

Charter

Article 1: Corporate Name

Section 1.1. CORPORATE NAME:

The City of Temple, in Bell County, Texas, is incorporated as a home rule city and political subdivision of the State of Texas and is known as the “City of Temple” (hereafter referred to as the “City”). The City has such powers, rights and duties as are provided in this Charter and under the Constitution and State law.

Article 2: Municipal Boundaries

Section 2.1. BOUNDARIES:

The boundaries of the City are those that have previously been legally established. These boundaries may be changed through annexation, dis-annexation, or exchange of land with other municipalities, with or without the consent of the inhabitants thereof, as is now provided or hereafter provided by State law. An official map of the City may be obtained through the City Secretary’s office.

Article 3: Corporate

Section 3.1. GENERAL POWERS:

(a) The City has the power of local self-government to the fullest extent permitted by law. The City has all the powers granted to cities by the Texas Constitution and State law, as fully and completely as though they were specifically enumerated in this Charter, together with all of the implied powers necessary to carry into execution those powers and those express and implied powers necessary for the government, interests, health, welfare, and good order of the City and its inhabitants. All powers must be exercised and enforced in the manner prescribed by the Constitution, State law, this Charter, and the City’s ordinances.

(b) Any reference in this Charter to the “Constitution” or “State law” is intended to refer to and identify the Constitution and laws respectively of the State of Texas which 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.

(c) The powers of the City under this Charter shall be construed liberally in favor of the City, and the specific mention of particular powers in this Charter shall not be construed as limiting in any way the general power granted in this Article.

(d) The City may exercise any of its powers or perform any of its functions, and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the State or its agencies, or with the Federal government or its agencies, or with the government of any county, city, or political subdivision to accomplish any lawful municipal purpose.

Section 3.2. PUBLIC PROPERTY EXEMPT FROM EXECUTION:

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

Section 3.3. 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 3.4. CITY NOT REQUIRED TO GIVE BOND:

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

Section 3.5. NOTICE OF CLAIM:

(a) The City may not be held liable for the death of or injury to a person, or for damage to property, unless the claimant or legal representative files a written notice of claim with the City Secretary within six months after the event alleged to have caused the death, injury, or damage. The written notice must meet all requirements of State law. Nothing in this section shall be construed to mean the City waives any rights, privileges, defenses or immunities in tort action, or otherwise, which are provided under common law and State law.

(b) The City Council has the power to compromise and settle any and all claims and lawsuits of every kind and character, in favor of, or against, the City.

Section 3.6. EMINENT DOMAIN:

The City has 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 State law. The City may also exercise the power of eminent domain in any other manner now or hereafter authorized or permitted by the Constitution and State law. The power of eminent domain hereby conferred includes the right of the City to take fee title to condemned property and such power and authority includes the right to condemn public property. The City has condemnation power within or without the corporate limits for any municipal or public purpose, even though not specifically enumerated in this Charter.

Section 3.7. EXCLUSIVE RIGHT TO OWN, MAINTAIN AND OPERATE WATER UTILITY:

The City has the exclusive right to own, erect, improve, regulate, maintain and operate a water utility for the use of the City and its inhabitants. The City has the power to prescribe rates for water furnished, and to acquire by purchase, donation, condemnation or otherwise suitable grounds, within or without the City limits, 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 utility. The City has the power to compel the owners of all property and the agents of such owners or persons in control of the property to pay all charges for water furnished to the property and to fix a lien upon the property for any such charges. The City Council will pass all ordinances or resolutions necessary to give full force and effect to the provisions herein.

Section 3.8. EXCLUSIVE RIGHT TO OWN, OPERATE AND MAINTAIN WASTEWATER UTILITY:

The City has the exclusive right to own, erect, regulate, maintain and operate a wastewater utility, treatment plants, filtering beds and emptying grounds, for the use of the City and its inhabitants. The City has the power to prescribe rates for the service so furnished and to acquire by purchase, donation, condemnation or otherwise suitable grounds, within or without the City limits, on which to erect any such wastewater utility, treatment plants, filtering beds and emptying grounds, and the necessary right of way, and to do and perform whatsoever may be necessary to operate and maintain said wastewater utility, treatment plants, filtering beds and emptying grounds. The City has the power to compel owners of property and the agents of such owners or persons in control of the property to pay all charges for sewer service furnished upon the property and to fix a lien upon the property for any such charges. The City Council will pass all ordinances or resolutions necessary to give full force and effect to the provisions herein.

Section 3.9. ACQUISITION AND OWNERSHIP OF OTHER PUBLIC UTILITIES; RIGHT TO MANUFACTURE OR PURCHASE PUBLIC UTILITY PRODUCTS:

(a) The City has the power to lease, buy, own, construct, maintain, and operate, inside or outside the City limits, any public service or public utility as allowed by State law, this Charter, and any other City ordinances or resolutions.

(b) If the cost of acquiring any public service or public utility is in excess of ten million (\$10,000,000) dollars, the acquisition must be authorized by the voters of the City, at an election called for that purpose. If the City acquired any public service or public utility, the cost of which was in excess of ten million (\$10,000,000) dollars, the public service or utility may not be sold or leased unless the sale or lease is authorized by the voters of the City.

(c) If the City desires to acquire any public service or public utility by purchase, lease, condemnation, or otherwise, the City has the power to obtain funds for the purpose of acquiring the public service or public utility by issuing bonds or notes, or other evidence of indebtedness and may secure the same by placing a lien upon the property acquired and the security will apply only to the pledged property.

(d) After the City's acquisition of any public service or public utility, the City will have the exclusive right to operate and maintain the acquired public service or public utility.

(e) The City has 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 the same to the public as may be determined by the City Council.

Section 3.10. FUNDS OF CITY OWNED UTILITIES TO BE SEPARATE:

All receipts from City owned utilities, now owned or acquired hereafter by the City, must be held as a separate fund for the use of the particular utility to which the fund belongs. The funds may not be loaned and may be invested in any manner permitted by State law.

Section 3.11. SOLID WASTE:

The City Council has the right to adopt and prescribe rules and regulations for the handling and disposition of all solid waste within the City, and has the right to fix charges and compensation to be charged by the City for the removal of solid waste, and provide rules and regulations for its collection and disposal.

Section 3.12. TEMPLE PUBLIC LIBRARY; ADVISORY BOARD:

(a) The City has the power to buy, lease, build, maintain, and operate one or more public libraries within the City limits ("Public Library System"), and the City Council must provide funds for the operation and maintenance of the Public Library System.

(b) The City Council must appoint an advisory board of the Public Library System containing an odd number of members. The board will advise the City Council on the operation and maintenance of the Public Library System. The City Council will set the term of office for each member.

(c) All funds and property of any character, not provided to the Public Library System out of the general fund of the City, but instead donated, created, or provided for the benefit of the Public Library System, must be used solely for the benefit of the Public Library System.

Section 3.13. PLANNING, ZONING AND DEVELOPMENT:

(a) The City Council must adopt and maintain a comprehensive zoning ordinance. The City Council must appoint a Planning and Zoning Commission in accordance with State law. The Commission should contain an odd number of members, or any specific number required by State law. The Planning and Zoning Commission and City Council have all of the rights, privileges, powers, and authority to plan and zone property consistent with State law.

(b) The City Council may appoint a Zoning Board of Adjustment in accordance with State law. The Zoning Board of Adjustment will have such powers granted by State law and any additional powers which may be granted by the City Council.

Section 3.14. COMPREHENSIVE PLAN:

(a) The City Council must establish by ordinance a comprehensive plan for the orderly development of the City. The City Council and the Planning and Zoning Commission must use the comprehensive plan as a

guide 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.

(b) The comprehensive plan may be amended by majority vote of the City Council after a public hearing, and such amendments will become part of the official records of the City.

Section 3.15. CITY PARKS AND RECREATION BOARD:

The City Council will appoint the members of a City Parks and Recreation Board containing an odd number of members. The Board will advise the City Council on park and recreation matters. The City Manager, or his designee, will be an ex-officio member.

Article 4: Municipal Government

Section 4.1. FORM OF GOVERNMENT:

The form of government created under this Charter is the “Council-Manager” form. Pursuant to this Charter and subject only to limitations imposed by State law, all powers of the City are vested in an elected council, referred to as the “City Council,” which will enact local legislation, adopt budgets, determine policies, and appoint a City Manager, who shall serve as the chief executive officer of the City. The City Manager is responsible to the City Council for the execution of the laws and the administration of the government of the City. All powers of the City may be exercised in the manner prescribed by the Constitution, State law, this Charter, and laws of the City.

Section 4.2. COMPOSITION OF COUNCIL; TERM OF OFFICE:

(a) The City Council is composed of five councilmembers, a Mayor elected from the City at large, and four Councilmembers elected from single member districts. The Mayor and four Councilmembers will be elected to three year terms.

(b) The terms of the Mayor and the four Councilmembers will be staggered so that during any three year period, two Councilmembers will be elected in one year, two Councilmembers will be elected in the second year, and the Mayor will be elected in the third year. To create this stagger, the four Councilmembers in office at the time of the 2014 Charter amendments will serve their existing terms. The Mayor in office at the time of the 2014 Charter amendments will have one year added to his term so that his term will expire in May 2018, instead of May 2017. Thereafter, the Mayor will be elected to three year terms.

(c) A person may not be a candidate for two positions on the ballot. Registered voters are entitled to vote for one candidate for Councilmember in the district of the voter’s residence and one candidate for the Mayor’s office.

Section 4.3. TERM LIMITS

No person may serve more than three consecutive terms as either a Councilmember elected from a single member district, or as the Mayor elected at large, except that a person serving as a Councilmember from a single member district, or the Mayor elected at large, at the time of the 2014 Charter amendments, may serve for a total of four consecutive terms in the office they hold at the time of the Charter amendments. All previous full, consecutive terms served by the current Councilmembers will count against the four consecutive terms allowed. A partial term to which a person is appointed or elected shall not be counted as a full three year term for purposes of this Section, except that a partial term will be counted as a full three year term if the person resigns or forfeits his office. This Section does not prohibit a person from serving three consecutive terms as a Councilmember from a single member district, and then serving three consecutive terms as Mayor, or vice versa.

Section 4.4. QUALIFICATIONS FOR CITY COUNCIL:

(a) Each candidate for City Council must meet the eligibility requirements set forth in State law and complete an application for office as required by State law. A copy of the application may be obtained from the City Secretary's office.

(b) A qualified citizen who desires to become a candidate for City office must, in addition to the qualifications set forth in subsection (a) above, file with the City Secretary a petition signed by at least 25 qualified voters of the appropriate district in the case of a single member district Councilmember candidate or of the City in the case of a candidate for Mayor, recommending candidacy or pay a filing fee of \$100.00. The petition or filing fee must be filed with the City Secretary at the time of filing for candidacy. Each signer of a petition for candidacy must indicate his voter registration number or date of birth, date of signing and place of residence on the petition. Within five days after the petition is filed, the City Secretary must notify the candidate whether the petition satisfies the requirements prescribed by this Charter. If the petition is found insufficient, the City Secretary will return it immediately to the person who filed it with a statement certifying its insufficiency. Within the regular filing period, a corrected petition may be filed for the same candidate.

Section 4.5. ELECTION OF COUNCILMEMBERS:

For all Councilmember positions, including the Mayor, the candidate receiving a majority of votes cast at such election will be declared elected. If no candidate receives a majority of all votes for a particular office, the City Council must call a run-off election in accordance with State law.

Section 4.6. OATH OF OFFICERS:

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

Section 4.7. VACANCIES IN OFFICE:

- (a) The office of a Councilmember or Mayor becomes vacant upon that person's death, resignation, forfeiture of office or removal from office in any manner authorized by this Charter or State law.
- (b) A vacancy in the office of any Councilmember, except the Mayor, must be filled by special election within 120 days after the vacancy occurs, except that a vacancy may be filled by appointment of the City Council if there is one year or less left on the unexpired term.
- (c) A vacancy in the office of the Mayor must be filled by special election within 120 days after the vacancy occurs, or in a manner otherwise provided by State law.

Section 4.8. MAYOR AND MAYOR PRO-TEM:

- (a) The Mayor will preside over City Council meetings and participate in the discussion of all matters before the City Council. The Mayor must vote on all matters before the City Council, but has no veto power.
- (b) The Mayor will sign all contracts approved by the City Council, except those contracts where the City Council has previously approved the contract and authorized the City Manager to sign. The Mayor will sign all bonds authorized by the City Council and issued pursuant to this Charter.
- (c) The Mayor is recognized as the official head of the City for the service of civil process, for the enforcement of military law, for all ceremonial purposes and for all other purposes required by State or Federal law. In times of danger or emergency, the Mayor may, by proclamation and with the consent of the City Council, take command of the police and govern the City to maintain order and enforce all laws.
- (d) The City Council must elect one of its members as Mayor Pro-Tem following each City Council election. The Mayor Pro-Tem will act as Mayor during the absence or disability of the Mayor and, when doing so, will have the rights conferred upon the Mayor.

Section 4.9. COMPENSATION OF COUNCILMEMBERS:

The Mayor and Councilmembers will serve without compensation, except that they are entitled to reimbursement of all necessary and reasonable expenses incurred in the performance of their official City Council duties. The Mayor and Councilmembers, while not City employees, may be provided certain benefits offered to City employees.

Section 4.10. CONFLICT OF INTEREST:

- (a) Councilmembers and candidates for office are subject to State law governing dual office holding and the common law doctrine of incompatibility.
- (b) Councilmembers, officers, and employees of the City shall comply with State law pertaining to conflicts of interest of local government officials, including, but not limited to, Texas Local Government Code, Chapter 171.

Section 4.11. MEETINGS OF THE CITY COUNCIL:

(a) The City Council will meet after their election at which time the elected Councilmembers and Mayor must qualify and assume the duties of their offices. The City Council must hold at least one regular meeting every month and may prescribe additional meetings by ordinance or resolution.

(b) In the manner permitted by State law, the Mayor, or any two Councilmembers, may call a special meeting of the City Council. Notice of the special meeting must be provided in accordance with State law.

Section 4.12. 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 4.13. RULES OF THE CITY COUNCIL:

(a) The Council may adopt its own rules of procedure and a code of conduct applicable to elected and appointed officials and City employees.

(b) A Councilmember forfeits his office if the Councilmember:

(1) fails to comply with, at any time during his current term of office, any qualifications for the office prescribed by this Charter or by State law;

(2) is convicted in any court during his current term of office of (a) a felony, (b) a Class A or Class B misdemeanor, or (c) a crime involving moral turpitude;

(3) violates the provisions of Section 4.10(a) while in office; or

(4) fails to attend three consecutive regular Council meetings without first being excused by the Council.

(c) For purposes of this section, a crime involving moral turpitude includes, but is not limited to, any crime involving dishonesty, fraud, deceit, misrepresentation, or deliberate violence.

Section 4.14. LEGISLATIVE PROCEDURE:

Three members of the City Council will constitute a quorum to do business. The affirmative vote of three members is necessary to adopt any ordinance or resolution, except where a greater number is required by State law, this Charter, or City ordinance.

Section 4.15. ENACTMENT OF ORDINANCES:

(a) The style of all ordinances will be "Be it ordained by the City Council of the City of Temple," but the style may be omitted when the ordinances of the City are codified and published in a book or pamphlet form by the City.

(b) Each proposed ordinance or resolution must be introduced in written or printed form, and may not contain more than one subject, which must be clearly expressed in the title. General appropriation ordinances or ordinances authorizing the contracting of indebtedness may contain various subjects.

(c) All ordinances, unless declared by the City Council as an emergency measure, must be passed, read and voted upon at two meetings of the City Council.

(d) After adoption, an ordinance may be amended or repealed only by another ordinance.

Section 4.16. EMERGENCY MEASURES, DEFINED:

(a) An emergency measure is an ordinance or resolution for the immediate preservation of public business, property, health or safety, or providing for the usual daily operation of a municipal department. The nature of the emergency must be set forth in the ordinance or resolution.

(b) Ordinances or resolutions appropriating money to defray current or other expenses of the City may be passed as emergency measures, but may not levy taxes; grant, renew or extend a franchise; or regulate the rate charged by any public utility for its services.

Section 4.17. AUTHENTICATION, RECORDING, CODIFICATION, AND PUBLICATION:

(a) All adopted ordinances and resolutions must be authenticated and approved by the Mayor's signature, attested by the City Secretary, and numbered consecutively as adopted. A cross index of the ordinances must be maintained and updated by the City Secretary. The index should be ordered by number and subject matter.

(b) The City Council may cause City ordinances to be printed, in code or electronic form, as often as the City may deem advisable, provided that failure to publish the ordinances does not affect the validity of the ordinances.

(c) The descriptive caption or title of each ordinance containing a penalty must be published at least once in the official newspaper of the City, unless otherwise provided by State law or this Charter.

Section 4.18. OFFICIAL NEWSPAPER:

The City Council must declare annually an official newspaper of general circulation in the City. All captions of ordinances, notices and other matters required by Charter, City ordinance, or State law must be published in the official newspaper and on the City's official website.

Section 4.19. JUDICIAL NOTICE; ORDINANCES, ADMISSIBILITY AS EVIDENCE:

(a) This Charter shall be deemed a public act, may be read in evidence without pleading or proof, and judicial notice shall be taken thereof in all courts.

(b) 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 4.20. AT WILL EMPLOYMENT; CIVIL SERVICE EMPLOYEES:

(a) All appointive City officers and City employees are considered at-will officers and employees and are subject to preemptory discharge, and when discharged are only entitled to compensation up to and including the date of their discharge, any provision to the contrary in this Charter notwithstanding.

(b) Employees hired pursuant to the City's adoption of Chapter 143 of the Texas Local Government Code may only be terminated (indefinitely suspended) in accordance with the City's civil service rules and Chapter 143.

Section 4.21. DEPARTMENTS MAY BE CONSOLIDATED:

The City Manager, with the consent of the City Council, may abolish or consolidate City offices and departments as he may deem to be in the best interest of the City, and may divide the administration of any such departments as he may deem advisable; create new departments and may discontinue any offices or departments at his discretion, except as to the offices of City Manager, Director of Finance, City Attorney, City Secretary and Municipal Court Judge.

Section 4.22. COMPENSATION, APPOINTIVE OFFICERS:

The City Council must fix and determine the salaries and wages of all appointive officers and employees of the City. 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 4.23. PAYMENT OF CLAIMS:

The City may not issue a warrant for the payment of any claim, unless the claim is evidenced by an invoice or itemized account, approved by the City Manager, approved and audited by the Director of Finance, and signed by the City Manager and countersigned by the Director of Finance.

Section 4.24. NEPOTISM:

The City Council and all City officers must follow the rules and regulations regarding nepotism as set out in Texas Government Code, Chapter 573.

Section 4.25. SURETY BONDS:

(a) The City Manager and Director of Finance must give a surety bond in an amount not less than five hundred thousand (\$500,000) dollars, payable to the City and conditioned for the faithful discharge of the duties of such officers and for the faithful accounting for all monies, credits and things of value coming into the hands of such officers. The bonds must be signed by a surety company authorized to do business under State law and the City must pay the premium on the bonds.

(b) The City Council may require surety bonds from other appointive City officers or City employees, in any amount the City Council may fix by ordinance or resolution. The bonds must be conditioned on the faithful discharge and accounting of all monies, credits and things of value coming into the hands of such

officers or employees. The bonds must be signed by a surety company authorized to do business under State law and the City must pay the premium on the bonds.

Section 4.26. AUDIT AND EXAMINATION OF THE CITY BOOKS AND ACCOUNTS:

Annually, the City Council must cause an audit to be made of the books and accounts of each and every department and activity of the City. The audit must be made by a certified public accountant selected and employed by the City Council.

Section 4.27. CITY ATTORNEY:

(a) The City Council must appoint a competent, licensed attorney as City Attorney of the City and fix the City Attorney's compensation. The City Attorney is subject to discharge by the City Council. The City Attorney must reside in the City during his term in office.

(b) The City Attorney will represent the City in all litigation and will act as the legal advisor of and counsel for the City and all offices and departments within the City. The City Attorney will 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.

(c) The City Attorney has the power to appoint assistants as he may deem necessary, subject to the approval of the City Council, at such compensation as is fixed by the City Council.

Section 4.28. CITY SECRETARY:

(a) The City Council must appoint a qualified person as City Secretary and fix the City Secretary's compensation. The City Secretary is subject to discharge by the City Council.

(b) The City Secretary must:

(1) Give notice of all official public meetings of the City Council in a manner consistent with State law and this Charter;

(2) Attend all public meetings and hearings of the City Council;

(3) 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 and consistent with State law;

(4) Act as custodian of all official records of the City Council;

(5) Hold and maintain the seal of the City, and affix this seal to all appropriate documents;

(6) Authenticate by signature and seal, and record all ordinances, resolutions, and proclamations of the City; and

(7) Perform such other duties as may be required by the City Council, consistent with this Charter, and State law.

Article 5: Recall

Section 5.1. POWER OF RECALL:

(a) The people of the City reserve the power to recall any elected officer of the City and may exercise such power by filing with the City Secretary a petition demanding the removal of the elected officer and signed by registered voters of the City equal in number to at least 30% of the registered voters of the City, in the case of the Mayor, or at least 30% of the registered voters in a single member district, in the case of a Councilmember elected from or appointed to represent a single member district.

(b) The required number of registered voters for the recall petition will be determined by the existing voter registration rolls maintained by the Bell County Elections Department on the date the petition is filed with the City Secretary.

Section 5.2. FORM OF RECALL PETITION:

(a) The recall petition mentioned above 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, 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.

(b) For a petition signature to be valid, a petition must contain, in addition to the signature, (1) the signer's printed name; (2) the signer's date of birth or voter registration number; (3) the signer's residence address; and (4) the date of signing.

(c) 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 a genuine signature of the person whose name it purports to be.

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

Notary Public State of Texas"

Section 5.3. 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 Section 5.2 may be made by one or more petitioners, and the several parts of the petition may be filed separately and by different persons. 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 recall petition must be filed with the City Secretary on the same day, and the City Secretary must immediately notify in writing the officer so sought to be removed.

Section 5.4. CERTIFICATE TO PETITION:

Within 20 days after the date of the filing of the recall petition, the City Secretary must certify to the City Council the number of registered voters within the City, and must further certify the number of registered voters signing the petition. The City Secretary must present the petition and his certificate to the City Council.

Section 5.5. ELECTION TO BE CALLED:

If the Councilmember who is the subject of the petition does not resign within five days after the petition is duly certified to the City Council, the City Council must order a recall election and set the date for holding the election in accordance with State law.

Section 5.6. RECALL ELECTION, FORM OF BALLOT:

The form of ballot to be used at the recall election will be as follows:

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

Immediately following the above question there must be provided on the ballot, in separate lines and in the following order, the words:

"Yes"

"No"

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 5.7. RESTRICTIONS ON RECALL:

No recall petition may be filed against any Councilmember or the Mayor within 180 days after his election, within 180 days after an election for such officer's recall, or within 180 days of the end of his existing term.

Section 5.8. FAILURE TO CALL AN ELECTION:

If all of the requirements of this Charter are met and the City Council fails or refuses 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 5.9. ONE OR MORE COUNCILMEMBERS MAY BE RECALLED AT SAME ELECTION:

(a) One or more Councilmembers may be recalled at the same election. If one or more Councilmembers are recalled at the same election, the remaining Councilmember(s) not recalled must discharge all of the duties of the City Council until the vacancy or vacancies are filled, notwithstanding any other provision in this Charter.

(b) If the election is to recall all Councilmembers, then there must be placed on the ballot, under the question of recall, the names of candidates to fill the vacancies that would be created by the recall election. The names of the Councilmembers proposed to be recalled may not appear on the ballot as candidates.

Section 5.10. VACANCIES IN CITY COUNCIL, DUE TO RECALL, HOW FILLED:

If at the recall election, it is proposed to recall less than all of the Councilmembers and the election results in the recall of less than all Councilmembers, then within five days after the recall election is held the remaining Councilmembers must meet to canvass the returns and declare the results of the election. The Councilmembers must also, on the same date, order an election to fill the vacancy or vacancies which election must be held in accordance with this Charter and State law.

Article 6: Legislation by the People; Initiative and Referendum

Section 6.1. GENERAL POWER:

(a) **Initiative.** The registered voters of the City have the power to propose ordinances, resolutions, and measures to the City Council.

(b) **Referendum.** The registered voters of the City have the power to require reconsideration by the City Council of any adopted ordinance, resolution, or measure.

(c) Except as may be provided by State law, the powers of initiative and referendum do not extend to ordinances, resolutions, or measures regarding the budget, any capital improvement program, the appropriation of money, issuing of bonds, setting of utility rates, levying of taxes, annexation, salaries of City officers or employees, zoning amendments, or any other ordinance, resolution, or measure not subject to initiative or referendum as provided by this Charter or State law.

Section 6.2. INITIATIVE:

(a) Except for ordinances, resolutions, or measures described in Section 6.1(c), registered voters of the City may initiate legislation through ordinance, resolution or measure by submitting a petition addressed to the City Council. The petition must be signed and verified in the same manner and form required for a recall petition under Article 5. The petition must be signed by at least 20% of the total registered voters in the City as shown on the then existing voter registration rolls maintained by the Bell County Elections Department. The petition must include a copy of the proposed ordinance, resolution, or measure and must request that the ordinance or resolution be submitted to the registered voters in an election, if not first passed by the City Council.

(b) Within 20 days after the petition is filed, the City Secretary must certify the number of registered voters residing in the City, as shown by the then existing voter registration rolls maintained by the Bell County Elections Department, and the number of signers of the petition. If the required number of signatures is shown on the petition, the City Secretary must then present the certificate, petition and proposed ordinance or resolution to the City Council.

(c) The City Council must, within ten days of receipt of the certificate, petition and proposed ordinance, resolution, or measure, either adopt the ordinance, resolution, or measure without alteration or call an election to submit the ordinance, resolution, or measure to the voters. The City Council must set the date for holding the election in accordance with State law.

Section 6.3. REFERENDUM:

(a) Except for ordinances, resolutions, or measures described by Section 6.1(c), registered voters of the City may require that any ordinance, resolution, or measure passed by the City Council be submitted to the voters of the City for approval or disapproval by submitting a petition for this purpose before the ordinance, resolution, or measure in question takes effect or within 30 days after passage of the same. The petition must be signed and verified in the same manner and form required for a recall petition under Article 5. The petition must be signed by at least 20% of the total registered voters in the City as shown on the then existing voter registration rolls maintained by the Bell County Elections Department. The petition must include a copy of the full text of the ordinance, resolution, or measure that is the subject of the petition.

(b) Within 20 days after the petition is filed, the City Secretary must certify the number of registered voters residing in the City, as shown by the then existing voter registration rolls maintained by the Bell County Elections Department, and the number of signers of the petition. If the required number of signatures is shown on the petition, the City Secretary must then present the certificate and petition to the City Council, and the ordinance, resolution, or measure at issue shall be suspended from taking effect.

(c) The City Council must, within ten days of receipt of the certificate and petition, either repeal the entire ordinance, resolution, or measure in question or call an election to submit the ordinance, resolution, or measure to the voters. The City Council must set the date for holding the election in accordance with State law.

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

The City Council on its own motion and by a majority vote of its members may submit to popular vote for adoption, rejection, or repeal any proposed or referred ordinance, resolution, or measure, in the same manner and with the same force and effect as provided in this Article for submission on petition. Any election called for this purpose must be called and held in accordance with State law.

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, RESOLUTIONS OR MEASURES:

The City Secretary must publish, at least once in the official newspaper of the City, every proposed or referred ordinance, resolution, or measure, within fifteen days before the date of the election. The City Secretary must publish all other notices and follow all other procedures relative to such election as are required by State law, this Charter, or other City ordinance or resolution.

Section 6.7. ADOPTION OF ORDINANCES, RESOLUTIONS, OR MEASURES; REPEAL OF ORDINANCES, RESOLUTIONS, OR MEASURES:

(a) If a majority of the registered voters vote in favor of any proposed ordinance, resolution, or measure, it is considered adopted upon certification of the election results and is treated in all respects in the same manner as ordinances, resolutions, or measures of the same kind adopted by the City Council.

(b) If a majority of registered voters vote against a referred ordinance, resolution, or measure, it is considered repealed upon certification of the election results.

Section 6.8. INCONSISTENT ORDINANCES:

If the provisions of two or more proposed ordinances or resolutions on the same subject matter and approved at the same election are inconsistent, the ordinance or resolution receiving the highest number of votes prevails.

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

No ordinance or resolution passed by the City Council upon a petition, or adopted by popular vote, under the provisions of this Article, may be repealed or amended except by an ordinance, resolution, or measure

approved by the voters under Section 6.4 or until the expiration of six years from the date of passage. Any repeal or amendment after six years must be approved by a four-fifths majority of the City Council.

Section 6.10. NUMBER OF ELECTIONS:

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

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, provided that such ordinances or resolutions are not inconsistent with this Article.

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 franchise ordinances.

Article 7: City Manager

Section 7.1. APPOINTMENT:

The City Council must appoint the City Manager and fix the City Manager's compensation. The City Manager is subject to discharge by the City Council. The City Manager must reside within the City during his term in office.

Section 7.2. ABSENCE OR DISABILITY OF CITY MANAGER:

By memorandum filed with the City Secretary, the City Manager must designate a City officer or employee to exercise the powers and perform the duties of City Manager during any temporary relinquishment of duties 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 7.3. POWERS AND DUTIES:

The City Manager is the chief executive 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, suspend or remove City employees and officers provided for by this Charter, except as otherwise provided by law, this Charter, or personnel rules adopted pursuant to this Charter;
- (2) 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, division, office or agency;

- (3) Direct and supervise the administration of all departments, divisions, offices and agencies of the City, except as otherwise provided by this Charter or by law;
- (4) Recommend to the City Council the salaries to be paid to each appointive officer and subordinate employee of the City, except as otherwise provided by this Charter or by State law;
- (5) Attend all City Council meetings with the right to take part in discussion, but the City Manager may not vote on any matter before the City Council;
- (6) 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 direction and supervision, are faithfully executed;
- (7) Prepare and submit the annual budget and capital program to the City Council;
- (8) 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;
- (9) 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;
- (10) Keep the City Council fully advised as to the financial condition and future needs of the City;
- (11) Make recommendations to the City Council concerning the affairs of the City;
- (12) Provide staff support services for the City Council; and
- (13) 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 City Council must appoint the Director of Finance and fix the Director's compensation. The Director of Finance is subject to discharge by the City Council. The Director of Finance must reside within the City during his term in office.

Section 8.2. POWERS AND DUTIES:

The Director of Finance has the following powers and duties:

- (a) Supervision of the financial systems of each City department and responsibility for the accounting of all funds of the City, appropriated or otherwise;
- (b) Maintenance of such books and records of accounts as may be prescribed by the City Council, all of which must comply with generally accepted accounting principles as promulgated by the Governmental Accounting Standards Board;

- (c) Review and approval of all disbursement requests by all City departments;
- (d) Act as Treasurer of the City and invest all public funds prudently in accordance with State law; and
- (e) Perform all other duties imposed upon him by the City Council, not inconsistent with the terms of this Charter.

Article 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. The Municipal Court has such powers, procedures, and duties as are now, or may be, prescribed by State law and by City ordinance.

Section 9.2. JUDGE; TERM OF OFFICE; SALARY:

(a) The City Council must appoint a qualified resident attorney of the City to be judge of the Municipal Court and whose title will be Municipal Court Judge. The City Council may appoint one or more qualified attorneys to act as temporary municipal court judges in the absence or disability of the Municipal Court Judge.

(b) The Municipal Court Judge is subject to discharge by the City Council.

(c) The City Council will fix the Municipal Court Judge's compensation.

Section 9.3. CLERK:

The Director of Finance must appoint a municipal court clerk.

Section 9.4. DUTIES OF CLERK:

The Clerk must keep minutes of all court proceedings and generally perform all of the duties of a court clerk as prescribed by State law or City ordinance.

Section 9.5. SEAL OF MUNICIPAL COURT:

The Municipal Court will have a seal, having engraved thereon a star of five points in the center, and the words, "MUNICIPAL COURT IN TEMPLE, TEXAS." The impression of the seal must be attached to all proceedings, except subpoenas, issued out of the court, and must 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 9.6. FINES AND COSTS TO BE PAID INTO CITY TREASURY:

All costs and fines imposed by the Municipal Court must be paid into the City treasury for the use and benefit of the City.

Article 10: Franchise and Special Privileges

Section 10.1. AUTHORITY:

The City has 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 use public property that is greater than the right of the general public except by franchise, license, lease or permit providing for adequate compensation or consideration to be paid to the City.

Section 10.2. FRANCHISES:

(a) A franchise is the grant of a privilege to use public streets, alleys, highways or other property of the City on a city-wide or substantially city-wide basis for any commercial utility offering service to residents of the City.

(b) For purposes of this Charter, a “commercial utility” is defined as any person or entity furnishing to the public a commodity or service, including but not limited to the provision or collection of heat, light, gas, power, data, telephone service, communication services, community antenna or cable television service, wastewater, water, wrecker service, ambulance service, the carrying of passengers for hire, or any other public service where: (1) a portion of the infrastructure of the commercial utility is located in whole or part on public property or within public easements, streets, highways, or alleys within the City, or (2) where a primary or fundamental part of the commercial service offered to the public involves transportation of goods, people, or services on public streets, highways or alleys, and the service is initiated and completed within the City limits.

(c) It is unlawful for any person, corporation or association of persons to use or occupy any public ground, for the purpose of conducting any commercial utility, unless permission is first obtained from the City Council in the manner provided in this Charter.

Section 10.3. ORDINANCE GRANTING FRANCHISE:

An ordinance granting a franchise is subject to the following requirements:

- (1) An ordinance granting, renewing, extending or amending a franchise must be read at two meetings of the City Council. Within 15 days following the first reading of the ordinance, a summary of the ordinance must be published once in the official newspaper of the City. The prospective franchisee is responsible for the cost of the publication.
- (2) A franchise may be granted for a term of no more than 15 years. The term will begin on the date of the grant, renewal or extension of the franchise. A franchise approved by voters in an election called by the City Council may have a maximum term of 25 years.
- (3) All franchises will be nonexclusive.

- (4) A prospective franchisee's rights in the franchise will vest on the 31st day after the ordinance has been passed by the City Council.
- (5) A franchise granted by the City will have no value in determining the just compensation to be paid by the City for property which the City may acquire by condemnation or otherwise.
- (6) Any City franchise in existence at the time of the adoption of this Article will remain in full effect, notwithstanding any contrary provision in this Article.

Section 10.4. TRANSFER OF FRANCHISE:

A franchise may be transferred, leased, or assigned upon a majority vote of the City Council.

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 30 days, the City Council must order an election, if requested by written petition signed by at least 100 qualified voters of the City. The City Council must set the date for holding the election in accordance with State law.

Section 10.6. RIGHT OF REGULATION:

All grants, renewals, extensions, or amendments of commercial utility franchises are subject to:

- (1) Repeal by ordinance for failure to begin construction or operation within the time prescribed, or for failure to comply with the terms of the franchise.
- (2) The requirement that all extensions of service within the City limits 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 are considered part of the original grant and terminable at the same time and under the same conditions as the original grant.
- (3) The requirement that expansion and extensions of facilities and services and maintenance of existing facilities be undertaken to provide adequate service at the highest level of efficiency.
- (4) The requirement that the franchisee provide reasonable standards of service and quality of product and prevent rate discrimination.
- (5) Reasonable regulations and restrictions to insure the safety and welfare of the public.
- (6) The examination and audit of accounts and records and the requirement that annual reports on local operations of the utility or service be submitted to the City.
- (7) The requirement that the franchise 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.

- (8) The requirement that the franchisee 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.
- (9) The requirement that compensation, rent or franchise fees be paid to the City as may be permitted by State law.

Section 10.7. REGULATION OF RATES:

- (a) Subject to State law, the City Council shall have the power, after reasonable notice and hearing, to regulate by ordinance the rates, charges, and fares of commercial utility franchises operating in the City.
- (b) The entity seeking a change in rate has the burden of showing the necessity for the change by any evidence required by the City Council or State law.
- (c) Franchises granted by the City are of no value in fixing rates and charges for commercial utilities within the City.
- (d) The City Council may hire rate consultants, auditors and attorneys to investigate and, if necessary, litigate requests for rate changes, the expense of which must 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 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.

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 debt service and providing any sinking fund for paying the outstanding and future bonds, notes and other obligations of the City, an ad valorem tax of not more than \$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 Bell County Appraisal District, and now or hereafter provided 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. TAX LIENS AND LIABILITIES:

Property having a situs in the City on January 1 of each year shall stand charged with a special lien in favor of the City until the tax on that property is paid. City tax liens shall be superior to all other liens except other tax liens, regardless of when the other non-tax liens were created. Purchasers of property within the City shall take the property subject to tax liens. In addition to the lien against the property, the owner of property subject to taxation by the City shall be personally liable for the taxes until they are paid. The City shall have the power to sue for and recover personal judgments for taxes without foreclosure, or to foreclose its lien or liens, or to recover both by personal judgment and foreclosure. If, in tax litigation, the description of property in the City assessment rolls is insufficient to identify particular property, the City shall have the right to plead a good description of the property, to prove the same, and to have its judgment foreclosing the tax lien or personal judgment or both, against the owners for taxes. Failure to levy and assess taxes through omission in preparation of the approved tax rolls shall not relieve the person, firm or corporation so omitted from the obligation to pay such current or past due taxes shown to be payable by recheck of the tax rolls and receipts for the years in question, unless otherwise provided by State law.

Section 11.4. COUNTERCLAIM OF TAX ARREARS AND DEBT OF CITY:

If a property owner to whom the City owes a debt is in arrears in payment of City taxes, the City may reduce the debt by an amount equal to the unpaid taxes. This right of setoff and counterclaim for taxes and arrears shall apply to any debt, claim, demand or account owed by the City. No assignment or transfer, after taxes are due, of a debt or any other claim will affect the right of the City to setoff taxes against the debt or other claim.

Section 11.5 CONFLICTS:

In the event procedures regarding tax administration established by State law or the Constitution conflict with any one or more of the preceding sections, the City will comply with State prescribed procedures. Where no conflict exists, the provisions and procedures set forth herein will be followed by the City.

Section 11.6. 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 11.7. 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.

Article 12: Budget

Section 12.1. FISCAL YEAR:

The fiscal year of the City begins on the first day of October and ends on the last day of September of the next succeeding year. The fiscal year also constitutes the budget and accounting year. The City Council may change the fiscal year by ordinance.

Section 12.2. SUBMISSION OF BUDGET AND BUDGET MESSAGE:

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

Section 12.3. BUDGET MESSAGE:

The City Manager's message must explain the budget both in fiscal terms and in terms of the work programs. It must outline the proposed financial policies for the City for the upcoming fiscal year, describe the important features 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 must 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, must be in such form as the City Council may require. The budget must begin with a clear general summary of its contents; show in detail all estimated income, indicating the proposed expenditures, including debt service, for the upcoming fiscal year; and be arranged as to show comparative figures for actual and estimated income and expenditures for the preceding fiscal year. It must 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) The 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 may not exceed the total of estimated income plus carried forward fund balance, exclusive of reserves.

Section 12.5. ADOPTION, PUBLIC HEARINGS, APPROPRIATION ORDINANCES AND TRANSFERS:

The preparation, adoption, amendment and transfers relating to the budget must be in conformity with State law. If the Council fails to adopt the annual budget before the start of the fiscal year to which it applies, appropriations of the last budget adopted shall be considered as adopted for the current fiscal year on a month-to-month pro rata basis until the next budget is adopted.

Article 13: Bonds

Section 13.1. AUTHORITY TO BORROW MONEY AND ISSUE BONDS, NOTES AND OTHER OBLIGATIONS:

(a) The City has the right and power to borrow money on the credit of the City for any public purpose as determined by the Council and not prohibited by the Constitution, State Law, or this Charter. The City has the right and power to issue bonds, notes and other obligations for any public purpose as determined by the Council and not prohibited by the Constitution, State law, or this Charter. All such bonds, notes and other obligations may be payable from ad valorem taxes or other revenues available to the City or a combination thereof and shall be issued in conformity with the Constitution and State law.

(b) Notwithstanding any other provision of this Charter to the contrary, ordinances or resolutions relating to the authorization and issuance of bonds, notes or other obligations or authorizing the levy of taxes or the pledge of revenues to secure payment of such bonds, notes or other obligations require only one reading, become effective immediately and are not subject to referendum.

Section 13.2. PROCEEDINGS IN COMPLIANCE WITH LAW:

All bonds, notes or other obligations must be secured as provided in the ordinances and resolutions authorizing their issuance in conformity with the Constitution and State law.

Article 14: Elections

Section 14.1. ELECTIONS:

(a) The Texas Election Code, any other applicable State laws, and any ordinances or resolutions adopted by the City Council will regulate the manner in which City elections are held.

(b) The City will hold its regular municipal election annually on the uniform election date in May, or at such other times as may be specified by State law. At the regular municipal election, voters will elect officers for those offices which become vacant that year. The City will fix the place for holding the election.

(c) In accordance with State law, the City Council may order a special election, fix the date and place for holding the election, and provide all means for holding the election.

Section 14.2. VOTING DISTRICTS:

The City Council will establish and designate voting districts by ordinance.

Article 15: General Provisions

Section 15.1. AMENDMENTS TO THE CHARTER:

This Charter may be amended in accordance with State law. The Charter may be reviewed as needed, but the City Council must perform, on its own or by committee, a review of this Charter at least once every ten years.

Section 15.2. ORDINANCES CONTINUED IN FORCE:

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

Section 15.3. OFFICERS AND EMPLOYEES:

(a) Nothing in this Charter except as otherwise specifically provided affects or impairs the rights or privileges of persons who are City officers or employees at the time of its adoption or amendment.

(b) Except as specifically provided by this Charter, if at the time this Charter takes effect, a City officer or employee holds any office or position which is or can be abolished by or under this Charter, he or she shall continue in such office or position until the specific provision under this Charter directing that he or she vacate the office or position takes effect.

Section 15.4. PENDING MATTERS:

All rights, claims, actions, orders, contracts or legal administrative proceedings shall continue except as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on or dealt with by the City department, office or agency appropriate under this Charter.

Section 15.5. CONSTRUCTION:

This Charter must be liberally construed to carry out its intents and purposes.

Section 15.6. SEVERABILITY:

If any provision of this Charter is held invalid, the other provisions of the Charter will not be affected. 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 will not be affected.

Section 15.7. NO WAIVER OF IMMUNITY:

No provision of this Charter is a waiver of sovereign or governmental immunity from suit or liability, and no provision of this Charter is a waiver of any public official, employee or volunteer immunity. The City

expressly retains all immunities provided to municipalities and their officials, employees and volunteers as those immunities now exist or may later exist in accordance with State and Federal law.

Section 15.8. REARRANGEMENT AND RENUMBERING:

The City Council has the power, by ordinance, to renumber and rearrange all articles, sections, and paragraphs of this Charter or any amendments. Upon passage of the ordinance, a copy must be certified by the City Secretary and forwarded to the Secretary of State for filing.