue, highways, public grounds, crossings, bridges, and sidewalks being out of repair from the negligence of the City, its officers, agents or employees, unless the same shall have remained so for ten days after special notice in writing has been given to the Mayor of the City, or to the City Manager; provided, the City shall not be liable under any circumstances, for damages suffered by any person by reason of any sidewalk, street or other public thoroughfare being out of repair when the defect in such sidewalk, street, or other public thoroughfare consists of the failure on the part of the abutting property owner to provide adequate sidewalks in front of and abutting on his property, or failure of such property owner to pave or otherwise improve that part of the street or other public thoroughfare made incumbent upon him to pave or otherwise improve under this Charter or any valid ordinance of the City ; and the City shall be exempt from liability for claims for damages growing out of torts due to any act of negligence on the part of its officers, agents or employees.

Section 3.8. LIMITATION ON LIABILITY FOR DAMAGES:

Before the City shall be liable for damages for personal injuries of any kind, or for injuries to or destruction of property of any kind, the person injured, or the owner of the property injured or destroyed, or someone in his behalf, shall give the City Manager notice in writing of such injury or destruction, duly verified, within sixty (60) days after the same has been sustained, stating in such written notice when, where and how the injury or destruction occurred, and the apparent extent thereof, the amount of damage sustained, the amount for which claimant will settle, the actual residence of the claimant by street and number at the time the claim is presented, and the actual residence of such claimant for six (6) months immediately preceding the occurrence of such injuries or destruction, and the names and addresses of the witnesses upon whom he relies to establish his claim, and, further, that suit be filed thereon within six (6) months from the date such injuries were received or destruction suffered; and a failure to notify the City Manager within the time and manner specified herein and a failure to file suit thereon within six (6) months from the date such injuries were received or such destruction suffered, either or both, shall exonerate, excuse and exempt the City from any liability whatsoever. Nothing herein shall be construed to affect or repeal Article 3, Section 3.7 of this Charter. Further, this section shall not apply to the taking, damaging or destruction of property as guaranteed and covered by Section 17 of Article 1 of the Constitution of Texas.

Section 3.9. CITY NOT REQUIRED TO GIVE BOND:

It shall not be necessary in any suit or proceeding in which the City is a party for any bond, undertaking or other security to be demanded or executed by or on behalf of the City in any of the State courts, but all such actions, suits,

appeals or proceedings shall be conducted in the same manner as if such bond had been given, and the City shall be liable as if the security or bond had been duly executed.

Section 3.10. 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 City may also exercise the power of eminent domain in any other manner now or hereafter authorized or permitted by the Constitution and laws of this State. The power of eminent domain hereby conferred shall include the right of the City to take the fee in the lands so condemned and such power and authority shall include the right to condemn public property for such purposes. The City shall have and possess this power of condemnation of property within or without the corporate limits for any municipal or public purpose, even though not specifically enumerated herein or in this Charter.

Section 3.11. ESTABLISHMENT AND CONTROL OF STREETS:

The City shall have the power to lay out, establish, open, alter, widen, lower, extend, grade, abandon, discontinue, abolish, close, care for, pave, supervise, maintain and improve streets, alleys, sidewalks, parks, squares, public places and bridges; and regulate the use thereof and require the removal from streets, sidewalks, alleys and other public property or places of all obstructions and encroachments of every nature or character upon any of said streets, sidewalks, alleys or other public ways or public places.

Section 3.12. STREET IMPROVEMENTS:

The City shall have exclusive jurisdiction and control in, upon, over and under the public streets, avenues, alleys and highways of the City and may provide for the improvements thereof by raising, lowering, grading, draining, paving, and repaving or otherwise improving the same, and by locating, re-locating, regulating, moving and/or prohibiting the location of all utility pipes, lines, wires and other property thereon, as provided by the Constitution and laws of the State of Texas.

Section 3.13. EXCLUSIVE RIGHT TO OWN, MAINTAIN AND OPERATE WATER WORKS:

The City shall have the exclusive right to own, erect, improve, maintain and operate water works systems for the use of the City and its inhabitants; shall regulate the same and have power to prescribe rates for water furnished, and to acquire by purchase, donation, condemnation or otherwise suitable grounds, within or without the limits of the City, on which to erect any such works and the necessary right of way and to do and perform whatsoever may be necessary to operate and maintain such water works or water works system, and to compel the owners of all property and the agents of such owners or persons in control thereof to pay all charges for water furnished upon such property and to fix a lien upon such property for any such charges. And the governing body of the City shall pass all ordinances or resolutions necessary or proper to give full force and effect to the provisions herein contained with reference to fixing a lien upon the property where such service may be furnished.

Section 3.14. EXCLUSIVE RIGHT TO OWN, OPERATE AND MAINTAIN SEWER SYSTEMS:

The City shall have the exclusive right to own, erect, maintain and operate a sewer system or sewage systems and sewage disposal plants, filtering beds and emptying grounds for sewer systems, for the use of the City and its inhabitants; to regulate the same and to have power to prescribe rates for the service so furnished and to acquire by purchase, donation, condemnation or otherwise suitable grounds, within or without the limits of the City, on which to erect any such sewer system or systems, sewage disposal plant or plants, and filtering beds and emptying grounds for sewer systems, and the necessary right of way, and to do and perform whatsoever may be necessary to operate and maintain said sewer system or systems, sewage disposal plants, filtering beds and emptying grounds for sewer systems, and to compel owners of property and the agents of such owners or persons in control thereof to pay all charges for sewer service furnished upon such property and to fix a lien upon such property for any such charges. And the governing body of the City shall pass all ordinances or resolutions necessary or proper to give full force and effect to the provisions herein contained with reference to fixing a lien upon the property where such service may be furnished.

Section 3.15. ACQUISITION AND OWNERSHIP OF OTHER PUBLIC UTILITIES:

The City shall have the power to lease, buy, own, construct, and to maintain and operate within or without the City limits, a system or systems of gas, electric power plant, telephone, airport, street railways, municipal railway terminal, loading and unloading devices, shipping facilities, heating plants, cooling and refrigerating systems, air conditioning

systems, and any other public service or utility, and to demand and receive compensation for services furnished for private purposes or otherwise, and to exercise the right of eminent domain for the appropriation of lands, right of way or anything whatsoever that may be proper and necessary to carry out said objects. And the City shall have the power to acquire by lease, purchase, or condemnation, the property or any part thereof of any person, firm or corporation now or hereafter conducting any such business, for the purpose of operating such public utility or utilities within or without its municipal boundaries, and for the purpose of distributing such service throughout the City or any part thereof, or to any adjacent suburb or to any of the City-owned properties beyond its limits; and the governing body of the City shall pass all ordinances or resolutions necessary or proper to give full force and effect to the provisions contained in this section; provided, further that before acquiring by purchase or lease any such public utility the capital cost of which is in excess of one hundred thousand and no/100ths (\$100,000) dollars, such acquisition by purchase or lease must be authorized by a majority vote of the registered voters of the City, at an election called for that purpose; provided further, the City having acquired by purchase or lease any such public utility the capital cost of which was in excess of one hundred thousand and no/100ths (\$100,000) dollars, the same shall never be sold or leased until such sale or lease is authorized by a majority vote of the registered voters of the City.

Section 3.16. METHOD OF ARRIVING AT VALUE OF PUBLIC UTILITY WHETHER BY PURCHASE OR CONDEMNATION:

That, in acquiring any such privately owned utility, as is mentioned in the next preceding section of this Article, if by purchase, and should the owner or owners of such utility and the governing body of the City be unable to agree upon the price, the terms of such purchase shall be determined by a board of arbitration consisting of three members to be appointed as follows: One member by the owner or owners of the utility to be purchased; one member by the governing body of the City, and the third member to be selected by these two. If the two members shall be unable to agree upon the third member of said board, then such third member shall be appointed by the County Judge of Bell County, Texas.

Section 3.17. FAIR VALUATION:

Said Board of Arbitration, provided for in the next preceding section of this Article, in arriving at a fair valuation at which said utility may be sold to the City, shall not take into consideration the value of any franchise or grant held by the owner or owners of the utility from the City or any other intangible value of such utility, but merely a fair value for the tangible property in use by the utility in its business of supplying the public with such services as it may then be furnishing.

Section 3.18. FUNDS FOR ACQUISITION OF PUBLIC UTILITY:

That should the City at any time determine to acquire any public utility by purchase, condemnation or otherwise, as herein provided, the City shall have the power to obtain the funds for the purpose of acquiring such public utility and paying the compensation therefor by issuing bonds or notes, or other evidence of indebtedness and shall secure the same by fixing a lien upon the property constituting the public utility so acquired and said security shall apply alone to said property so pledged.

Section 3.19. AFTER ACQUIRING PARTICULAR UTILITY, CITY RIGHT EXCLUSIVE:

That should the City acquire by purchase, condemnation or otherwise any public service utility mentioned in Article 3, Section 3.15, for the purpose of serving the City and the inhabitants thereof, its right to operate and maintain such public service utility so acquired shall thereafter be exclusive.

Section 3.20. PUBLIC UTILITY PRODUCTS, RIGHT TO MANUFACTURE OR PURCHASE:

The City shall have the authority to manufacture its own electricity, gas or anything else that may be needed or used by it or the inhabitants of the City; to make contracts with any person, firm or corporation for the purchase of gas, electricity or any other commodity or articles used by it or the public, and to sell same to the public as may be determined by the governing body of the City.

Section 3.21. CERTAIN FUNDS OF WATER DEPARTMENT AS WELL AS OTHER CITY OWNED UTILITIES TO BE SACRED.

All receipts from the Water Department, as well as all receipts from any other public utility which may be acquired hereafter by the City shall be held as a separate and sacred fund to and for the use of the particular utility to which

said fund belongs. The funds thus created and set up shall not be loaned and may be invested in any manner permitted by State law.

Section 3.22. PARKS, PLAYGROUNDS:

The City shall have exclusive control of all City parks and play grounds, whether within or without the City limits, and the power to control, regulate and remove all obstructions and prevent all encroachments thereupon; have power to provide for raising, grading, filling, terracing, landscape gardening, erecting buildings and other structures, providing amusements therein, for establishing walks and paving driveways around, in and through said parks, play grounds and other public grounds; to have power to police all parks or grounds, speedways, or boulevards owned by it and lying outside of the municipal boundaries.

Section 3.23. FIRE LIMITS, CONDEMNATION OF DANGEROUS STRUCTURES:

The City Council shall have the power and authority, by ordinance, to provide for the establishment and designation of fire limits and to prescribe the kind and character of buildings or structures or improvements to be erected therein, and to provide for the condemnation of dangerous structures or buildings or dilapidated buildings or buildings calculated to increase the fire hazard, and the manner of their removal or destruction.

Section 3.24. GARBAGE DISPOSAL:

The City Council shall have the right by ordinance to adopt and prescribe rules and regulations for the handling and disposition of all garbage, trash and rubbish within the City, and shall further have the right to fix charges and compensation to be charged by the City for the removal of garbage, trash and rubbish, providing rules and regulations for the collection thereof.

Section 3.25. TEMPLE PUBLIC LIBRARY:

The City shall have the power to buy, lease, build, maintain, and operate the Temple Public Library or Public Libraries within the limits of the City, and it shall be the duty of the governing body of the City to provide funds for the operation and maintenance of said library or libraries.

There shall be appointed a board of trustees of said Public Library or Public Libraries containing an odd number of members, to be appointed by the City Council. Said trustees shall each be a resident citizen of the City and each trustee shall hold office for a term as set by the City Council. Provided that the appointment or tenure of any present member of said Board of Trustees shall not be affected by the provisions of this section. All vacancies shall be filled for the unexpired term by the City Council.

Said Trustees shall advise the City Council on the operation and maintenance of such library or libraries.

All funds and property of any character, not provided to the Temple Public Library out of the general fund of the City, but donated, created, or provided for the benefit of the Library, shall remain the property of any organization created to raise private funding for the Library, and shall funds shall be spent solely for the benefit of the Library; provided however, that all unexpended funds budgeted from the City's general fund shall be returned to the general fund at the end of each fiscal year.

Section 3.26. PLANNING, ZONING AND DEVELOPMENT:

The City Council shall have the power and authority to establish by ordinance a City Planning and Zoning Commission containing an odd number of members, or such specific number as may be required by State law. The Planning and Zoning Commission, and City Council shall have all of the rights, privileges, powers, and authority to zone property consistent with State law. The City Council may appoint the present City Planning Commission as the new Planning and Zoning Commission.

The City Council may, by ordinance, establish a Board of Adjustment and provide for the standards and procedures for said board to make special exceptions and variances from the terms of the City's zoning ordinance, consistent with State law, and in accordance with the procedures established therefore in the ordinance.

Section 3.27. COMPREHENSIVE PLAN:

The City Council shall establish by ordinance a comprehensive plan for the orderly development of the City. The comprehensive plan of the City shall be used as a guide by the City Council and the Planning and Zoning Commis-

sion for development of the City with respect to land use, thoroughfares and streets, buffer zones, parks, and other matters affecting development within the City and its extraterritorial jurisdiction.

The comprehensive plan may be amended by majority vote of the whole City Council after a public hearing, and such amendments as are made to the comprehensive plan shall become part of the official records of the City.

Section 3.28. CITY PARKS AND RECREATION BOARD:

The City Council shall appoint a City Parks and Recreation Board containing an odd number of members which shall advise the City Council on park and recreation matters.

The City Manager, or his designee, shall be an ex-officio member.

Provided, that the appointment or tenure of any present member of said Board shall not be affected by the provisions of this section. All vacancies shall be filled for the unexpired term.

ARTICLE 4

Municipal Government

Section 4.1. GOVERNING BODY:

The governing body of the City shall consist of five Councilmembers, one of whom shall be the Mayor, and said body shall be known as the "City Council."

Section 4.2. ELECTIVE OFFICERS AND THE TERM OF SUCH OFFICERS:

The elective officers of the City shall consist of five (5) Councilmembers, as above-provided, and the City shall be divided into four (4) single member districts. One Councilmember shall be elected from each of the four (4) districts and one Councilmember, who shall be Mayor, shall be elected from the City at large. The City Council shall draw and redraw the boundary lines of the four districts from time to time and no part of the area of any one of the four (4) districts shall be included within any other district. No person may, in any election, be a candidate for two positions and no person may, in any election, be a candidate for both the office voted upon by the registered voters from all areas of the City and for an office voted upon by the registered voters of a single district. Each registered voter shall be entitled to vote for a candidate for office in the district of the voter's residence and one candidate for office in the City-wide election.

Councilmembers elected for two year terms in the May 2000 elections shall serve until their successors are elected and duly qualified. In the municipal election in May 2002, two Councilmembers shall be elected for a term of two (2) years and two Councilmembers and the Mayor be elected for a term of three (3) years, and serve until their successors have been elected and duly qualified. To determine which Councilmembers shall be elected in May 2002 for two year terms, the Mayor shall, at the time the City Council orders the May 2002 general election, draw lots to determine which two Councilmember races shall be for two year terms and which two shall be for three year terms. The effect of initially elected two Councilmembers for two year terms, and the Mayor and two other Councilmembers for three year terms shall be to produce staggered terms, and shall mean that every third year, the City shall not have a municipal election. In City Council elections after May 2002, all Councilmembers, including the Mayor shall be elected for three year terms. All the other officers of the City shall be appointed by the City Manager or the City Council in accordance with the other provisions of this Charter.

Section 4.3. OFFICERS, OATH OF:

All officers of the City, whether elective or appointive, shall qualify by taking the oath prescribed by the Constitution of this State, and by executing such bond as may be required under the provisions of this Charter and the ordinances and resolutions of the City.

Section 4.4. ELECTION OF COUNCILMEMBERS UNDER THIS CHARTER:

In each district and the at large position, the candidate receiving a majority of votes cast, at such election, shall be declared elected. If no candidate receives a majority of all votes cast for a particular office, the City Council shall call a run-off election on a date authorized by State law.

Section 4.5. VACANCIES IN OFFICE:

A vacancy or vacancies on the City Council due to death, a Councilmember moving outside the district in which elected, resignation, or by removal from office, shall be filled by a majority vote of the qualified voters of the City in a special election called by the remaining Councilmembers within one hundred and twenty (120) days after such vacancy or vacancies occur.

Section 4.6. MAYOR:

The Councilmember elected at large shall be known as Mayor of the City, and the City Council shall elect one of its members as a vice-chairman, who shall be known as Mayor Pro Tem, and who shall have and exercise all powers of Mayor in the absence of, or during the disability, from any cause, of the Mayor. The Mayor and Mayor Pro Tem shall hold their office (unless sooner removed as provided herein) until the first meeting of the City Council held after the next regular Municipal Election and their successors have been elected and qualified.

Section 4.7. COUNCILMEMBERS, THEIR QUALIFICATIONS:

Each member of the City Council shall be a resident of the City, and, where applicable, of the district in which elected, and shall remain a resident of the district in which elected during the term to which elected, as well as a registered voter therein, and shall have been such resident citizen of the district in which elected for a period of not less than six (6) months and of the City for a period of not less than one (1) year immediately preceding the date of election; provided, however, that any registered voter who shall have been a resident for a period of one year, immediately preceding the date of election, of territory not formerly within the corporate limits of the City but which territory is annexed under the provisions of the law, shall be eligible for election to either the City wide office or in the district to which the annexed territory, in which said person resides, is added.

Section 4.8. COMPENSATION OF COUNCILMEMBERS:

The members constituting the City Council shall receive as their full compensation five (\$5.00) dollars for each regular or special meeting; provided, however, that the compensation received by each Councilmember shall never exceed Fifteen (\$15.00) dollars for any one month.

Section 4.9. CONFLICT OF INTEREST:

No Councilmember shall, during his term of office, hold any other public office or employment, compensation for which is paid out of public funds. No Councilmember, appointed officer, or employee of the City shall benefit unduly by reason of his holding public office. For the purposes of this section, a person "unduly benefits" by reason of his holding public office, if he, a person related to him in the first degree, or a business entity in which he or a first degree relative has a ten percent interest or from which he or a first degree relative receive ten percent of their income, will receive a special economic benefit that is distinguishable from the effect on the general public. No Councilmember, appointed officer, or employee of the City having a direct or indirect interest in any proposed or existing contract, purchase, work, sale, or service to or by the City shall vote or render a decision, or use his position, authority or influence in a manner that would result in his financial betterment to a greater degree than the general benefit to the public. Any knowing or wilful violation of this section shall constitute malfeasance in office, and any elected or appointed official, or any employee of the City, guilty thereof shall thereby forfeit his office or position. Any violation of this section, with the knowledge, expressed or implied, of the person or corporation contracting with the City shall render the contract involved voidable by the City Council. The restrictions contained in this section shall be cumulative of those required and provided by State law.

Section 4.10. LEGISLATIVE BODY:

The City Council shall constitute the Legislative and Governing Body of the City and shall have and exercise all the powers and authority herein granted. It shall pass and adopt all needful ordinances and resolutions, and adopt all necessary regulations governing the different departments of the City and not inconsistent with the provisions of this Charter and the Constitution and General Laws of this state.

Section 4.11. DUTIES OF MAYOR:

The Mayor of the City, who shall have been elected the Councilmember from the City at large, shall preside over the meetings of the City Council, and perform such other duties consistent with the office as may be imposed upon him by this Charter and ordinances and resolutions passed in pursuance hereof. He may participate in the discussion of all matters coming before the City Council and shall be entitled to a vote as a member thereof on all legislative and other matters, but shall have no veto power. He shall sign all contracts entered into by the City, except those

contracts where the City Council has previously approved the contract and authorized the City Manager to sign the contract, and all bonds issued under the provisions of this Charter. He shall be recognized as the official head of the City by the courts for the purpose of serving civil process, by the Governor for the purpose of enforcing military law, and for all ceremonial purposes. In times of danger or emergency, the Mayor may, with the consent of the City Council, take command of the police and govern the City by proclamation and maintain order and enforce all laws.

Section 4.12. MEETING OF THE CITY COUNCIL:

The City Council shall meet on the first Monday after their election, which meeting shall be held in the Council Chambers of the Municipal Building, at which time, or as soon thereafter as practicable, all the Councilmembers elected shall qualify and assume the duties of their offices; and the City Council shall thereupon proceed to organize by electing from its membership a Mayor pro tem as herein provided. Thereafter said City Council shall meet at such times as may be prescribed by ordinance or resolution, provided it shall hold at least one regular meeting every month.

Section 4.13. SPECIAL MEETINGS OF THE CITY COUNCIL:

To the extent permitted by State law, the Mayor, or any two Councilmembers, may call special meetings of the City Council at any time upon at least twelve hours written notice to each member, served personally or left at the residence of such member, or such meetings may be held at any time without written notice, provided all members of the Council are present.

Section 4.14. CITY COUNCIL TO BE JUDGE OF ELECTION OF ITS MEMBERS:

The City Council shall be the judge of the election and qualification of its own members.

Section 4.15. RULES OF THE CITY COUNCIL:

The City Council shall determine its own rules of procedure, and shall compel the attendance of its members, and with the concurrence of four (4) members constituting said City Council, may impeach a member, and may remove him from office for good cause. Any Councilmember subject to removal for good cause may request a public hearing of the charges against him prior to removal from office.

Section 4.16. LEGISLATIVE PROCEDURE:

Three (3) members of the City Council shall constitute a quorum to do business. The affirmative vote of not less than three (3) members shall be necessary to adopt any ordinance or resolution. All meetings of the City Council shall be public, except when otherwise directed by the City Council and permitted by State law, and minutes of its proceedings shall be kept, to which any citizen may have access at all reasonable times and which shall constitute one of the archives of the City. The vote upon the passage of all ordinances and resolutions shall be taken by the "ayes" and "nays" and entered upon the minutes, and every ordinance or resolution, upon its final passage, shall be recorded in a book kept for that purpose, and shall be authenticated by the signature of the presiding officer and City Secretary.

Section 4.17. ORDINANCES, ENACTMENT OF:

Each proposed ordinance or resolution shall be introduced in written or printed form, and shall not contain more than one subject, which shall be clearly expressed in the title, except ordinances or resolutions making appropriations or authorizing the contracting of indebtedness. No ordinance, unless it be declared an emergency measure, shall be passed finally on the date it is introduced, but must be passed, read and voted upon at two regular meetings of the City Council, except for franchise ordinances which shall be passed, read and voted upon at three meetings.

Section 4.18. EMERGENCY MEASURES, DEFINED:

An emergency measure is an ordinance or resolution for the immediate preservation of the public business, property, health or safety, or providing for the usual daily operation of a municipal department in which the emergency is set forth in such ordinance or resolution. Ordinances or resolutions appropriating money to defray current or other expenses of the City may be passed as emergency measures, but no ordinance making a grant, renewal or extension of a franchise or other special privilege, or regulating the rate or rates to be charged for service furnished the public generally by any public utility shall ever be passed as an emergency measure.

Section 4.19. ORDINANCES, WHEN AND HOW PUBLISHED:

A descriptive caption or title, stating in summary the purpose of each ordinance which imposes any fine, or forfeiture, together with the penalty for violation thereof, shall after passage thereof, be published in one issue only of some newspaper of general circulation, which has been regularly and continuously published in the City for a period of at least one year; and proof of the publication thereof shall be made by the printer or publisher of such paper, making affidavit before some officer authorized by law to administer oaths, and filed with the City Secretary, and shall be prima facie evidence of such publication and promulgation of such ordinance in all the Courts of the State; and such ordinance whose caption has been so published shall take effect and be enforced from and after the publication thereof, unless otherwise expressly provided in said ordinance. Ordinances not required to be published shall take effect and be in force from and after passage unless otherwise provided therein. Annexation ordinances shall be published as required by Section 2.2 of this Charter.

Section 4.20. OFFICIAL CONTRACT FOR PUBLISHING:

The City Council shall, as soon as practicable after the commencement of each fiscal year, enter into contract with a public newspaper of the City as the official paper thereof, and to continue as such until another is selected, and shall cause to be published therein all ordinances, notices and other matters required by this Charter or by the ordinances of the City to be published.

Section 4.21. CODIFICATION OF ORDINANCES:

The City Council shall from time to time, when it deems best, employ some competent person or firm, who shall be well experienced in municipal law, to codify the Ordinances of the City and carefully to search the various records of the City and compile and report to the City Council a list of the Ordinances and resolutions then in force, with his recommendations as to which are obsolete and should be repealed or revised and which should continue in force; and the City Council shall thereafter pass such Ordinances or Resolutions as may be necessary to repeal all such obsolete Ordinances as may then appear in force, and pass such additional ordinances in lieu thereof as may be necessary.

Section 4.22. ORDINANCES, ADMISSIBILITY AS EVIDENCE:

Any ordinance or resolution appearing of record in the minutes of the City Council, or a copy thereof duly certified by the City Secretary, under the seal of the City, shall be received by all courts of this State as prima facie evidence of the due passage and publication of such ordinance or resolution.

Section 4.23. CONTRACTS FOR PERSONAL SERVICES:

No contract shall ever be made which binds the City for personal services to be rendered to the City as a municipality for any stated period of time, but all appointive officers and employees shall be subject to preemptory discharge, and when discharged shall only be entitled to compensation up to and including the date of their discharge, any provision to the contrary in this charter notwithstanding.

Section 4.24. DEPARTMENTS MAY BE CONSOLIDATED:

The City Council may abolish or consolidate such offices and departments as it may deem to be to the best interest of the City, and may divide the administration of any such departments as it may deem advisable; create new departments and may discontinue any offices or departments at its discretion, except as to the offices of City Manager and Director of Finance.

Section 4.25. COMPENSATION, APPOINTIVE OFFICERS:

The City Council shall fix and determine from time to time the salaries, and wages of all appointive officers and employees of the City, provided that the City Council may authorize the City Manager to make salary adjustments to the extent that funds are appropriated by the City Council for that purpose.

Section 4.26. PAYMENT OF CLAIMS:

No warrant for the payment of any claim shall be issued by the City as a municipality, unless such claim shall be evidenced by an invoice or itemized account, and approved by the City Manager and audited and approved by the Director of Finance, and all warrants shall be signed by the City Manager and countersigned by the Director of Finance.

Section 4.27. NEPOTISM:

No person related within the second degree by affinity or within the third degree by consanguinity to the Mayor or any other member of the City Council, or to the City Manager, shall be appointed to any office, position or clerkship or other service of the City; and no person so related to the Director of Finance shall be employed under him.

Section 4.28. OFFICIAL BONDS OF CITY MANAGER AND DIRECTOR OF FINANCE:

The City Manager shall give a fidelity bond in the sum of not less than Five Hundred Thousand dollars (\$500,000), and the Director of Finance a fidelity bond in the sum of not less than Five Hundred Thousand (\$500,000) dollars, payable to the City and conditioned for the faithful discharge of the duties of such respective officers and for the faithful accounting for all monies, credits and things of value coming into the hands of such respective officers; and such bonds shall be signed as surety by some surety company authorized to do business under the laws of this State, and the premium on such bonds shall be paid by the City.

Section 4.29. OFFICIAL BOND FOR OTHER OFFICERS AND EMPLOYEES:

The City Council shall have the right to require fidelity bonds from other appointive officers and employees of the City, in any such amounts as said City Council may from time to time fix by ordinance or resolution, and conditioned for the faithful discharge and accounting for all monies, credits and things of value coming into the hands of such officers or employees, and all such bonds shall be signed as surety by some surety company authorized to do business under the laws of this state, and the premiums accruing thereon shall be paid by the City.

Section 4.30. AUDIT AND EXAMINATION OF THE CITY BOOKS AND ACCOUNTS:

The City Council shall once each year cause an audit to be made of the books and accounts of each and every department and activity of the City. Such audit shall be made by a Certified Public Accountant or Accountants who shall be selected and employed by the City Council.

Section 4.31. CITY ATTORNEY:

The City Council shall appoint a competent licensed Attorney as City Attorney of the City. The City Attorney shall be a resident of the City during his time in office. He shall receive for his services such compensation as may be fixed by the City Council from time to time and shall hold his office at the will and pleasure of the City Council. He shall represent the City in all litigation and shall be the legal advisor of and attorney and counsel for the City and all officers and departments thereof. He shall have the power to appoint such assistants as may be deemed necessary by him, subject to the approval of the City Council, at such compensation as is fixed by the City Council. The City Attorney shall examine and approve, or disapprove, as to form and legality, all documents, contracts, and legal instruments to which the City, or its agencies, are a party.

Section 4.32. CITY SECRETARY:

The City Council shall appoint a qualified person as City Secretary. The Director of Finance or one of his assistants shall serve as the acting City Secretary until such time as the City Council shall formally appoint a City Secretary. The City Secretary shall:

- (a) Give notice of all official public meetings of the City Council in a manner consistent with State law and this Charter.
- (b) Attend all public meetings and hearings of the City Council.
- (c) Keep the minutes of the proceedings of all public official meetings and hearings of the City Council in a manner prescribed by the City Council consistent with applicable law.
- (d) Act as custodian of all official records of the City Council.
- (e) Hold and maintain the seal of the City, and affix this seal to all appropriate documents.
- (f) Authenticate by signature and seal, and record all ordinances, resolutions, and proclamations of the City.
- (g) Perform such other duties as may be required by the City Council, consistent with this Charter, and the State law.

Section 4.33. CITY DEPOSITORY:

The City Council shall have and exercise all of the powers, duties, freedoms and responsibilities conferred upon the governing body of a city by State law, pertaining to city depositories.

ARTICLE 5

Recall of Officers

Section 5.1. SCOPE OF RECALL:

Any member of the City Council, whether elected to office by the registered voters of the City or elected by the City Council to fill a vacancy, shall be subject to recall and removal from office by the registered voters of the City as provided in this article.

Section 5.2. PETITIONS FOR RECALL:

Before the question of recall of such officers shall be submitted to the registered voters of the City, a petition demanding such question to be so submitted shall first be filed with the City Secretary, which said petition shall be signed by at least thirty per cent of the registered voters of the City, in the case of the at large Councilmember, or thirty per cent of the registered voters in the single member district, in the case of a Councilmember elected from or appointed to represent a single member district, to be determined by the latest voter registration list of the City. For a petition signature to be valid, a petition must contain in addition to the signature: (a) the signer's printed name; (b) the signer's voter registration number; (c) the signer's residential address; and (d) the date of signing.

Section 5.3. FORM OF RECALL PETITION:

The recall petition mentioned above must be addressed to the City Council of the City and must distinctly and specifically point out the ground or grounds upon which such petition for removal is predicated, and if there be more than one ground, such as for incompetency, misconduct or malfeasance in office, shall specifically state each ground with such certainty as to give the officer sought to be removed notice of the matters and things with which he is charged. Said petition shall be signed by the requisite number of registered voters as provided in Section 5.2 of this Article. The signatures shall be verified by oath in the following form:

"State of Texas
County of Bell

I, _____, being first duly sworn, on oath depose and say that I am one of the signers of the above petition; that the statements made therein are true, and that each signature appearing thereto was made in my presence on the day and date it purports to have been made, and I solemnly swear that the same is genuine signature of the person whose name it purports to be.

Sworn and subscribed to before me, this _____ day of _____, 19____.

Notary Public State of Texas"

Section 5.4. VARIOUS PAPERS CONSTITUTING PETITION:

The petition may consist of one or more subscription lists, circulated separately and the signatures thereto may be upon the paper or papers containing the form of the petition, or upon other papers attached thereto. Verification provided for in the next preceding section of this Article may be made by one or more petitioners, and the several parts of the petition may be filed separately and by different persons, but no signatures to such petition shall remain effective or be counted which were placed thereon more than thirty days prior to the filing of such petition or petitions with the City Secretary. All papers and documents comprising a single petition, that is, all papers comprising a recall petition shall be filed with the City Secretary on the same day, and the City Secretary shall immediately notify in writing the officer so sought to be removed.

Section 5.5. CERTIFICATE TO PETITION:

Within twenty days after the date of the filing of the papers constituting the recall petition, the City Secretary shall certify to the City Council the number of registered voters within the City, as shown by the latest registered voter list of the City, and shall further certify the number of registered voters signing said petition, and shall present such petition and his certificate thereto to said City Council.

Section 5.6. ELECTION TO BE CALLED:

If the Councilmember whose removal is sought does not resign within five days after such recall petition shall have been duly certified to the City Council as provided in the next preceding section of this Article, then it shall become the duty of the City Council to order an election and fix a date for holding such recall election, and the date of which election shall not be less than less than forty-five days or more than sixty days from the time such petition was presented to the City Council.

Section 5.7. RECALL ELECTION, FORM OF BALLOT:

The form of ballot to be used at such recall election shall be as follows:

"SHALL (name of person) BE REMOVED FROM OFFICE OF COUNCILMEMBER BY RECALL?"

Immediately following the above question there shall be provided on the ballot, in separate lines, in the order here set out, the words:

"For the removal from office of (Name of Person)"

"Against the removal from office of (Name of Person)"

Should a majority of the votes cast at such recall election be for the removal of such Councilmember named on the ballot, he shall, regardless of any technical defects in the recall petition, be deemed removed from office. Should a majority of the votes cast at such recall election, however, be against the removal of the officer named on the ballot, such Councilmember shall continue in office for the remainder of his term, subject to recall as before.

Section 5.8. RECALL, RESTRICTIONS THEREON:

No recall petition shall be filed against any Councilmember of the City Council of the City within six months after his election, nor within six months after an election for such officer's recall.

Section 5.9. CITY COUNCIL, FAILURE TO CALL AN ELECTION:

In case all of the requirements of this Charter shall have been met and the City Council shall fail or refuse to receive the recall petition, or order such recall election, or discharge any other duties imposed upon the City Council by the provisions of this Charter with reference to such recall, then the County Judge of Bell County, Texas, shall discharge any of such duties herein provided to be discharged by the City Council.

Section 5.10. ONE OR MORE COUNCILMEMBERS MAY BE RECALLED AT SAME ELECTION:

One or more Councilmembers may be recalled at the same election, and if, in such recall election, there shall as a result of such election, remain one or more Councilmembers, who is not recalled, then such Councilmember or Councilmembers not recalled shall discharge all of the duties incumbent upon the governing body of the City until the vacancy or vacancies created at such recall election are filled by an election for that purpose, but if in any proposed recall election it is proposed and submitted to recall all the members constituting said City Council, then there shall be placed on said ballot under the question of recall, the names of candidates to fill the vacancies proposed to be created by such election, but the names of such Councilmembers proposed to be recalled, shall not appear on the ballot as candidates.

Section 5.11. VACANCIES IN CITY COUNCIL, DUE TO RECALL, HOW FILLED:

If at any recall election, it is not proposed and submitted to recall all of the members constituting said City Council, but only one or more and fewer than all, and such election shall result in favor of the recall of one or more of said Councilmembers, proposed to be recalled, then it shall be the duty of the remaining Councilmembers not recalled and constituting the governing body of the City, within five days after such election is held, to meet, canvass the returns, declare the result of the election and on the same date order an election to fill such vacancy or vacancies,

which election shall be held within not less than forty-five days nor more than sixty days after the same shall have been ordered. No vacancy caused by recall shall be filled by the City Council.

ARTICLE 6

Legislation By the People, Initiative and Referendum

Section 6.1. GENERAL POWER:

The registered voters of the City, in addition to the method of legislation hereinbefore provided, shall have the power of direct legislation by the Initiative and Referendum.

Section 6.2. INITIATIVE:

The initiative shall be exercised in the following manner:

(a) PETITION: A petition signed and verified in the manner and form required for recall petition in Article 5 by registered voters equal to twenty per cent of the total registered voters of the City, as shown by its latest voter registration list, accompanied by the proposed legislation or measure in the form of a proposed ordinance or resolution, which must be written or printed, and requesting that such ordinance or resolution be submitted to a vote of the registered voters, if not passed by the City Council, shall be filed with the City Secretary.

(b) CERTIFICATE: Within twenty days after filing of such petition the City Secretary shall certify the number of registered voters residing in the City, as shown by its latest registered voter list, and the number of signers of such petition, and shall present said certificate, petition and proposed ordinance or resolution, to the City Council.

(c) ACTION UPON PETITION BY CITY COUNCIL: Upon presentation to it of the certificate, petition and draft of proposed ordinance or resolution, as in this Charter provided, it shall become the duty of the City Council, within ten days after the receipt thereof, except as otherwise provided, in this Charter, to pass and adopt such ordinance or resolution without alteration or submit same to popular vote at a special election to be held not less than forty-five days nor more than sixty days from the date of such presentation; provided, however, that if any other municipal election is to be held within sixty days after the filing of the petition, said proposed ordinance or resolution shall be submitted without alteration to the registered voters of the City at such election.

Section 6.3. REFERENDUM:

If, prior to the date when an ordinance or resolution shall take effect, or within thirty days after the publication of same, a petition signed and verified as required for recall petition in Article 5 and by Section 6.2 (a) hereof, by the registered voters of the City equal in number to twenty per cent of the total registered voters of the City, as shown by its latest registered voter list, shall be filed with the City Secretary, protesting against the enactment or enforcement of such ordinance or resolution, it shall be suspended from taking effect and no action theretofore taken under such ordinance or resolution shall be legal and valid. Immediately upon the filing of such petition, the City Secretary shall do all things required by Section 6.2 (a) of this Article. Thereupon the City Council shall immediately re-consider such ordinance or resolution, and if it does not entirely repeal the same, shall submit it to popular vote at the next municipal election, or the City Council may, in its discretion, call a special election for that purpose; and such ordinance or resolution shall not take effect unless a majority of the registered voters voting thereon at such election shall vote in favor thereof.

Section 6.4. VOLUNTARY SUBMISSION OF LEGISLATION BY THE CITY COUNCIL:

The City Council of its own motion, and by a majority vote of its members may submit to popular vote for adoption or rejection or repeal at any election any proposed ordinance or resolution or measure, in the same manner and with the same force and effect as provided in this article for submission on petition.

Section 6.5. FORM OF BALLOTS:

The ballots used when voting upon such proposed and referred ordinances, resolutions or measures, shall set forth their nature sufficiently to identify them, and shall also set forth upon separate lines the words:

"For the Ordinance." and
"Against the Ordinance." or

"For the Resolution." and
"Against the Resolution."

Section 6.6. PUBLICATION OF PROPOSED AND REFERRED ORDINANCES:

The City Secretary shall publish, at least once in the official newspaper of the City, every proposed or referred ordinance or resolution, within fifteen days before the date of the election; and shall have such other notices, and do such other things relative to such election, as are required in general municipal election, or by the ordinance or resolution calling said election.

Section 6.7. ADOPTION OF ORDINANCES:

If a majority of the registered voters voting on any proposed ordinance or resolution or measure shall vote in favor thereof, it shall thereupon at any time fixed therein become effective as a law or as a mandatory order to the City Council.

Section 6.8. INCONSISTENT ORDINANCES:

If the provisions of two or more proposed ordinances or resolutions approved at the same election are inconsistent, the ordinance or resolution receiving the highest number of votes shall prevail.

Section 6.9. ORDINANCES PASSED BY POPULAR VOTE, REPEAL OR AMENDMENT:

No ordinance or resolution which may have been passed by the City Council upon a petition, or adopted by popular vote, under the provision of this Article, shall be repealed or amended, except by the City Council in response to a referendum petition or by popular vote thereon.

Section 6.10. NUMBER OF ELECTIONS:

There shall not be held under this Article more than one special election in any period of six months.

Section 6.11. FURTHER REGULATIONS BY CITY COUNCIL:

The City Council may pass ordinances or resolutions providing other and further regulations for carrying out the provisions of this Article not inconsistent herewith.

Section 6.12. FRANCHISE ORDINANCES:

Nothing contained in this Article shall be construed to be in conflict with any of the provisions of Article 10 of this Charter pertaining to the ordinances granting of franchises or special privileges of the referendum thereon.

ARTICLE 7

City Manager

Section 7.1. APPOINTMENT:

The City Council by majority vote of its total membership shall appoint the City Manager and set the City Manager's compensation.

Section 7.2. RESIDENCE OF CITY MANAGER:

The City Manager may or may not be a resident of the City when appointed but must reside within the City while in office.

Section 7.3. TERM OF OFFICE:

The City Manager shall be appointed for an indefinite period and shall be subject to discharge by a majority vote of the total membership of the City Council.

Section 7.4. ABSENCE OR DISABILITY OF CITY MANAGER:

By memorandum filed with the City Secretary, the City Manager shall designate a City officer or employee to exercise the powers and perform the duties of City Manager during his temporary absence or disability. The City

Council may revoke such designation at any time and appoint another officer of the City to serve until the City Manager returns.

Section 7.5. POWERS AND DUTIES:

The City Manager shall be the chief administrative officer of the City, responsible to the Council for the administration of all City affairs placed in the City Manager's charge by or under this Charter. The City Manager shall:

- (1) Appoint and, when necessary for the good of the City, suspend or remove City employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law, this Charter, or personnel rules adopted pursuant to this Charter. The City Manager may authorize any administrative officer subject to the City Manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;
- (2) Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter or by law;
- (3) Recommend to the City Council the salaries to be paid to each appointive officer and subordinate employee of the City;
- (4) Attend all City Council meetings. The City Manager shall have the right to take part in discussion but shall not vote;
- (5) See that all laws, provisions of this Charter and acts of the City Council, subject to enforcement by the City Manager or by officers subject to the Manager's discretion and supervision, are faithfully executed;
- (6) Prepare and submit the annual budget and capital program to the City Council;
- (7) Submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year;
- (8) Make such other reports as the City Council may require concerning the operations of City departments, offices and agencies subject to the City Manager's direction and supervision;
- (9) Keep the City Council fully advised as to the financial condition and future needs of the City;
- (10) Make recommendations to the City Council concerning the affairs of the City;
- (11) Provide staff support services for the City Council; and
- (12) Perform such other duties as are specified in this Charter or may be required by the City Council.

ARTICLE 8

Finance Department

Section 8.1. DIRECTOR OF FINANCE:

The governing body of the City shall appoint a Director of Finance, who shall be head of the Finance Department.

Section 8.2. RESIDENCE OF THE DIRECTOR OF FINANCE:

The Director of Finance shall remain a resident of the City during the term of his office.

Section 8.3. TERM OF OFFICE:

The Director of Finance shall hold office so long as his service shall be satisfactory to the governing body of the City.

Section 8.4. QUALIFICATIONS OF THE DIRECTOR OF FINANCE:

The Director of Finance, at the time of appointment, must have sufficient education and experience to qualify him as a government finance officer.

Section 8.5. POWERS AND DUTIES:

The powers and duties of the Director of Finance shall be:

- (a) To devote all of his working time and attention to the duties of his office. He shall not accept employment from any other person, firm or corporation that may require any of his time during the working hours of the office.
- (b) To supervise the financial systems of each department of the City and be responsible for the accountability of all funds of the City, appropriated or otherwise.
- (c) To be the acting City Secretary of the City.
- (d) To maintain such books and records of accounts as may be prescribed from time to time by the governing body of the City, all of which shall comply with generally accepted accounting principles as promulgated by the Governmental Accounting Standards Board.
- (e) To keep the financial records and accounts of the Water Department separate from that of all other departments and to disburse the funds of said departments for no other purpose than the extension, improvement, operation, maintenance, repair and betterment of the Water Department, including revenue bonds issued for and against the Water Department.
- (f) To be the acting clerk of The Municipal Court and as such to perform all the duties imposed thereon by this Charter and ordinances and resolutions of the governing body.
- (g) To review and approve all disbursement requests by all departments of the City.
- (h) To conduct all accounting and financial transactions in accordance with provisions of this Charter and pertinent ordinances and resolutions of the City Council. He will continually review all department budgets for compliance to the budget plan as adopted by the City Council. He will perform all accounting and financial transactions in accordance with generally accepted accounting principles as promulgated by the Governmental Accounting Standards Board. He may countersign deficiency warrants to provide funds to defray current expenditures of the City in accordance with the provisions of this Charter and pertinent ordinances and resolutions of the governing body.
- (i) To act as Treasurer of the City and as such to invest all public funds prudently in accordance with the laws of the State of Texas. The Treasurer will keep a register of bonds and other evidences of indebtedness issued by the City, constituting obligations of the City, and insure compliance with all bond covenants of the City.
- (j) To make and render such monthly, quarterly and annual reports as may be directed from time to time by the governing body of the City.
- (k) To note on all official communications received by him the date of the receipt thereof.
- (l) To record at length in a bound record book, with an index, known as the "FRANCHISE RECORDS" all ordinances or resolutions of the governing body granting franchises or special privileges.
- (m) To file and keep safely all written contracts and leases entered into between the City and any person, firm or corporation.
- (n) To perform all other duties imposed upon him by the governing body of the City, not inconsistent with the terms of this Charter.
- (o) In such instances where the Director of Finance is empowered to perform duties in an acting capacity, he shall perform the duties of such officer until such officer is appointed and qualified.

Section 8.6. RECORDED DOCUMENTS, CERTIFICATION:

Upon demand and the payment of any fee imposed by the governing body of the City, the Director of Finance shall furnish a certified copy or copies of any official records of the City, with the following certificate:

“A True Copy, I certify.

SEAL

Director of Finance of the City of Temple”

By _____ Deputy

Section 8.7. DEPUTIES:

With the advice and consent of the governing body of the City, the Director of Finance may appoint and remove deputies, as the duties and responsibilities of his office may require, each of whom shall, in writing, subscribe to the official oath as prescribed by this Charter, and give such bond as may be required by the governing body of the City. Each such deputy may under the direction of the Director of Finance do and perform any duties imposed upon or granted to the Director of Finance under the terms of this Charter. In case of the absence or disability of the Director of Finance, the governing body may designate an Acting Director of Finance, who shall serve in his absence or disability, and the Acting Director of Finance in such event shall have all the powers, duties, freedoms and responsibilities herein conferred upon the Director of Finance.

Section 8.8. SALARIES OF DIRECTOR OF FINANCE AND DEPUTIES:

The Director of Finance and his deputies shall receive such compensation and allowances as the governing body may from time to time by ordinance or resolution determine.

Section 8.9. DIRECTOR OF FINANCE TO HAVE VARIOUS TITLES:

The Director of Finance, when acting in any of the capacities mentioned in this Charter, and performing the duties of City Secretary, Clerk of the Municipal Court, or any other title granted him, shall use the appropriate title and affix the seal of the “City of Temple” when a seal is required.

ARTILCLE 9

Municipal Court

Section 9.1. MUNICIPAL COURT CREATED:

There shall be a court for the trial of misdemeanor offenses known as the “MUNICIPAL COURT,” with such powers and duties as are now, or may be , prescribed by the laws of the State of Texas and by the City ordinance.

Section 9.2. JUDGE:

The City Council shall appoint some well qualified resident attorney of the City to be judge of said court and whose title shall be City Judge. The City Council may appoint and set for the compensation of one or more qualified attorneys to act as temporary municipal court judges in the absence or disability of the municipal court judge.

Section 9.3. TERM OF OFFICE:

The City Judge may be removed by the City Council at any time for incompetency, misconduct, malfeasance, or disability.

Section 9.4. SALARY:

The judge shall receive such salary as the City Council may fix from time to time by ordinance or resolution.

Section 9.5. JURISDICTION:

The Municipal Court shall have jurisdiction within the territorial limits of the City of Temple in all criminal cases arising under the ordinances of the City, now in force and hereafter to be passed. The Municipal Court shall also have jurisdiction concurrently with any justice of the peace in and for the Precinct No. 3 of Bell County in criminal cases arising under the criminal laws of this State, in which the punishment is by fine only, and where the maximum of such fine may not exceed the limits prescribed by State law for City ordinances. The municipal court shall have jurisdiction: (1) over all criminal cases arising under the ordinances of the City within and outside the City limits to the extent authorized by State Law; (2) concurrent with the appropriate State court of all criminal cases arising under State law, where the offense is committed within the City limits, and the penalty does not exceed that which is established for municipal courts; and (3) over all other matters and cases provided for by the State law or City ordinance.

Section 9.6. CLERK:

The Director of Finance shall be acting clerk of the Municipal court.

Section 9.7. DUTIES OF CLERK:

It shall be the duty of said clerk to keep a minute of the proceedings of said court, and generally to do and perform all of the duties of a clerk of a court as prescribed by law for the Clerk of the County Court, insofar as the said provisions may be applicable.

Section 9.8. RIGHT OF TRIAL BEFORE JURY:

Every person brought before the Judge, to be tried for an offense for which the penalty may be a fine, shall be entitled, if he shall demand it, to be tried by a jury of six registered voters of the City, who shall be summoned, empaneled and qualified as jurors in justice courts under the laws of the State of Texas.

Section 9.9 RULES OF PLEADING, PRACTICE AND PROCEDURE:

All rules of pleadings, practice and procedure now established by law for the County Court shall apply in said Municipal Court insofar as permitted by State law, except that the proceedings in said court shall be commenced by complaint in the manner and under the regulations, as now provided by law, in cases prosecuted before justices of the peace, and except that the Judge need not charge the jury except upon charges requested in writing by the defendant or his attorney; which said charges he shall have power to give or refuse under the same rules and regulations now applicable to the granting or refusing of such charges by the County Judge in criminal cases. Complaints before said court may be sworn to before the Judge, Clerk of said Court, or his deputy, the City Attorney, each and all of which officers, for that purpose, shall have power to administer oaths; or it may be sworn to before any other officer authorized by law to administer oaths.

Section 9.10. SEAL OF MUNICIPAL COURT:

The Municipal Court shall have a seal, having engraved thereon a star of five points in the center, and words, "MUNICIPAL COURT IN TEMPLE, TEXAS," the impression of which shall be attached to all proceedings, except subpoenas, issued out of said court, and shall be used to authenticate the official acts of the clerk and of the Judge where he is authorized or required to use the seal of office.

Section 9.11. COMPLAINT, HOW COMMENCED AND CONCLUDED:

In all prosecutions in said court, whether under an ordinance or under the provisions of the Penal Code of This State, the complaint shall commence:

"In the Name of the State of Texas," and shall include:

"Against the Peace and Dignity of the State," and where the offense is covered by an ordinance, the complaint may also conclude, "Contrary to the City Ordinance," and all prosecutions in said court shall be conducted by the City Attorney, or by his deputy; but the County Attorney of Bell County, if he so desires shall also represent the State of Texas in such prosecutions, but, in all such cases, the said County Attorney shall not be entitled to receive any fees or other compensation whatever for said services, and in no case shall the said County Attorney have the power to dismiss any prosecution pending in said court, unless for reasons filed and approved by the Judge said Court.

Section 9.12. CITY COUNCIL TO PRESCRIBE RULES FOR COLLECTING FEES AND COSTS:

The City Council shall, from time to time, by ordinance or resolution, prescribe such rules not inconsistent with the provisions of this Charter, nor the laws of this State, as in the discretion of the City Council may be proper to enforce, by execution against the property of the defendant the collection of all costs and fines imposed by said court , and shall also have power to adopt such rules and regulations concerning practice and procedure in said court, as said City Council may deem proper, not inconsistent , however, with the provisions of this Charter nor General Laws of this State.

Section 9.13. FINES AND COSTS TO BE PAID INTO CITY TREASURY:

All costs and fines imposed by said court, in prosecutions therein, shall be paid into the City treasury of the City for the use and benefit of the City.

Section 9.14. COSTS TO BE COLLECTED:

There shall be taxed against, and collected of, each defendant, in case of his convictions before said court, such costs as may be provided for by an ordinance or resolutions of the City, but in no case shall such ordinances or resolutions prescribe the collection of greater costs than are prescribed by law to be collected of defendants convicted before Justices of the Peace.

Section 9.15. JURY AND WITNESS FEES:

The provisions of the Code of Criminal Procedure of the State of Texas regulating the amount and collection of jury and witness fees, and for enforcing the attendance of witnesses in criminal cases tried before a Justice of the Peace, shall, so far as practicable, govern and be applicable to the trial of cases before the Municipal Court herein created and established.

Section 9.16. JUDGE MAY PUNISH FOR CONTEMPT:

The Judge of said court shall have the power to punish for contempt to the same extent and under the same circumstances as the County Judge may punish for contempt of the County Court. He shall have the power to take recognizance, admit to bail and forfeit recognizance and bail bonds, under such rules and regulations as now govern the taking and forfeiture of the same in the County Courts of this State, and to issue all processes.

Section 9.17. PROCESSES, HOW SERVED:

All processes issued out of said Municipal Court shall be served by the officer performing the duties of Chief of Police or any policeman of the City, under the same rules and regulations as are now provided by law for the service by sheriffs and constables of processes issued out of the County Courts of this State, so far as the same are applicable, but each defendant shall be entitled to at least one day's notice of any complaint against him, if such time be demanded.

Section 9.18. WRITS OF JUDGE:

Writs issued by the Judge of said court for offenses against laws of this State may be executed and the accused person or persons arrested by the person performing the duties of Chief of Police or any policeman.

Section 9.19. APPEALS:

All appeals from judgments rendered by said court shall be to the County Court in and for Bell County, to be perfected in the manner and within the time prescribed by the laws of this State.

ARTICLE 10

Franchise and Special Privileges

Section 10.1. AUTHORITY:

The City shall have exclusive dominion, control and jurisdiction over the public streets, avenues, alleys, highways, and boulevards, and public grounds of the City. No person shall acquire the right to make a special or exceptional use of public property except by franchise, license, lease or permit providing for adequate compensation or consideration to be paid to the City.

Section 10.2. FRANCHISES:

A privilege to use public streets, alleys, highways or grounds of the City on a city-wise, or substantially city-wide basis, by any telegraph, telephone, electric light, street railway, inter-urban railway, steam railway, gas company, cable television company, or any other character of public utility or service, shall be termed a "franchise." It shall be unlawful for any person, corporation or association of persons to use or occupy any public ground, for the purpose of conducting any public utility wherein service is rendered to the public for hire or charge, unless permission is first had from the City Council in the manner provided in this Charter.

Section 10.3. ORDINANCE GRANTING FRANCHISE:

An ordinance granting a franchise shall be subject to the following requirements:

- A. An ordinance granting, renewing, extending or amending a franchise must be read at three regular meetings of the City Council. Within fifteen days following the first reading of the ordinance, a summary of the ordinance shall be published once in newspaper designated as the official newspaper of the City. The expense of such publication shall be borne by the prospective franchisee.
- B. No franchise shall be granted for a term of more than 15 years from the date of the grant, renewal or extension of the franchise, except that a franchise approved by a majority of the voters voting in an election called at the discretion of the City Council, shall have a maximum term of 25 years.
- C. No franchise may be exclusive.
- D. No franchise ordinance shall vest any rights in a prospective franchisee until after the expiration of thirty days after the ordinance has been duly passed by the City Council.
- E. Grantee shall never be entitled to any payment or valuation because of any value derived from the franchise or rates charged under the franchise in determining just compensation to be paid by the City for property which the City may acquire by condemnation otherwise.
- F. Any city franchise in existence at the time of the adoption of this article shall remain in full effect, notwithstanding any contrary provision in this article.

Section 10.4 TRANSFER OF FRANCHISE:

No franchise shall be transferred, leased, or assigned, except with the approval of the City Council expressed by an affirmative vote of at least four of its members.

Section 10.5. REFERENDUM:

Pending the passage of any ordinance granting a franchise, or during the time intervening between its final passage and the expiration of the thirty days, it shall be the duty of the City Council to order an election, if requested by written petition signed by at least one hundred qualified voters of the City. Notice to the public of the election shall be made in accordance with the state laws governing notice of an election on a measure.

Section 10.6. RIGHT OF REGULATION:

In granting, amending, renewing and extending public service and utility franchises, the City reserves unto itself all the usual and customary rights, including, but not limited to, the following rights:

- A. To repeal the franchise by ordinance for failure to begin construction or operation within the time prescribed, or for failure to comply with terms of the franchise.
- B. To require all extensions of service within the City limits to become part of the aggregate property of the service and operate subject to all obligations and reserved rights contained in this Charter. Any such extensions is considered part of the original grant and terminable at the same time and under the same conditions as the original grant.
- C. To require expansion and extensions of facilities and services and to require maintenance of existing facilities to provide adequate service at the highest level of efficiency.

- D. To require reasonable standards of service and quality of product and prevent rate discrimination.
- E. To impose reasonable regulations and restrictions to insure the safety and welfare of the public.
- F. To examine and audit accounts and records and to require annual reports on local operations of the public service or utility.
- G. To require the franchise to restore, at franchisee's expense, all public or private property to a condition as good as or better than before disturbed by the franchisee for construction, repair or removal.
- H. To require the franchisee to furnish to the City, within a reasonable time, at the franchisee's expense a general map outlining current location, character, size, length, depth, height and terminal of all facilities over and under property within the City and its extraterritorial jurisdiction.
- I. To require compensation, rent or franchise fees to be paid to the City as may be permitted by the laws of the State of Texas.

Section 10.7. REGULATION OF RATES:

The City Council shall provide for the regulations of rates as provided herein:

- A. The City Council has the power to fix and regulate the rates and charges of all utilities and public services, consistent with State law.
- B. Upon receiving written request from a utility or public service requesting a change in rates, or upon a recommendation from the City that rates for services provided by or owned by the City be changed, the City Council shall call a public hearing for the consideration of the change.
- C. The City, public service or utility must show the necessity for the change by any evidence required by the City Council, including, but not limited to, the following:
 - 1. Cost of its investment for service to the City.
 - 2. Amount and character of expenses and revenues connected with rendering the service.
 - 3. Copies of any reports or returns filed with any State or Federal regulatory agency within the last three years.
 - 4. Demonstration that the return on investment, if any, is within State and Federal limitations.
- D. Franchises granted by the City are of no value in fixing rates and charges for public services or utilities within the City.
- E. If not satisfied with the sufficiency of evidence, the City Council may hire rate consultants, auditors and attorneys to investigate and, if necessary, litigate requests for rate changes, the expense of which shall be reimbursed to the City by the franchisee.

Section 10.8. STREET USE LICENSE:

A privilege to use public streets, alleys, highways or grounds of the City for purposes of private business or gain shall be termed a "street use license." An encroachment on public property may be authorized by the City Council for a term of not to exceed fifteen years, so long as the encroachment is not inconsistent with the rights of the public. Minor, temporary encroachments may be authorized by permit, for purposes such as moving articles, constructing or repairing structures, and conducting parades and festivals.

Section 10.9. CONVEYANCES:

The City Council shall have and exercise the power to convey or exchange interests in real property of the City in accordance with State law.

ARTICLE 11

Taxation

Section 11.1. POWER TO TAX:

The City Council shall have the power to levy and collect annually, for general municipal operating purposes and for the purpose of paying interest and providing a proper sinking fund for paying the outstanding bonds and other obligations of the City, issued for municipal purposes, and any such future bonds or obligations which may be authorized , an ad valorem tax of not exceeding \$1.20 on the \$100.00 assessed valuation of taxable property, subject to taxation by the City, as set by the Chief Appraiser of the Central Texas Tax Appraisal District, and provided by State law, or in such other manner as may hereafter be permitted by State law.

Section 11.2. THE CITY COUNCIL SHALL PASS TAX ORDINANCES:

The City Council shall each year pass a tax levying ordinance in the manner provided for under State law.

Section 11.3. PROPERTY LIABLE FOR TAXES:

All real and personal property not expressly exempted by State law, owned or situated in the City, shall be liable for all taxes due by the owners may reside. All personal property, not exempted by State law, may be levied upon, seized and sold by the person performing the duties of Tax Collector, or such other officer as may be designated by the City Council, for any taxes that may be due by the owner thereof, without further warrant of authority than production of his tax record, which sale, when made, shall convey a prima facie title to the purchaser thereof , or the amount of tax due by any person upon personal property not exempted by State law may be sued for in any court having jurisdiction and a personal judgment may be recovered against any delinquent taxpayer.

Section 11.4. LIEN FIXED AGAINST PROPERTY FOR TAXES:

The tax levy by the City is hereby declared to be a lien on the real and personal property on which such tax is levied and assessed.

Section 11.5 DUTY OF PROPERTY OWNER TO RENDER HIS PROPERTY AT CHIEF APPRAISER'S OFFICE:

It shall be the duty of every person owning or holding property in the City to make and render the Chief Appraiser, at his office in Bell County annually, prior to May first each year, a full and complete inventory of all real and personal property, not exempted by State law so owned or held by him. All property, real and personal, subject to taxation, shall be rendered and listed in the manner prescribed by the general laws of this State in regard to general taxation where applicable, unless provision is otherwise especially made therefor herein.

Section 11.6. OWNER FAILING OR REFUSING TO INVENTORY OR RENDER PROPERTY FOR TAXATION:

All property which the owner thereof failed or refused or fails or refuses to inventory and render for any year or years prior or subsequent to the adoption of this Charter, shall be by the Chief Appraiser inventoried rendered and assessed for taxes for the year or years for which the same was not so inventoried or rendered by the owner thereof, and such Chief Appraiser shall have the right and it shall be his duty at any time to revise and correct any inventory and properly describe any property incorrectly inventoried, described, rendered or assessed , for any year, without the necessity of giving notice to the owner thereof, and such inventory, rendition, and assessment when revised or corrected, and so made shall be as valid and effective as if on the assessment sheets or tax records, and as if regularly and duly inventoried and rendered by the owner thereof for such year or years and assessed by the Chief Appraiser, and said tax records and assessment sheets shall be prima facie evidence that such property was regularly and duly inventoried, rendered and assessed in all respects, as if done duly and regularly by the owner in the first instance; provided, however, that the valuation as approved by the Appraisal Review Board, provided for in this Charter, shall not be changed; and provided further that if such assessment sheets and tax records are vague and indefinite, the City may, in any suit, show by evidence other than assessment sheets and tax records the identity of the property intended to be inventoried, rendered and assessed and on which the tax is due, who owns the property , and that the taxes on the same are due and unpaid, and may enforce and foreclose the tax lien on such property as provided by law and this Charter.

Section 11.7 DEFINITION OF PROPERTY:

The definition of property and terms as defined by the general laws of this State under the head of taxation shall apply to the property in and tax of the City, and all property subject to taxation as prescribed by the general laws of this State, except as herein especially exempted shall be subject to taxation by the City.

Section 11.8. TAXES PAYABLE IN FUNDS OF UNITED STATES:

That all add valorem taxes due or becoming due on real and personal property, not exempted from taxation by State law and upon franchises granted by the City to individuals, associations, or corporations, and all license taxes, occupation taxes, if any, and all fines, forfeitures, penalties and other dues or taxes accruing to the City shall be collectible and payable only in current money or current funds of the United States.

Section 11.9. LICENSE FEES:

That the City Council shall have the power to license and tax every person, firm, association or corporation engaging in any trade, profession, business, calling, avocation or occupation, as are, or may be taxed or licensed by the laws of this State, but no license tax levied under this section shall exceed one-half the amount levied by the State for the same period on such trade, profession or occupation, and the same shall be regulated, levied and collected in the same manner as said taxes are regulated, levied and collected by the State of Texas.

Section 11.10. PAYMENT OF LICENSE TAX, PREREQUISITE TO ENGAGING IN BUSINESS:

That all license or occupation taxes shall be paid to the Director of Finance by each and every person, firm, association or corporation engaging in any trade, profession, business, calling, avocation or occupation above mentioned, before engaging therein, who shall take his receipt therefore, which receipt shall be deemed a lawful license for the pursuit of the occupation and for the time therein indicated; and if any person shall engage in any business, calling, avocation or occupation, trade or profession, which by ordinance of the City is subject to a license or occupation tax, without first having obtained said license or occupation tax, he, she or they shall be liable to arrest and to a fine to be fixed by ordinance, for each and every day such violation of said ordinance may continue, and all ordinances passed in pursuance hereof shall specify that each day shall constitute a separate offense. This section shall apply to all persons owing licenses and failing to pay the same, and the City Council may make such further regulations as it deems necessary to enforce this provision and to punish persons violating any of the provisions hereof.

Section 11.11. COLLECTION OF DELINQUENT TAXES:

It shall be the duty of the City Council to press vigorously the collection of all delinquent taxes which have accrued to the City and are due and unpaid and not barred by the statutes of limitation, as prescribed by the Constitution or laws of the State of Texas. The City Council shall cause suits to be filed for the collection of delinquent taxes whenever, in its opinion, such suits are desirable or necessary to effect the collection as prescribed by the laws of the State of Texas relating to suits to recover delinquent taxes.

Section 11.12. SUITS TO RECOVER DELINQUENT TAXES:

The City shall have the right to file any and all suits in the Courts of the State necessary for the collection of all delinquent taxes due the City and for foreclosure of tax liens on all property subject thereto, all in accordance with the laws of the State of Texas governing tax suits.

Section 11.13. TAX SUITS PROCEDURE:

The filing of suits by the City for the collection of delinquent taxes and the foreclosure of tax liens on property subject thereto, and sale of such property under foreclosure and all process, writs and conveyances issued out of or made in connection with said suits, including tax deeds, shall be in full accordance with the procedure governing tax suits prescribed by the laws of the State of Texas.

Section 11.14. SHERIFF OR OTHER OFFICER TO MAKE CONVEYANCE:

In all cases in which property is sold under foreclosure in suits filed by the City for the collection of delinquent taxes, the Sheriff or other officer selling the same under execution or other process shall execute and deliver a deed or deeds conveying such property to the purchaser, in full accordance with the procedure prescribed by the laws of the State of Texas in such cases, and such deed or deeds shall be efficient to vest a good marketable title to said property in the purchaser thereof.

Section 11.15. ATTORNEYS FEES TO BE ASSESSED AS COSTS:

The City Attorney or other officer designated therefor by the City Council shall represent the City in all suits against delinquent taxpayers. Attorney fees shall be assessed, in full, in accordance with the procedures prescribed by the laws of the State of Texas.

Section 11.16. TAX RECORDS, PRIMA FACIE EVIDENCE:

For the taxes due on any property for any and all years, either the tax records or a statement of the taxes due on any property made from said records, certified to and signed by the Tax Collector of the City, shall be prima facie evidence that the tax on the property is due, that the facts stated therein are true, and that all pre-requisites required by law pertaining to the levying and assessing of taxes and the rendition of the property therefor on which the suit is brought for the taxes due have been complied with .

Section 11.17. CITY COUNCIL MAY WAIVE PRINCIPAL AND INTEREST ON TAXES ACCORDING TO THE LAWS OF THE STATE OF TEXAS ON UNRENDERED RECORDS:

The City Council may, in its discretion, reduce taxes assessed on any unknown and unrendered records where the assessed values are higher than that set forth in the regular system of valuation employed by the City for like property.

Section 11.18. TAXES, DUE DATE, PENALTY, INTEREST:

All taxes, except occupation and license taxes, assessed and due for any year, shall accrue and be payable on the first day of October of such year. If such taxes are not paid in full on or before the 31st day of January following, the unpaid portion thereof shall become delinquent and subject to all costs, penalties and interest provided in this Charter and permitted to Home Rule Cities under the laws of the State of Texas. The City Council is prohibited from extending the time of the payment of any taxes, and no officer or employee of the City may remit, discount or compromise any tax alleged to be due the City, except in accordance with the provisions of this Charter.

Section 11.19. OFFICERS AND EMPLOYEES OWING DELINQUENT TAXES INELIGIBLE TO SERVE CITY:

No person shall be eligible to hold any office under this Charter, nor shall any person be paid any salary, fee claim or sum due by the City who is in arrears or due and owing the City any sum of money for taxes or otherwise. The failure of any official or employee of the City to pay all arrearages of taxes or other debts due the City, after ten days notice from the Director of Finance of such arrearages, shall automatically cause the office, position or employment of such debtor to become vacant. Such officer, official or employee, in case of disputed claims may pay the same under protest and suspend the provisions hereof until a final adjudication of the claim.

Section 11.20. DISCOUNTS ON AD VALOREM TAXES PAID IN ADVANCE:

All taxpayers shall be allowed discounts for the payment of taxes due to the City, said discounts to be allowed under the following conditions:

- (a) Three (3) percent discount on ad valorem taxes due, if such taxes are paid in October of the year for which such taxes are due.
- (b) Two (2) percent discount on ad valorem taxes due, if such taxes are paid in November of the year for which such taxes are due.
- (c) One (1) percent discount on ad valorem taxes due, if such taxes are paid in December of the year for which taxes are due.

Section 11.21. PREPARATION OF DELINQUENT TAX NOTICE:

As soon as practicable after the 31st day of January of each year the Collector of Taxes shall prepare a notice for each property owner owing delinquent taxes showing the following:

- (a) The name and address of the property owner.
- (b) The description of the property.
- (c) The years for which that taxes are delinquent.

(d) The amount of delinquent taxes due.

(e) The amount of costs, penalty and interest accruing thereon until paid. Said notice shall be mailed to each taxpayer, respectively, owing delinquent taxes as soon as possible after thirty first day of January of each year and it shall not be necessary for the City to give any other notice of such delinquency.

Section 11.22. SUIT TO ENFORCE PAYMENT OF DELINQUENT TAXES ON PERSONAL PROPERTY NOT EXEMPTED BY STATE LAW:

If the owner of any personal property not exempted from taxation by the State law fails pay the taxes due thereon for any year, the City Council shall enforce collection by suit in all cases where collection probably can be made.

Section 11.23. DESCRIPTION OF PROPERTY:

Any and all description of real estate, blocks, outlots, lots or any parts or fractions thereof, and all personal property not exempted from taxation by State law and any and all dates, years, valuations, taxes, numbers, quantities or amounts contained in any tax record, personal tax record, or description contained in any record for the purpose of assessing property, shall be sufficient and valid when made or stated in whole or part in abbreviations or contractions of words, letters, characters or figures; and when so made or stated shall be deemed and held to be fully and fairly made and stated as though the same had been written out in full. No error or irregularity in any assessment record, tax record or any other document relating to the inventory, rendition, levy assessments, equalization or collection of the taxes of the City, or failure to publish the Delinquent Tax record, shall in any manner affect or impair the validity of any tax, or effect the proceeding for the collection thereof; but every assessment shall be liberally construed to affect the purpose and objects of this Article in determining the validity thereof.

Section 11.24. TAX RECORD:

It shall be the duty of the Tax Collector of the City to maintain at all times a cumulative record of all the taxes due to the City, to the end that taxes due on any lot, tract or parcel of land situated in the City may be quickly ascertained by examination of such Tax Record.

Section 11.25. TAX CERTIFICATE:

Upon request of any person, firm or corporation, the Tax Collector shall furnish a tax certificate showing the status of taxes due the City upon any lot, tract or parcel of land, or group of lots, tracts and parcels of land contiguous to each other under the same ownership, for the year preceding the year in which the request is made back to and including the year in which the statutes of limitation begin to run. The Tax Collector shall collect the amount authorized by the laws of the State of Texas for tax certificates to be deposited in the general revenues of the City. The City shall not be liable to the owner or any other person for errors or omissions in such certificates.

ARTICLE 12

Fiscal Year Budget System

Section 12.1. FISCAL YEAR BUDGET

The fiscal year of the City shall begin on the first day of October and end on the last day of September of the next succeeding year. The fiscal year shall also constitute the budget and accounting year.

Section 12.2. SUBMISSION OF BUDGET AND BUDGET MESSAGE:

On or before the 1st day of August of each year, the City Manager shall submit to the City Council, by filing with the Director of Finance, a budget for the upcoming fiscal year and an accompanying message.

Section 12.3. BUDGET MESSAGE:

The City Manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies for the City for the upcoming fiscal year, describe the important feature of the budget, indicate any major changes from the current year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the City's debt position and include such other material as the City Manager deems desirable.

Section 12.4. BUDGET:

The budget shall provide a complete financial plan of all the City funds and activities for the upcoming year and, except as otherwise required by State law or this Charter, shall be in such form as the City Council may require. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed expenditures, including debt service, for the upcoming fiscal year; and shall be arranged as to show comparative figures for actual and estimated income and expenditures for the preceding fiscal year. It shall indicate in separate sections :

- (1) The proposed goals, objectives, and expenditures for current operations during the upcoming fiscal year, detailed for each fund by departmental unit, and activity; and the method of financing such expenditures;
- (2) Proposed capital expenditures during the upcoming fiscal year, detailed for each fund by department, and the proposed method of financing each such capital expenditure; and
- (3) The anticipated income and expense for each utility or enterprise fund operated by the City.

For any fund, the total proposed expenditures shall not exceed the total of estimated income plus carried forward fund balance, exclusive of reserves.

Section 12.5. PUBLIC HEARING ON BUDGET AND PROPOSED APPROPRIATIONS:

The Budget shall be filed with the Director of Finance not less than thirty days prior to passage of an ordinance levying taxes by the City Council. At the next regular meeting of the City Council after the budget is submitted by the City Manager to the City Council, by filing it with the Director of Finance, the said City Council shall set the time and place of a public hearing on the budget and shall cause to be published a notice of the hearing setting forth the time and place thereof at least fifteen days before the date of the hearing. The City Council shall also cause copies of the proposed budget to be made available for inspection by interested citizens in the Office of the Director of Finance, and a copy of such proposed budget shall be furnished by the Director of Finance to each newspaper in the City.

At the time and place set forth in the notice of such public hearing, the City Council shall hold a public hearing on the budget submitted, and all interested persons shall be given an opportunity to be heard for or against any item or the amount of any item therein contained.

At such public hearing, or as soon thereafter as practicable, but in no event later than the fifteenth day of September of each year, the City Council shall adopt the budget and the appropriation ordinances hereinafter provided shall be passed to enable the Director of Finance to prepare the tax records for the calendar year.

Section 12.6. APPROPRIATION ORDINANCES:

Upon final approval of the proposed budget after the public hearing, and in no event later than the fifteenth day of September each year, the City Council shall pass an ordinance or resolution approving the budget. At the same meeting or thereafter the City Council shall pass an ordinance levying taxes for the following fiscal year, and appropriating funds to pay the liabilities disclosed by the approved budget. Such ordinance shall contain provision for the issuance of deficiency warrants, if necessary, to defray the current expenses of the City during the ensuing fiscal year, in such amounts and at such times as shall be necessary in the judgment of the City Council. Such deficiency warrants may bear such interest as is required to obtain the funds for such purpose at the lowest rate obtainable.

Section 12.7. TRANSFER OF FUNDS:

Upon request of the City Manager and for good cause shown, the City Council may pass resolutions transferring appropriations granted to one department to another for some object covered by the budget, only in cases of grave public necessity may the City Council adopt a resolution making emergency expenditures to meet unusual and unforeseen conditions, which could not, by reasonable diligent thought and attention, have been included in the budget, which resolution shall set forth the grave public necessity and amend the budget in such particulars.

ARTICLE 13

Bonds

Section 13.1. AUTHORITY TO BORROW MONEY AND ISSUE BONDS FOR PERMANENT IMPROVEMENTS:

The City shall have the power and authority to borrow money on the credit of the City for permanent improvements, for public buildings, furniture, fixtures, equipment and necessary articles of personal property of any kind, class and character, for Municipal purposes, for the re-paving of streets, avenues, alleys and public grounds, and for the purpose of providing funds, for the acquisition of lands, within or without the City limits, to be used as City parks and playgrounds, and to provide for the raising, grading, filling, terracing and landscape gardening of such grounds, erecting buildings and other structures thereon, for establishing walks and paving driveways around, in and through such yards and playgrounds, and for any and all other purposes where authority therefor is granted to Home Rule Cities under the constitution and Laws of the State of Texas; and the City may issue bonds for all or any of the above of the purposes, provided the aggregate amount of bonds not including revenue bonds, the payment of which is pledged by the revenues of the Water and Sewer Department, or any other public utility owned by the City, shall never exceed the percentage of the assessed value of the property, real, personal, and mixed, in the City subject to ad valorem taxes, as is provided by the Constitution and Laws of the State of Texas.

Section 13.2. INTEREST AND SINKING FUND:

No bonds shall ever be issued by the City unless at the same time provision is made to assess and collect annually a sufficient sum to pay the interest thereon and creating a sinking fund of at least two and one-half per cent thereon. If the bonds as issued become due serially, provision shall be made to assess and collect annually a sufficient sum to pay interest on all unpaid bonds and the principal of such bonds as mature each year.

Section 13.3. ISSUANCE OF BONDS MUST BE APPROVED BY VOTERS:

Except as otherwise provided by State law, no bonds shall be issued by the City for any purpose unless the issuance of the same have first been approved by a majority of the registered voters of the City voting in an election called for such a purpose by the City Council, in accordance with the laws of the State of Texas governing the holding of municipal bond elections.

Section 13.4. ORDINANCE AUTHORIZING ISSUANCE, PROVISIONS OF:

The ordinance authorizing any bonds to be issued shall provide for the creation of a sinking fund sufficient to pay the bonds at maturity, and make provision for the payment of the interest thereof as it matures, and said sinking fund shall be invested as provided by State law, and neither interest nor sinking fund shall be devoted to any other purpose whatsoever. If the bonds are issued to mature serially, provision shall be made to assess and collect a sum yearly sufficient to pay the numbers of bonds maturing in such year and interest on all unpaid bonds of that issue.

Section 13.5. DIVERSION OF INTEREST AND SINKING FUNDS:

Any officer or employee of the City who shall willfully or knowingly divert or use the interest and sinking funds for any other purpose except that for which the fund is created or in this Article expressly authorized to be invested, shall be subject to prosecution as provided under the general laws of the State for the diversion and conversion of funds belonging to any of the municipalities of this State.

ARTICLE 14

Elections

Section 14.1. TIME OF HOLDING:

In each year that a regular municipal election of the City is held pursuant to Article 4, Section 4.2 of this Charter, the election shall be held on the first Saturday in May.

Section 14.2. ELECTION LAWS CONTROL:

All elections provided for in this Charter, except the regular election to be held on the first Saturday in May, shall be called Special Elections, and all elections shall be conducted and the results canvassed and announced by the Election Authorities as prescribed by the general laws of the State of Texas, and said Texas Election Laws shall control in all municipal elections of the City, except as otherwise provided herein.

Section 14.3. VOTING PRECINCTS:

The voting precincts for the City shall be established and designated from time to time by ordinance.

ARTICLE 15**General Provisions****Section 15.1. AMENDMENTS TO THE CHARTER:**

This Charter, after its adoption by the registered voters of the City, may be amended in accordance with the provisions of the applicable laws of the State of Texas.

Section 15.2. ORDINANCES CONTINUED IN FORCE:

All ordinances and resolutions in force at the time of the taking effect of this Charter, not inconsistent with its provisions, shall continue in full force and effect until amended or repealed.

Section 15.3. CONTINUANCE OF PRESENT OFFICERS:

All persons holding office at the time this Charter is adopted shall continue in office and in the performance of their duties until provisions shall have otherwise been made in accordance with the provisions of this Charter for the performance of the duties of or the discontinuance of any such office. When such provision shall have been made, the term of any such officer shall expire and office be abolished. The powers which are conferred and the duties which are imposed upon any officer, Board or Department of the City under the laws of this State shall, if any such officer, Board or Department is abolished by this Charter, be thereafter exercised and discharged by the officer, Board or Department upon whom are imposed corresponding functions, duties and powers under the provisions of this Charter.

Section 15.4. CONTINUANCE OF CONTRACTS AND VESTED RIGHTS:

All vested rights of the City shall continue to be vested and shall not in any manner be affected by the adoption of this Charter, unless otherwise herein expressly provided to the contrary. All contracts entered into by the City or for its benefit prior to the taking of effect of this Charter shall continue in full force and effect. All public work begun prior to the taking effect of this Charter shall be continued and perfected hereunder.

Section 15.5. CONSTRUCTION:

The provisions of this Charter shall be liberally construed for the purpose of obtaining the objects thereof.

Section 15.6. MALES AND FEMALES:

Throughout this Charter words used expressing masculine gender shall be construed to include the feminine.

Section 15.7. SEVERABILITY:

Should any Article or Section of this Charter be declared to be unconstitutional or illegal for any reason, the same shall not effect the validity of the remaining Articles and Sections hereof and the same shall continue in full force and effect.

Version dated January 29, 2004.