

**HOME RULE CHARTER**

of the

City of Alpine, Texas

ADOPTED May 1, 1993

AMENDED MAY 1995  
SECTION 3.05 COMPENSATION (B)  
SECTION 9.07

AMENDED MAY 7, 2005  
SECTION 2.04 ANNEXATION PROCEDURES  
SECTION 9.04 CLAIMS AGAINST THE CITY  
SECTION 10.05 REDISTRICTING  
SECTION 5.06 (D) TRANSFER BALANCES

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**of**  
**THE CITY OF ALPINE, TEXAS**

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## **ARTICLE I INCORPORATION AND FORM OF GOVERNMENT**

### **Section 1.01 Incorporation**

The inhabitants of the City of Alpine, Brewster County, Texas, residing within its corporate limits as now established or as hereafter established, shall continue to be a municipal body politic and corporate in perpetuity under the name "City of Alpine", hereinafter referred to as the "City".

### **Section 1.02 Form of Government**

The municipal government provided by this Charter is the "Council-Manager" form of government. All powers of the City shall be vested in an elective body, hereinafter referred to as the "City Council" or "Council", and further described in Article III of this Charter. The City Council shall exercise the powers described herein, subject only to the limitations imposed by the Constitution and laws of the State of Texas.

### **Section 1.03 Boundaries**

The boundaries of the City at the time this Charter is adopted are those that have previously been legally established. The boundaries may be changed either through annexation or disannexation as described in Article II, Sections 2.03 through 2.05 of this Charter.

## **ARTICLE II POWERS OF THE CITY**

### **Section 2.01 General Powers**

- (A) The City shall have all powers, except as limited by this Charter, granted to municipal corporations and to cities under a home-rule Charter by the Constitution and general and special laws of the State of Texas, together with all the implied powers necessary to carry into execution all the powers granted.
- (B) The following particular powers are examples of the powers possessed by the City:

- (1) to acquire property by purchase, gift, devise, lease, or

- condemnation;
- (2) to sell, lease, mortgage, and control such property as its interests may require;
  - (3) to sue and be sued;
  - (4) to regulate, develop, and improve streets and public property;
  - (5) to provide for a public water system and to fix, by ordinance, the charges and compensation to be charged by the City for public water service;
  - (6) to provide for a sanitary-sewer system and to establish, by ordinance, the compensation to be charged and rules for connection to and use of the sanitary-sewer system;
  - (7) to provide for the handling and disposition of all garbage, trash, rubbish, and hazardous waste, and to fix, by ordinance, the compensation to be charged for these services;
  - (8) to provide, by ordinance, land use and development regulations to include but not limited to: zoning and subdivision regulations, alleviation or prevention of slums and other conditions of deterioration, and achievement of the most appropriate use of land resources.
- (C) The enumeration of particular powers by this Charter shall not be judged to be exclusive, and, in addition to any powers enumerated or implied herein, it is intended that the City shall have and may exercise all the powers which it would be competent for this Charter to enumerate specifically.

## **Section 2.02 Eminent Domain**

The City shall have the full power to exercise the right of eminent domain, when necessary to the conduct of public affairs, within the authority and scope conferred by this Charter or by the Constitution and laws of the State of Texas. Such authority shall include the obligation to pay adequate compensation and the right to take the fee in land so condemned and to institute condemnation proceedings for municipal or public purposes even though not specifically enumerated herein.

### **Section 2.03 Alteration and Extension of Boundaries**

The City shall have the power to provide for the alteration and extension of its boundaries, and to annex or detach territories pursuant to the authority conferred by the Constitution and laws of the State of Texas. Annexation is restricted to area adjacent to the City and within the City's extraterritorial jurisdiction, except where the City owns the area to be annexed. Annexation may be initiated by either of the following methods:

- (A) by petition of a majority of the qualified voters who are inhabitants of an area defined by the City Council, or if there are no qualified voters who are inhabitants of the area, by petition of persons owning a majority of the land in the area; or
- (B) by action of the City Council, with or without the consent of the inhabitants or owners of the territory to be annexed.

### **Section 2.04 Annexation Procedures**

All annexations by the City, whether by action of the City Council or by petition shall be undertaken in strict compliance with State law, including Chapter 43 of the Texas Local Government Code.

### **Section 2.05 Disannexation**

- (A) If the City fails to provide the services specified in the service plan within the time period specified in the service plan or required by State law, a majority of the qualified voters residing within the annexed area may petition the Council to be disannexed.
- (B) If the petition is refused by the Council, or not acted upon within sixty (60) days, the petitioners may file suit for disannexation in the District Court.
- (C) The City Council may, by ordinance, disannex territory within the City. Any territory so detached shall be liable for its prorata share of any debts incurred while it was a part of the City, and the City shall continue to levy and collect taxes on the property until such indebtedness has been discharged. Disannexation actions are subject only to such procedural rules as may be prescribed by State law.

## **ARTICLE III THE CITY COUNCIL**

### **Section 3.01 Number, Selection, and Terms of Office**

- (A) The legislative and governing body of the City shall consist of a Mayor and five (5) Councilmembers and shall be known as the "City Council of the City of Alpine".
- (B) Councilmembers shall be elected from districts. Places on the Council shall correspond to five (5) single-member districts. Only eligible voters registered in districts 1, 2, 3, 4, and 5 may vote for places 1, 2, 3, 4, and 5, respectively.
- (C) The Mayor shall be elected from the City at large by direct vote of the citizens.
- (D) The Mayor and Councilmembers for places 2 and 4 will be elected in even-numbered years. Councilmembers for places 1, 3, and 5 will be elected in odd-numbered years. The Mayor and Councilmembers will be elected for two-year terms.
- (E) Any person who has served on the City Council during three (3) consecutive terms will be ineligible to occupy any position on the Council for a period of two (2) years. A partial term of less than one (1) year will not count in determining the number of consecutive terms. Any person who has not served on the Council during the previous two consecutive years shall be eligible to serve under the same conditions as and with no more restrictions than a person who has never served on the Council.

### **Section 3.02 Qualifications**

- (A) Each member of the City Council and the Mayor, in addition to other qualifications prescribed by the laws of the State of Texas, shall
  - (1) be a qualified voter of the City;
  - (2) reside within the corporate limits of the City if a candidate for Mayor or within the district for which they are a candidate if a candidate for Councilmember.
  - (3) not hold any other office or employment under the City



government.

(B) If the Mayor or a member of the City Council shall cease to possess any of these qualifications or shall cease to reside in the City or in the district from which they were elected or shall be convicted of a felony or is absent from three (3) consecutive regular Council meetings without being excused by the Council, he or she shall immediately forfeit the office.

(C) The Council is to be the sole judge of its members' qualifications. A majority vote of the elected members of the Council in regular session is required to declare the office forfeited.

### **Section 3.03 Mayor and Mayor Pro Tem**

(A) The Mayor shall preside at meetings of the Council and shall be recognized as head of the City government for all ceremonial purposes and by the Governor for purposes of military law, but shall have no administrative duties.

(B) The Council shall elect from among its members a Mayor Pro Tem who shall act as Mayor during the absence or disability of the Mayor.

(C) The Mayor, or the Mayor Pro Tem while presiding over the Council in the absence of the Mayor, shall vote only in the case of a tie except to pass an ordinance when the voting membership of the Council is reduced below five (5) owing to one or more absences and/or vacancies and/or abstentions. Neither the Mayor nor the Mayor Pro Tem shall have the power of veto.

### **Section 3.04 General Powers and Duties**

All powers of the City shall be vested in the Mayor and Council except as otherwise provided by law or this Charter. The Council shall provide for the exercise of such powers and for the performance of all duties and obligations imposed on the City by law.

### **Section 3.05 Compensation**

(A) The Council shall determine the annual salary of the Mayor and Councilmembers by ordinance. No ordinance increasing such salary shall become effective until the date of the commencement of the terms of those elected at the next regular election following by six (6) months or more the adoption of the ordi-

nance.

- (B) If any member of the Council is absent from a regularly scheduled meeting of the Council without being excused by the Council, that member shall forfeit fifty (50) percent of his or her monthly compensation for each such absence, not to exceed one hundred (100) percent in any one month. If a member is excused from a regularly scheduled meeting, the reason for the absence shall be reported by the Mayor or acting Mayor at the meeting at which the absence occurs, or at the following regularly scheduled meeting, and recorded in the minutes.
- (C) The Mayor and Councilmembers shall receive reimbursement for actual and necessary expenses incurred in the performance of their duties.

### **Section 3.06 Vacancies**

A vacancy occurring in the Council shall be filled by a person having the qualifications required of a person filing for the office vacated, and selected in the manner prescribed below.

- (A) If a single vacancy occurs, the Council shall appoint a successor to serve until the next regular City election.
- (B) If two or more vacancies shall occur at one time, a special election shall be called in compliance with the Texas election code to elect successors to fill the unexpired terms unless such vacancies occur within one hundred twenty (120) days preceding a general City election, in which case no special election will be called. In that event, or if State law prohibits a special election before the next general City election, the remaining Councilmembers shall by a majority vote fill such vacancies. The persons so selected shall serve only until the next general City election, when such vacancies shall be filled, as in the case of an original election, for the remainder of the unexpired terms.
- (C) In the event the office of Mayor shall be vacated, the Mayor Pro Tem shall become Mayor for the remainder of the unexpired term. Should the Mayor Pro Tem not accept the vacated office of Mayor, it shall be filled in the manner prescribed for a single vacancy on the Council.

### **Section 3.07 Meetings**

- (A) The City Council shall hold at least two regular meetings in each month except December, when at least one regular meeting shall be held, at a time to be fixed by it for such regular meetings, and may hold as many additional meetings as may be necessary for the transaction of the business of the City and its citizens.
- (B) The Mayor shall, with three of the Councilmembers, constitute a quorum. In the absence of the Mayor, any four of the Councilmembers shall constitute a quorum. If, because of one or more vacancies, the Council comprises less than six (6) members, sixty (60) percent of the membership shall constitute a quorum. At any meeting at which both the Mayor and Mayor Pro Tem are absent, the quorum may appoint any Councilmember to preside as acting Mayor.
- (C) All meetings of the Council shall be open to the public except as provided by law.
- (D) All meetings of the Council shall be held at the City Hall, except that the Council may designate another place for such meeting by specifying the location on the notice of such meeting, posted in conformance with the Texas Open Meetings Act and any other applicable State law(s).
- (E) Special meetings of the Council shall be called by the City Secretary upon the written request of the Mayor and/or any three (3) members of the Council.

### **Section 3.08 Rules of Procedure**

The City Council shall determine by ordinance its own rules of procedure and order of business. Minutes of all meetings of the Council, including the results of all votes, shall be taken and recorded. Such minutes shall constitute a permanent record to which any citizen may have access at all reasonable times.

### **Section 3.09 Official Bonds for City Employees**

The Council shall be required to maintain fidelity bonds on all municipal officers and employees of the City. The amount of such bonds and types of coverage shall be determined by the Council and the cost shall be borne by the City.

### **Section 3.10 Interference with Administration**

Neither the Council nor any of its members shall instruct or request the City Manager or any of the City Manager's subordinates to appoint to or remove from office or employment any person except with respect to those offices which are to be filled by appointment by the Council under the provision of this Charter. Except for the purpose of inquiry and investigation or as otherwise expressly provided in this Charter, the Council shall deal with the administrative services of the City solely through the City Manager and shall not give orders to any of the City Manager's subordinates either publicly or privately, except with the City Manager's specific approval.

### **Section 3.11 Investigation by the City Council**

The City Council shall have power to inquire into the official conduct of any office, department, agency, officer, or employee of the City, and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths and compel the production of books, papers, and other evidence material to the inquiry. The Council shall provide by ordinance penalties for contempt in failing or refusing to obey any such subpoena or to produce any such books, papers, or other evidence, and shall have the power to punish any such contempt in the manner provided by such ordinance.

### **Section 3.12 Audit and Examination of City Books and Accounts**

- (A) The City Council shall cause an annual audit to be made of the books and accounts of each department of the City. At the close of each fiscal year, a complete audit shall be made by a certified public accountant or a firm of certified public accountants, who shall be selected by the Council not more than sixty (60) nor less than thirty (30) days prior to the end of the fiscal year, and who shall have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers.
- (B) Such audit shall include a recapitulation of all internal audits made during the course of the fiscal year.

(C) All audit reports shall be filed with the City Council and shall be made a part of the archives of the City.

(D) All audits so authorized by the City Council shall be performed in accordance with written audit contracts. Such contracts shall state the period to be covered, the funds involved, the purpose of the audit, the fee to be charged, and the authority to be used in determining presentation and accounting standards.

### **Section 3.13 Action Requiring an Ordinance**

In addition to other acts required by law or by specific provisions of this Charter to be enacted by ordinance, those acts of the Council shall be by ordinance which:

(A) adopt or amend any code of technical regulations or establish, alter, or abolish any City departments, office, or agency;

(B) provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;

(C) levy taxes, except as otherwise provided in Article V with respect to the property tax levied by adoption of the budget;

(D) grant, renew, or extend a franchise;

(E) regulate the rate charged for its services by a public utility;

(F) authorize the borrowing of money to meet a public emergency as provided in Article V, Paragraph 5.06 (B);

(G) convey or lease or authorize the conveyance or lease of any lands of the City of Alpine;

(H) adopt ordinances proposed under the initiative power as provided in Article VII; and

(I) amend or repeal any ordinance previously adopted except as otherwise provided in Article VII with respect to the repeal of ordinances reconsidered under the referendum power.

### **Section 3.14 Ordinances in General**

(A) Form

- (1) Every proposed ordinance shall be introduced in writing and in the form required for final adoption.
- (2) Every ordinance shall contain only one subject, which shall be clearly expressed in its title.
- (3) The enacting clause shall be "Be it ordained by the City of Alpine. . .".
- (4) Any ordinance which repeals or amends an existing ordinance or a part of a City code shall set out in full the ordinance, sections, or subsections to be repealed or amended, and shall indicate the matter to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matter by underscoring or by italics.

(B) Procedure

- (1) An ordinance may be introduced by any member of the Council at any regular or special meeting of the Council.
- (2) Upon introduction of any ordinance, the City Secretary shall:
  - (a) distribute a copy of the ordinance to each member of the Council and to the Manager;
  - (b) file a reasonable number of copies in the office of the City Secretary and such other public places as the Council may designate; and
  - (c) publish the ordinance together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.
- (3) The public hearing shall follow the publication by at least five (5) days, may be held separately or in connection with a regular or special Council meeting, and may be adjourned from time to time; all persons interested shall have an opportunity to be heard.
- (4) After the hearing the Council may adopt the ordinance with

or without amendments or reject it; adoption of an ordinance requires that at least three (3) members vote in favor of the ordinance. If the ordinance is amended as to any matter of substance, the Council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures required in the case of a newly introduced ordinance.

(5) As soon as practicable after adoption of any ordinance, the City shall have it published again together with a notice of its adoption.

(C) Effective Date Unless otherwise provided, every ordinance shall become effective at the time of publication of notice of the adoption or at any later date specified therein.

(D) "Publish" Defined As used in this Section, the term "publish" means to print in one or more newspapers of general circulation in the City:

(1) the ordinance or a brief summary thereof, and

(2) the places where copies of it have been filed and the times when they are available for public inspection.

### **Section 3.15 Code of Technical Regulations**

(A) The Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:

(1) the requirements of Section 3.14 for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations, as well as of the adopting ordinance, and

(2) a copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the City Secretary pursuant to Section 3.17 of this Article.

(B) Copies of any adopted code of technical regulations shall be made available by the City Secretary for distribution or for purchase at a reasonable price.

### **Section 3.16 Emergency Ordinances**

(A) To meet a public emergency, as defined by State law, the Council may adopt one or more emergency ordinances. Such ordinances may not:

- (1) levy taxes;
- (2) grant, renew, or extend a franchise;
- (3) regulate the rate charged by any public utility for its services; or
- (4) authorize the borrowing of money except as provided for in Paragraph 5.06 (B) of this Charter.

(B) An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.

(C) An emergency ordinance may be adopted with or without amendment, or rejected, at the meeting at which it is introduced. The affirmative vote of four (4) members of the Council shall be required for adoption.

(D) Every emergency ordinance except one made pursuant to Paragraph 5.06 (B) of this Charter shall automatically stand repealed as of the sixty-first (61st) day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this Section if the emergency still exists.

### **Section 3.17 Authentication and Recording**

The Mayor and the City Secretary shall authenticate by signature and have recorded in full in a properly indexed book kept for the purpose all ordinances and resolutions adopted by the Council.

## **ARTICLE IV CITY ADMINISTRATION**



#### **Section 4.01 City Manager**

- (A) The Council shall upon approval of a majority of the full City Council appoint a City Manager who shall be the chief administrative and executive officer of the City, and shall be responsible to the Council for the administration of the affairs of the City.
- (B) The City Manager shall be chosen by the Council solely on the basis of executive and administrative training, experience, and ability.
- (C) The City Manager shall be appointed for an indefinite term and receive compensation as may be fixed by the Council.
- (D) No member of the Council shall, during the time for which he or she is elected, nor for one (1) year thereafter, be appointed City Manager.
- (E) The Council may by affirmative vote of the a majority of the full City Council adopt a resolution removing the Manager from office. The action of the Council in removing the Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such removal in the City Council.
- (F) The City Manager may, by letter filed with the City Secretary and subject to approval by the City Council, designate a qualified City administrative officer to be Acting City Manager during the temporary absence or disability of the Manager. If the City Manager fails to make such designation or if the Council chooses to revoke such designation, the Council may appoint an Acting City Manager to serve during such times. The Council may remove an Acting City Manager at any time.

#### **Section 4.02 Duties of the City Manager**

The City Manager shall:

- (A) with the advice and consent of the Council, appoint and remove all department heads of the City, except as otherwise provided in this Charter or by ordinance;
- (B) attend all meetings of the Council, taking part in discussion,

but having no vote, and shall be notified of all special meetings of the Council;

- (C) see that all laws, provisions of this Charter, and acts of the Council, subject to enforcement by the Manager or by officers subject to his or her direction and supervision, are faithfully executed;
- (D) prepare and submit the annual budget and capital program to the Council;
- (E) submit to the 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;
- (F) keep the Council fully advised as to the financial condition and future needs of the City and make such recommendations to the Council concerning the affairs of the City as he or she deems desirable;
- (G) make such other reports as the Council may require concerning the operations of the City departments, offices, and agencies subject to his or her direction and supervision; and
- (H) perform such other duties as are specified in the Charter or may be required by the Council or the laws of the State of Texas.

#### **Section 4.03 City Secretary**

- (A) The Council shall appoint a City Secretary who shall report administratively to the City Manager, but may be removed from office only with the consent of the Council.
- (B) The duties of the City Secretary shall be to:
  - (1) prepare and post notice of Council meetings;
  - (2) keep the minutes of proceedings of Council meetings;
  - (3) authenticate by signature and record in full, in a book kept and indexed for that purpose, all ordinances and resolutions passed by the Council;
  - (4) hold and maintain the City Seal and affix the Seal to all

instruments requiring it; and

- (5) perform such other duties as may be specified by the Council, City Manager, this Charter, or the laws of the State of Texas.

#### **Section 4.04 City Attorney**

- (A) The City Council shall appoint an attorney, licensed to practice law in the State of Texas, as City Attorney. The City Attorney shall serve at the will of and be entitled to compensation as established by the Council.
- (B) The duties of the City Attorney shall be to:
  - (1) serve as legal advisor to the Council, to all offices, departments, and agencies of the City, and to all officers and employees of the City in matters relating to their official duties;
  - (2) represent the City in all legal proceedings;
  - (3) perform all services incident to his or her position as may be required by statute, this Charter, ordinance, or as directed by the Council.
- (C) The Council may retain special counsel at any time it deems such action appropriate or necessary.

#### **Section 4.05 Municipal Court**

- (A) There is hereby established a court designated the Municipal Court of the City of Alpine.
- (B) The Municipal Court shall have jurisdiction within the territorial limits of the City for the trial of misdemeanor offenses with all powers and duties granted by the laws of the State of Texas.
- (C) The Judge of the Municipal Court shall be nominated by the Mayor and approved by the City Council for a term of two (2) years to run concurrently with the term of office of the Mayor. Compensation shall be set by the Council and may not be reduced

during the term of office for which the Judge was appointed.

(D) In the absence or disability of the Judge, the Council shall appoint an interim judge to preside over the Municipal Court.

(E) All costs and fines collected by the Municipal Court shall be paid to the City treasury for the use and benefit of the City.

## **ARTICLE V FINANCIAL PROCEDURES**

### **Section 5.01 Fiscal Year**

The fiscal year of the City shall be established by ordinance.

### **Section 5.02 Submission of Budget and Budget Message**

Not later than forty-five (45) days prior to the close of the fiscal year, the City Manager shall submit to the City Council a budget for the ensuing fiscal year and an accompanying message.

### **Section 5.03 Budget Message**

The Manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall:

- (1) outline the proposed financial policies of the City for the ensuing fiscal year;
- (2) describe the important features of the budget;
- (3) indicate any major changes from the current year in financial policies, expenditures, and revenues, and the reasons for such changes;
- (4) summarize the City's debt position; and
- (5) include such other material as the Manager deems desirable.

### **Section 5.04 Budget**

(A) The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the Manager deems desirable or the Council may require.

- (B) In organizing the budget the Manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with clear general summary of its contents and shall show in detail:
- (1) all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year;
  - (2) comparative figures for actual and estimated income and expenditures of the current fiscal year;
  - (3) actual income and expenditures of the preceding fiscal year;
  - (4) any other item(s) required by State law to be included in the budget.
- (C) The budget shall indicate in separate sections:
- (1) estimated revenues for operations during the ensuing fiscal year, detailed by source;
  - (2) proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments, and agencies in terms of their respective work programs;
  - (3) proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments, and agencies when practicable, and the proposed method of financing each capital expenditure; and
  - (4) anticipated net surplus or deficits for the ensuing fiscal year of each enterprise owned or operated by the City and the proposed method of its disposition.
- (F) Subsidiary budgets for each enterprise, giving detailed income and expenditure information, shall be attached as appendices to the budget.
- (G) The total of proposed expenditures shall not exceed the total

of estimated incomes plus any accumulated surplus.

### **Section 5.05 City Council Action on Budget**

- (A) The Council shall publish in one or more newspapers of general circulation in the City the general summary of the budget and a notice stating:
  - (1) the times and places where copies of the message and budget are available for inspection by the public, and
  - (2) the time and place for a public hearing on the budget.
- (B) After the public hearing, the Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any program or amounts, except expenditures required by law or for debt service, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income plus any accumulated surplus.
- (C) The Council shall adopt the budget on or before the fifteenth day of the twelfth month of the fiscal year currently ending. If it fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the Council adopts a budget for the ensuing fiscal year.
- (D) Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed, provided that in no event shall such levy exceed the legal limit provided by the laws and Constitution of the State of Texas.

### **Section 5.06 Budget Amendments After Adoption**

- (A) If during the fiscal year the Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Council by ordinance may make supplemental appropriations for the year up to the amount of the excess.

(B) To meet a public emergency, as defined by State law, the Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of Article III, Section 3.16 of this Charter. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may by emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time. The emergency notes and renewal of those notes during any fiscal year shall be paid not later than the last day of the current fiscal year.

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

(D) At any time during the fiscal year the Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office, or agency, up to a limit set By the City Council. The Manager may make written request to The Council to Transfer Balances in excess of said limit with Council Approval. No funds may be transferred to increase a salary appropriation without the approval of the Council. Upon written request by the Manager, the Council may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office, or agency to another.

(E) No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this Section may be made effective immediately upon adoption.

### **Section 5.07 Lapse of Appropriations**

Every appropriation, except an appropriation for a capital expendi-

ture, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue until the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation.

### **Section 5.08 Capital Program**

(A) The City Manager shall prepare and submit to the Council a five-year capital program at least three months prior to the final date for submission of the annual budget.

(B) The capital program shall include:

- (1) a clear general summary of its contents;
- (2) a list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
- (3) cost estimates, methods of financing, and recommended time schedules for each such improvement; and
- (4) the estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

(C) The capital program shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

### **Section 5.09 City Council Action on Capital Program**

(A) The Council shall publish in one or more newspapers of general circulation in the City the general summary of the capital budget and a notice stating:

- (1) the times and places where copies of the capital program are available for inspection by the public; and
- (2) the time and place, not less than two weeks after such publication, for a public hearing on the capital program.

(B) The Council by resolution shall adopt the capital program with or without amendment after the public hearing and on or before



the fifteenth day of the twelfth month of the current fiscal year.

### **Section 5.10 Public Records**

Copies of the budget and the capital program as adopted shall be public records and shall be available to the public at suitable places in the City.

### **Section 5.11 Purchase Procedures**

(A) No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the Manager or the Manager's designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable.

(B) Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made shall be illegal. Such action shall be cause for removal of any elected or appointed officer who knowingly authorized or made such payment or incurred such obligation, and he or she shall also be liable to the City for any amount so paid.

(C) All purchases made and contracts executed by the City shall be in accordance with the requirements of the Constitution and laws of the State of Texas.

### **Section 5.12 Accounting and Reporting Procedures**

The City shall adopt an accounting manual prepared by competent authority which shall provide procedures to be followed in the detail recording and reporting of financial transactions. Changes in such accounting manual may be made, as may from time to time be necessary, by the City Manager, providing such changes do not weaken controls as may be advised by the City auditor. Accounting controls shall be adequate to protect the assets of the City, but shall not be restrictive beyond the value of the assets being controlled.

### **Section 5.13 Authority to Issue Bonds**

The City Council shall have the power and authority to issue all tax bonds, revenue bonds, funding and refunding bonds, warrants, time warrants, certificates of obligation, notes, and other evidence of obligation as may be authorized by the Constitution and laws of the State of Texas.

#### **Section 5.14 Authority to Levy Taxes**

The City may levy taxes of any type and amount not prohibited by the laws and Constitution of the State of Texas or other provisions of this Charter.

#### **Section 5.15 Collection of Taxes**

- (A) The City Manager may, subject to approval by a majority of the full City Council, appoint an individual as City Tax Collector to collect taxes. The Tax Collector shall be given a fidelity bond, the cost to be borne by the City. The amount of such bond shall be set by the Council, but shall not be less than the amount of tax collections under his or her control at any one time.
- (B) As an alternative to appointing a City Tax Collector, the City Council may contract with the Brewster County Tax Assessor-Collector to collect taxes for the City.
- (C) All taxes due the City shall be payable at the office of the designated Tax Collector or Assessor-Collector.
- (D) Due date of the taxes to be paid without penalty and the penalty and interest charged for late payment shall be in accordance with the Texas Property Tax Code and any other applicable laws of the State of Texas.

### **ARTICLE VI ELECTIONS**

#### **Section 6.01 Regular Elections**

Annual City elections shall be held on the first Saturday in May, or on the closest date to the first Saturday in May permitted by the laws of the State of Texas.

#### **Section 6.02 Qualified Voters**

All citizens qualified by the Constitution and laws of the State of Texas to vote in the City shall be qualified voters of the City.

### **Section 6.03 Regulation of Elections**

All municipal elections shall be held in accordance with the provisions of the general laws of Texas regulating the holding of elections. The City Council shall have the power to make rules and regulations not inconsistent with this Charter or the general laws of this State for the conduct of elections or for the prevention of frauds in elections.

### **Section 6.04 Filing for Office**

- (A) Any qualified citizen who desires to become a candidate for City office shall file with the City Secretary a signed application for his or her name to appear on the ballot. This application must be filed in accordance with the laws of the State of Texas.
- (B) In addition to all General Requirements for Application for a place on the ballot as specified in the Texas Election Code, or any other requirements specified in the laws or Constitution of the State of Texas, a candidate must possess the qualifications specified in Section 3.02, Paragraph (A) of this Charter.
- (C) Any elected City official who applies to become a candidate for an office or place other than the one currently held must resign if the scheduled term of the office or place currently held would overlap with the one for which application is being made. The resignation must be announced at least thirty (30) days prior to the filing deadline, and the effective date of the resignation must be no later than the date of the related election. Any vacancy created by such resignation shall be filled at the related election.

### **Section 6.05 Election by Plurality**

At any regular or special election for the City Council, including the office of Mayor, the candidate for each position or place who shall receive the greatest number of votes shall be declared elected.

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

### **Section 7.01 Initiative**

- (A) The voters of this City shall have the power to propose any ordinance, except an ordinance appropriating money or authorizing the levy of taxes, or one repealing such an ordinance, and to adopt or reject the same at the polls.
- (B) Any initiated ordinance may be submitted to the Council by a petition signed by registered and qualified voters of the City equal in number to at least twenty-five (25) percent of the number of votes cast at the last regular City election, or three hundred (300), whichever is greater.
- (C) Initiative petitions shall contain the full text of the proposed ordinance.
- (D) Such ordinances may be passed by the Council without change, or must be submitted to the voters at an election called for that purpose and held in compliance with the Texas election code.

### **Section 7.02 Referendum by Voters**

- (A) The voters of this City shall have the power to approve or reject at the polls any ordinance passed by the Council except an ordinance appropriating money, authorizing the levy of taxes, or authorizing the issuance of either tax or revenue bonds, whether original or refunding.
- (B) The petition for referendum shall require the same number and qualification of signers as required by this Charter for an initiative petition.
- (C) A referendum petition must contain sufficient description of the ordinance to positively identify it.
- (D) A referendum petition must be filed with the City Secretary within thirty (30) days after the final passage of the ordinance which is the subject of the referendum, or the petition shall be barred by the lapse of time.
- (E) When such petition has been certified as sufficient by the City Secretary, the ordinance shall not go into effect, or, if it has gone into effect, further enforcement or action thereunder

shall be suspended unless and until such ordinance is approved by the voters as herein provided.

### **Section 7.03 Consideration by Council**

- (A) Whenever the Council receives a certified initiative or referendum petition from the City Secretary, it shall proceed at once to consider such petition. The Council shall take final action on such ordinance not later than thirty (30) days after the date on which it was submitted to the Council by the City Secretary.
  
- (B) A referred ordinance shall be reconsidered by the Council and Council's final vote upon such consideration shall be on the proposal to repeal.

### **Section 7.04 Referendum by City Council**

- (A) In the absence of a petition, the Council shall have the authority to submit a proposed ordinance to the voters.
  
- (B) If the Council specifies that the election is binding, and if the voters approve the proposed ordinance, then the ordinance is adopted.
  
- (C) If the Council specifies that the election is non-binding, then the results of the election are only to supply information and guidance to the Council, and the proposed ordinance is neither approved nor disapproved.

### **Section 7.05 Submission to Voters**

- (A) If the Council shall fail to pass an ordinance proposed by initiative petition in the exact form proposed, or fail to repeal an ordinance referred by petition, or in the case of an ordinance proposed by the Council, the proposed or referred ordinance shall be submitted to the voters.
  
- (B) An initiative or referendum election shall be held within sixty (60) days from the date the Council takes its final vote on the proposed or referred ordinance or at the earliest date thereafter permitted by the Texas election code.
  
- (C) Any number of ordinances may be voted on at the same election.

### **Section 7.06 Results of Election**

- (A) A majority vote in favor of a proposed initiative ordinance shall constitute its adoption as a City ordinance.
- (B) If two or more ordinances with conflicting provisions are approved by the voters, the ordinance receiving the greater number of votes shall be adopted and the conflicting ordinance or ordinances shall be rejected.
- (C) An ordinance referred by petition and voted on in a referendum election that does not receive a majority of the vote shall be deemed repealed.
- (D) No ordinance adopted at the polls under initiative or referendum shall be amended or repealed by the Council within six (6) months of adoption.
- (E) No ordinance repealed at the polls in a referendum election shall be reenacted within six (6) months.

### **Section 7.07 Publication of Initiative and Referendum Ordinances**

Initiative and referendum ordinances shall be published in the same manner as those adopted by the Council.

### **Section 7.08 Recall**

- (A) The voters of this City shall have the power to recall any member of the City Council, including the Mayor, and may exercise such power by filing with the City Secretary a petition which shall be signed and verified by registered and qualified voters of the City as specified below:
  - (1) for a position elected from the City at-large, by a number of such voters equal to at least thirty (30) percent of the number of votes cast at the last regular City election, or three hundred fifty (350), whichever is greater; or
  - (2) for a position elected from a district, by a number of such voters equal to at least thirty (30) percent of the number of votes cast from that district in the last regular City election, or seventy-five (75), whichever is greater.

(B) The City Secretary shall immediately notify by registered mail the officer whose removal is sought.

(C) If the petition is certified by the City Secretary to be sufficient, the Council shall order and hold, or cause to be held, an election to determine whether such officer shall be recalled.

**Section 7.09 Form of Recall Petition**

The recall petition must be addressed to the City Council and must distinctly and specifically point out the ground or grounds upon which such petition for removal is predicated. The signatures shall be verified by oath in the following form:

STATE OF TEXAS

COUNTY OF BREWSTER

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 the genuine signature of the person whose name it purports to be.

\_\_\_\_\_

Sworn and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for  
Brewster County, Texas

**Section 7.10 Public Hearing on Recall Petition**

The officer whose removal is sought by a recall petition may, within five days after such recall petition has been presented to the Council, request that a public hearing be held to permit him or her to present facts pertinent to the charges specified in the recall petition. In this event, the Council shall order such public hearing to be held not less than five days nor more than

fifteen days after receiving such request for a public hearing.

**Section 7.11 Recall Election**

(A) If the officer whose removal is sought does not resign, and if the recall petition is certified by the City Secretary to be sufficient, the City Council shall order and hold, or cause to be held, an election to determine whether the officer shall be recalled.

(B) A recall election shall be held within thirty (30) days from the date the petition was submitted to the Council or from the date of public hearing if one was held, whichever is later, or at the earliest date thereafter permitted by the Texas election code.

**Section 7.12 Ballots for Recall Election**

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

(A) with respect to each person whose removal is sought, the question shall be submitted:

Shall (name of person) be removed from the office of (name of office) by recall?

(B) Immediately below each such question there shall be printed the two following propositions, one above the other, in the order indicated:

FOR the recall of (name of person)

AGAINST the recall of (name of person)

**Section 7.13 Results of Recall Election**

If the majority of the legal votes cast at a recall election be for the recall of the officer named on the ballot, the Council shall immediately declare their office vacant. Such vacancy shall be filled in accordance with the provisions of this Charter.



#### **Section 7.14 Limitation on Recall**

No recall petition shall be filed against an officer within six months after he or she takes office, nor within six months after an election for such officer's recall.

#### **Section 7.15 Failure of Council to Call an Election**

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

#### **Section 7.16 Forms of Petitions**

- (A) All papers necessary for the filing of petitions to be circulated for initiative, referendum, or recall must be obtained from the City Secretary. The petition forms shall be available at the City Secretary's office at all reasonable times and will be dated and signed by that City official when issued.
- (B) The signatures to initiative, referendum, or recall petitions need not be appended to one paper, but all papers constituting a single petition shall be assembled and filed with the City Secretary as one instrument. The petition must be accompanied by an affidavit made by the person filing such petition that the petition bears a stated number of signatures, and that all the signatures appended thereto are, in his or her belief, the genuine signatures of the persons whose name they purport to be. All signatures must be in ink. Names and addresses of the signers of such petitions and their precinct number and serial number from the voter registration certificate or other document prescribed by the laws of the State of Texas to identify qualified voters shall be printed in ink adjacent to the signatures.

(C) Petitions for initiative, referendum, or recall shall be filed with the City Secretary. Within twenty days after such a petition is filed, the City Secretary shall determine whether such petition is signed by a sufficient number of qualified voters and whether it has a proper affidavit attached of the person filing same. After completing examination of such petition, the City Secretary shall certify the result thereof to the Council at its next regular meeting. If such petition is insufficient, the City Secretary shall set forth the particulars in which it is defective, and shall at once notify the person who filed it.

### **Section 7.17 Amendment of Petition**

An initiative, referendum, or recall petition may be amended at any time within ten days after the notice of insufficiency has been sent by the City Secretary, by filing a supplementary petition, and the same procedures shall then be followed by the City Secretary and Council as in the case of an original petition. The finding of insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

## **ARTICLE VIII FRANCHISES AND PUBLIC UTILITIES**

### **Section 8.01 Power to Grant Franchise**

The City Council may, by ordinance, grant, amend, renew, cancel for cause, and extend franchises of all public utilities, including cable television, operating in the City. No franchise may be granted for an indefinite term.

### **Section 8.02 Franchise Extensions**

All extensions of public utilities within the City limits shall become a part of the aggregate property of the public utility, shall be operated as such, and shall be subject to all the obligations and reserved rights contained in this Charter and in any original grant hereafter made. The right to use and maintain any extension shall terminate with the original grant.

### **Section 8.03 Transfer of Franchise**

No public utility franchise may be transferred or assigned by the holder except with the approval of the City Council.

### **Section 8.04 Regulation of Franchise**

All grants, renewals, extensions, or amendments of public-utility franchises, whether it be so provided in the ordinance or not, shall be subject to the right of the City to:

- (A) repeal the same by ordinance at any time for failure to begin construction or operation within the time prescribed or for failure otherwise to comply with the terms of the franchise, such power to be exercised only after due notice and hearing;
- (B) require an adequate and reasonable extension of plant and service, and the maintenance of plant and fixtures at the standard necessary to render the highest reasonable quality of utility service to the public;
- (C) establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates;
- (D) prescribe, for each franchised utility, the form of accounts to be kept, or that the system of accounts conform to those prescribed by the appropriate State and/or federal utility-regulatory agencies;
- (E) impose such reasonable regulations and restrictions as may be deemed desirable or conducive to the safety, welfare, and accommodation of the public;
- (F) require franchise holders to furnish the City, without cost to the City, full information regarding the location and precise description of all facilities of the franchise holder in, over, or under the City, and to regulate and control the location, relocation, and removal of the facilities;
- (G) examine and audit at any time during normal business hours the accounts and records of the franchise holder; and
- (H) require, at any time, such compensation and rental as may be permitted by the laws of the State of Texas.

### **Section 8.05 Franchise Records**

The City shall compile and maintain a public record of all franchises granted by the City, including any extensions or amendments to such franchise grants.

## **ARTICLE IX GENERAL PROVISIONS**

### **Section 9.01 Conflict of Interest**

(A) No officer or employee of the City shall have a financial interest, direct or indirect, in any contract with the City in violation of the laws of the State of Texas. Any violation of this provision with the knowledge, express or implied, of the person or corporation contracting with the City shall render the contract voidable by the City Manager or the City Council.

(B) No officer or employee of the City shall ever accept, directly or indirectly, any gift, favor, privilege, or employment valued over \$25.00 from any firm, individual, or corporation doing business or proposing to do business with the City. Any officer or employee of the City who violates the provisions of this Section shall be guilty of a misdemeanor and may be punished by any fine that may be prescribed by ordinance for this offense, and shall forthwith be removed from his or her office or position. This Section does not prohibit the giving of gifts where the donor and recipient are kin by blood or marriage.

### **Section 9.02 Prohibitions**

(A) The following activities are prohibited:

(1) No person shall be appointed to, removed from, or in any way favored or discriminated against with respect to any City position or appointive City administrative office because of race, gender, age, handicap, religion, country of origin, or political affiliation.

(2) No person who seeks appointment or promotion with respect to any City position or appointive City administrative

office shall directly or indirectly give, render, or pay any money, service, or other valuable thing to any person for or in connection with his or her test, appointment, promotion, or proposed promotion.

(B) Any person convicted of a violation of this Section shall be ineligible for a period of five years following such conviction

to hold any City office or position and, if an officer or employee of the City, shall immediately forfeit his or her office or position. The City Council shall establish by ordinance such further penalties as it may deem appropriate.

### **Section 9.03 Public Records**

All records and accounts of every office, department, or agency of the City shall be open to inspection by any citizen or by any representative of the press at all reasonable times and under such reasonable regulations as may be established by the Council, except records and documents the disclosure of which are protected by law.

### **Section 9.04 Claims Against the City**

Before the City shall be liable to damage breach of contract, suit for personal injury, or damage to property, the person who is injured or whose property has been damaged or someone on behalf of that person shall give the City Manager or the City Secretary notice in writing, duly verified, within six (6) months after the date of the alleged injury or damage. The notice shall state specifically when, where, and how the injury or damage was sustained, setting forth the extent of the injury or damage as accurately as possible, and giving the names and addresses of all witnesses known to claimant upon whose testimony claimant is relying to establish the injury or damage. In case of injury resulting in death, the person or persons claiming damage shall within six (6) months after the death of the injured person give notice as required above. Nothing in this Section shall be construed to mean the City waives any rights, privileges, defenses, or immunities in tort action which are provided under the common law, the laws of the State of Texas, and the State Constitution.

### **Section 9.05 Liens, Assignment, Execution, and Garnishment**

The real and personal property belonging to the City shall not be

liable for sale or appropriation under any writ or execution or cost bill, and no lien of any kind shall ever exist against any such property owned by the City except that the lien be created or authorized by this Charter or State law. The funds belonging to the City in the hands of any person, firm, or corporation shall not be liable to garnishment, attachment, or sequestration. The City shall not be liable to garnishment on account of any debt it may owe or funds or property it may have on hand or owing to any person. Neither the City nor any of its officers or agents shall be

required to answer any such writ or garnishment on any account whatever. The City shall not be obligated to recognize any assignment of wages or funds by its employees, agents, or contractors except by court order.

### **Section 9.06 Separability**

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

### **Section 9.07 Charter Amendment**

This Charter may be amended by a vote of the qualified voters of this City in compliance with the laws and Constitution of the State of Texas, except that no amendment shall be voted on at an election where citizens of some but not all districts (wards) are eligible to vote for a member or members of the City Council.

## **ARTICLE X TRANSITIONAL PROVISIONS**

### **Section 10.01 Officers and Employees**

Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are City officers or employees at the time of its adoption.

### **Section 10.02 Pending Matters**

All rights, claims, actions, orders, contracts, and legal administrative proceedings shall continue except as modified pursuant to the provisions of this Charter.

### **Section 10.03 Effect on Existing Law**

- (A) All City ordinances, rules, and regulations in force on adoption of this Charter and not in conflict with it shall remain in force until altered, amended or repealed by the Council. All rights of the City under existing franchises and contracts are preserved in full force and effect.
- (B) Any ordinances, rules, or regulations inconsistent with this Charter are repealed as of the date of adoption of the Charter.
- (C) Any laws, ordinances, rules, or regulations applicable to Type A General Law Municipalities and not also applicable to Home-Rule Municipalities in the State of Texas shall be superseded upon adoption of this Charter. Any such ordinances, rules, or regulations are repealed as of the date of adoption of this Charter.

### **Section 10.04 Interim Government**

- (A) If at the time of adoption of this Charter the City is operating under provisions adopted as part of a redistricting plan, operation of the City government and election of City Councilmembers shall be in accordance with those provisions.
- (B) If at the time of adoption of this Charter no redistricting plan has commenced, or if no provisions have been made for the transition from the present method of electing Councilmembers at large to the method specified in this Charter, the following interim procedures shall be followed.
  - (1) The City Council shall immediately begin the process of dividing the City into districts as specified in this Charter.
  - (2) The districts shall be established prior to the beginning of the period for filing for office for the general City election in 1994.
  - (3) At the general City election in 1994, the Mayor and Coun-

councilmembers for places 2 and 4 shall be elected as prescribed in this Charter. Any vacancy occurring for either of these Council positions must be filled by a person qualified to be elected to the position vacated.

(4) Councilmembers whose terms of office extend beyond the general City election of 1994 may serve out the remainder of their terms. Any vacancy occurring in these positions shall be filled as prescribed in Section 3.06 of this Charter except that any person appointed or elected to fill such a vacancy must be qualified to file for a place not represented by any other member of the Council, including a member elected concurrently at a special election.

(5) At the general City election in 1995, Councilmembers for places 1, 3, and 5 shall be elected as prescribed in this Charter.

### **Section 10.05 Redistricting**

If at any time after single-member districts are established, the City Council determines that the district boundaries do not adequately satisfy Federal or State guidelines or statutes for drawing such boundaries, the Council may, by ordinance, arrange for district boundaries to be re-drawn and approved in conformance with all applicable laws of the United States and the State of Texas.

The City Council shall create an independent redistricting committee at the time of each decennial census and at other times when it is necessary to redistrict the City.

### **Section 10.06 Temporary Ordinances**

(A) To deal with cases in which there is an urgent need for prompt action in connection with the transition of government and in which the delay incident to the appropriate ordinance procedure would probably cause serious hardship or impairment of effective City government, the City Council may, at any meeting held within sixty (60) days following adoption of this Charter, adopt temporary ordinances. Every temporary ordinance shall be plainly labeled as such but shall be introduced in the form and manner prescribed for ordinances generally.

(B) After adoption of a temporary ordinance, the Council shall cause it to be printed and published as prescribed for other



adopted ordinances.

(C) Every temporary ordinance, including any amendment made thereto after adoption, shall automatically stand repealed as of the 91st day following the date on which it was adopted.

(D) Temporary ordinances are not subject to referendum.

#### **ARTICLE XI SUBMISSION OF CHARTER TO VOTERS**

The Charter Commission in preparing this Charter has decided that it is impracticable to segregate subjects so as to permit voting on individual subjects separately. Accordingly, the Charter Commission directs that this Charter be submitted to the qualified voters of the City to be voted on as a whole at the General City Election on Saturday, May 1, 1993.