

CITY OF ALEDO, TEXAS

A REPORT

from the

CHARTER COMMISSION

to the

CITY COUNCIL

July 22, 2021

ALEDO HOME RULE CHARTER

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July 22, 2021

Honorable Mayor and City Council
City of Aledo
P. O. Box 1
Aledo, Texas 76008

Ladies and Gentlemen:

In accordance with City Ordinance No. 2021-140, adopted by you on March 21, 2021, the Charter Commission has now completed its deliberations on a home rule charter for the City of Aledo. The proposed charter is attached for your review prior to its submission to the voters.

The proposed charter is the result of a concentrated effort and a series of meetings by the 14-member Charter Commission. This process included the overall review of (a) our City's current functions, now operating under the state's general laws; (b) certain increased powers and authority available to Texas cities with home rule charters; and (c) the need for various changes in our City's governance to guarantee efficient administration and rational growth and development in the future.

The work of the Charter Commission was substantially assisted by Consultant Don R. Edmonds. Our efforts were further supported in an excellent fashion by members of the city staff, including City Administrator Sharon Hayes, City Secretary Deana McMullen, and City Attorney Betsy Elam.

The Charter Commission recommends that a home rule charter election be held on November 2, 2021. Prior to that time, the proposed charter must be translated to Spanish and mailed directly to all registered voters in the City, in accordance with state statutes.

Thank you, on behalf of the entire Charter Commission, for the opportunity to serve our community in this way. This responsibility has been both a challenge and an honor.

Respectfully submitted,


Bill McLeRoy
Chairman

Charter

ARTICLE I -- INCORPORATION AND FORM OF GOVERNMENT

Section 1.01 Incorporation

The inhabitants of the City of Aledo, in Parker County, Texas, within the corporate limits as now established, or hereafter established in the manner prescribed by this Charter, are and shall continue to be a municipal body politic and corporate in perpetuity under the name of the "City of Aledo," herein referred to as "City."

Section 1.02 Form of Government

The municipal government provided by this Charter shall be known as a "Council-Manager" government. Pursuant to its provisions and subject only to the limitations imposed by the state constitution, by the statutory laws of Texas, and by this Charter, all powers of the City shall be vested in an elective council comprised of the Mayor and five (5) council members, hereinafter referred to as the "Council" or "City Council," which shall enact local legislation, adopt budgets, determine policies, appoint the City Attorney and appoint the Judge of the Municipal Court. The Council shall also appoint the City Manager, who shall execute the laws and administer the government of the City.

Section 1.03 Corporate Boundaries

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

ARTICLE II -- POWERS OF THE CITY

Section 2.01 General Powers of the City

A. The City shall be a home rule city, with full power of local self-governance, including the right to amend this Charter. It shall have all the powers, rights, authority, privileges, obligations, and immunities possible for a city to have under the constitution and the laws of the State of Texas, together with all the implied powers necessary to carry unto execution all the powers granted. It may use a corporate seal.

B. The City shall have and succeed to all the rights—property, real, personal, and mixed—immunities, powers, privileges, and franchises now held, possessed, and enjoyed by the City or herein granted and be subject to all its present duties and liabilities, subject to the limitations in this Charter. The City may sue and be sued (but such suit shall not act to waive the City's sovereign immunity), may plead and be

pleaded in all courts, and may contract and be contracted with. The City may ordain and establish such acts, regulations, and ordinances not inconsistent with the constitution and laws of this State, as shall be needful for the government, interest, welfare, and good order of the City. The City may lease or convey any or all property owned by the City or any of its property within or without the city limits. The City shall have the power to acquire property for any municipal purpose in fee simple or in any lesser interest or estate by purchase, gift, devise, lease, or condemnation within or without the city limits and to lease, hold, manage, control, or convey the same when no longer required.

Section 2.02 Construction of Powers

A. The enumeration of particular powers by this Charter shall not be deemed to be exclusive and such powers shall be construed liberally in favor of the City. In addition to the powers enumerated or implied herein, it is intended that the City shall have and may exercise all powers under the constitution and laws of this State, as fully as though they were specifically enumerated by this Charter.

B. All powers of the City shall be exercised in the manner prescribed by this Charter, or if the manner is not detailed herein, then in such manner as may be set forth by ordinance, or the Constitution and laws of the State of Texas.

Section 2.03 Annexation

A. The Council shall have the power by ordinance to fix the boundary limits of the City to provide for the alteration and the extension of said boundary limits, and the annexation of additional territory lying adjacent to the City, with or without the consent of the territory and inhabitants annexed in any manner not prohibited by state law. During the annexation process, the Council shall provide an opportunity for all interested persons to be heard at public hearing(s), in conformance with state law. Upon the final passage of any such ordinance, the boundary limits of the City shall thereafter be fixed in such ordinance. When any additional territory has been annexed, the same shall be a part of the City, the property situated therein shall bear its pro rata part of the taxes levied by the City, and the inhabitants thereof shall be entitled to all the rights and privileges of all citizens and shall be bound by the acts, ordinances, resolutions, and regulations of the City.

B. Whenever there exists within the City any territory not suitable or necessary for city purposes, the Council by ordinance may discontinue said territory as a part of the City. When the disannexation ordinance is passed, the disannexed territory shall cease to be a part of the City but, at the City Council's discretion, the disannexed territory shall remain liable for its pro rata share of any indebtedness incurred while the area was a part of the City and the City shall continue to levy, assess, and collect taxes on the property in the disannexed territory until such indebtedness has been paid, unless the council determines that it is not necessary or advisable.

Section 2.04 Eminent Domain

The City shall have the full power and right 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 and laws of the State. The City may exercise the power of eminent domain in any manner authorized or permitted by the constitution and laws of the State of Texas. The power of eminent domain shall include the right of the City to take the fee in land so condemned and such power and authority shall include the right to condemn public property for such purposes. The City shall have and possess the power of condemnation for any municipal or public purposes even though not specifically enumerated in this Charter. The City may exercise such power of eminent domain as set by the Texas Property Code and may be required to pay fair market value. An affected property owner shall have the right to appeal as per state law.

Section 2.05 Intergovernmental Relations

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 of Texas or any of its political subdivisions or agencies, or the United States or any of its agencies.

ARTICLE III -- CITY COUNCIL

Section 3.01 Powers and Duties

All powers of the City and the determination of all matters of policy shall be vested in the City Council. Without limitation of the foregoing and among the other powers that may be exercised by the City Council, the following are enumerated for greater certainty. The City Council may:

- (1) remove from any office or position of employment in the City government, any officer, employee, or member of any board or commission, unless that person reports to the City Manager or is employed in one of the City departments under the direction of the City Manager;
- (2) establish, consolidate, or abolish administrative departments;
- (3) adopt the budget of the City;
- (4) authorize the issuance of bonds and other forms of indebtedness, in accordance with state law;
- (5) provide for such additional boards and commissions, not otherwise provided for in this Charter, as may be deemed necessary, and appoint the members of all such boards and commissions. Such boards and

commissions shall have all powers and duties now or hereafter conferred and created by this Charter, by City ordinance, or by state law;

- (6) adopt and modify the zoning plan and the building code of the City;
- (7) adopt and modify the official map of the City;
- (8) regulate, license, and fix the charges or fares made by any person, firm, or corporation owning, operating, or controlling any vehicle of any character used for the carrying of passengers for hire on the public streets and alleys of the City;
- (9) provide for the establishment and designations of fire limits and prescribe the kind and character of buildings, structures, or improvements to be erected therein; provide for the erection of fireproof buildings within said limits; and provide for condemnation of dangerous structures or buildings, dilapidated buildings, or buildings calculated to increase the fire hazard and prescribe the manner of removal or destruction of such buildings or structures within said limits;
- (10) adopt, modify, and carry out plans for improvement and redevelopment of any area of the City that may have been destroyed in whole or part by disaster;
- (11) adopt, modify, and carry out plans for the clearance of and/or the rehabilitation of blighted areas;
- (12) establish the salaries and compensation of City officers and employees appointed by the City Council;
- (13) provide for a sanitary sewer and water system, require property owners to connect with such sewer system, and provide for penalties for failure to make sanitary sewer connections;
- (14) provide for garbage disposal, set fees and charges therefore, and provide penalties for failure to pay such fees and charges;
- (15) exercise inalienable exclusive dominion, control, and jurisdiction in, upon, over, and under the public streets, avenues, sidewalks, alleys, highways, boulevards, and public grounds of the City and provide for the improvement of same;
- (16) compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the City.

Section 3.02 Number, Selection and Terms of Office

A. The legislative and governing body of the City shall be composed of a Mayor and five (5) members and shall be known as the "City Council of the City of Aledo," and may be referred to as "Council" or "City Council."

B. The Mayor shall be elected to office from the city at large. The other members of the Council shall be elected to office at large, but by specific place which shall be designated as Place One (1), Two (2), Three (3), Four (4) and Five (5).

C. The Mayor and members of the City Council shall be elected for terms of three (3) years and shall hold office until their respective successors have been elected and qualified. Two (2) members shall be elected at the regular election held annually on the first Saturday in May, unless the Council designates an alternative date allowed by state law at least six months prior to the regular election. In order to affect a transition to three (3) year terms upon the adoption of the Charter, elections shall be held as follows:

- (1) The Mayor and Place 2 shall be elected to three (3) year terms upon expiration of the current term in 2022.
- (2) Place 1 and Place 3 shall be elected to three (3) year terms upon the expiration of the current term in 2023.
- (3) Place 4 shall be elected to a two (2) year term in 2022 at the expiration of the current term, and at the expiration of that term shall be elected to a three (3) year term in 2024.
- (4) The current term of Place 5 shall be extended one (1) year to expire in 2024, at which time Place 5 shall be elected to a three (3) year term.

Thereafter, all members of the City Council shall be elected for three (3) year terms.

Section 3.03 Qualifications

Each of the six Council members, at the time of filing of their application for a place upon the ballot, shall meet all qualification requirements of the Texas Election Code; shall be 21 years old; shall be a registered voter in the State of Texas; shall be a resident of the City and shall have resided within the corporate limits of the City for least one year preceding the date of the election at which they are a candidate; shall not have been convicted of a felony criminal offense or a crime involving moral turpitude; and shall not be in violation of any other provision in this Charter.

Section 3.04 Judge of Qualifications

The Council shall be the sole judge of the election, whether the qualifications set herein and by law have been met by its members, and of the grounds for forfeiture of their offices. For these purposes, the Council shall have the power to subpoena witnesses, administer oaths, and require the production of evidence. Decisions by the Council as to election and qualifications of its members shall be considered final.

Section 3.05 Prohibitions

A. Except where authorized by law, no Council member shall hold any other City office or city employment during the term for which that member was elected to the Council. No former Council member shall hold any compensated appointive City office or employment by the City until two (2) years after the expiration of the term for which that member was elected to the Council.

B. Neither the Council nor any of its members shall, in any manner, dictate the appointment or removal of any City administrative officer or employee whom the City Manager or any of their subordinates are empowered to appoint. The Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.

C. Except for the purpose of inquiries, and for investigations under Section 3.11 of this Charter, the Council or its members shall deal with city officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the Council nor its members shall give orders to such officer or employee either publicly or privately.

Section 3.06 Vacancies, Forfeiture of Office and Filling of Vacancies

A. The office of a Council member shall become vacant upon the member's death, resignation, removal from, or forfeiture of that office.

B. A Council member shall forfeit that office if the Council member:

- (1) lacks at any time during the term of office for which elected any qualification for the office prescribed by this Charter or by state law;
- (2) fails to maintain residence within the City;
- (3) intentionally violates any express prohibition of this Charter;
- (4) is convicted of a felony criminal offense or a crime of moral turpitude; or is convicted of violating any state laws regulating conflicts of interest of municipal officers; or

- (5) fails to attend three (3) consecutive regular meetings without being excused by the Council.

C. A vacancy in a Council office shall be filled by special election within 120 days after such vacancy occurs, in accordance with the Texas Constitution and the Texas Election Code, as amended. If the vacancy occurs with less than 12 months remaining in the term, Council may appoint a qualified person to fill the unexpired term.

Section 3.07 Compensation and Expenses

A. Council members shall be compensated in the amount of five dollars (\$5.00) for each public meeting they attend.

B. Council members may receive reimbursement for necessary expenses incurred in the performance of their duties of office, according to policies to be determined by the Council.

Section 3.08 Mayor and Mayor Pro Tem

A. The Mayor shall preside over meetings of the Council and perform such other duties consistent with the office as may be imposed on the Mayor by this Charter and all ordinances and resolutions passed in pursuance thereof. The Mayor may debate and discuss any matters before the Council but may not vote on any issues being considered except to break a tie vote, or as otherwise provided in this Charter. The Mayor shall have no veto power.

B. The Mayor shall be recognized as the chief executive officer and as the head of the City by all courts for the purpose of serving civil process, by the Governor for the purpose of enforcing military law, and for all ceremonial purposes.

C. At the first meeting of the Council following the City's general election, the Council shall elect one of its members to serve a one-year term as Mayor Pro Tem of the City. In the absence or disability of the Mayor to perform the duties of that office, the Mayor Pro Tem shall perform all such duties required of the Mayor as provided by this charter, but shall retain the right to vote on Council agenda items.

Section 3.09 City Secretary

A. The City Manager shall appoint, subject to confirmation by the City Council, an officer of the City and such assistants as deemed necessary, who shall have the title of City Secretary. The City Secretary may be removed for cause from office by the City Manager, with the approval of the Council. The City Secretary and assistants shall give notice of Council meetings; keep minutes of Council proceedings; authenticate by signature and record in full in a book kept for that purpose all ordinances and resolutions; preserve and keep in order all books, papers, records, and files of the

Council; have custody of the seal of the City; and affix same to such documents and obligations as legally authorized.

B. The City Secretary and assistants shall perform such other duties as shall be required by this Charter, the Council, or the City Manager.

Section 3.10 City Attorney

A. The Council shall appoint a City Attorney and such assistant city attorneys as from time to time may be deemed necessary by the Council and who shall be competent, duly licensed, and admitted to the practice of law by the State of Texas. The City Attorney shall be legal advisor and attorney for all officers of the City acting in their official capacities and shall represent the City in litigation and legal proceedings as directed by the Council and City Manager.

B. The Council shall have the right to retain special counsel at any time that it may deem necessary and appropriate.

Section 3.11 Investigations

The Council, acting as a whole, shall have the power to make investigations into city affairs and to inquire into the official conduct of any department, agency, office, or employee of the City. For this purpose, the Council shall have the power to administer oaths; subpoena witnesses; 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 in the ordinance.

Section 3.12 Meetings

A. The Council shall meet regularly and at least once each month. The Council may hold as many additional, special meetings during the month as may be necessary for the transaction of City business. Special meetings may be called as necessary upon written notice to the City Secretary by the Mayor or by any three Council members. The City Manager, Mayor, or any three Council members may require items to be placed on the agenda for any regular or special meeting.

B. All meetings, regular or special, shall be held at the City Hall, except if another location is designated by the Council, pursuant to public notification, as required by this Charter and by state law.

Section 3.13 Rules of Procedure

A. The Council shall determine its own rules of procedure and order of business. Four members of the Council shall constitute a quorum to do business, and a majority

vote of those attending any meeting at which there is a quorum present shall be sufficient to adopt any ordinance or resolution, except as otherwise provided in this Charter. The vote upon the passage of all ordinances and resolutions shall be taken by “ayes” and “nays,” and the vote of each Council member present shall be entered on the minutes of the meeting.

B. All meetings of the Council, except for executive sessions authorized by state law, shall be open to the public. Minutes of all proceedings of open meetings shall be kept, to which any citizen may have access at all reasonable times and which shall constitute the archives of the City.

Section 3.14 Actions Requiring an Ordinance

A. In addition to other acts required by the constitution and the laws of the State of Texas or by specific provision of this Charter to be done by ordinance, all acts of the Council shall be by ordinance that:

- (1) adopt or amend an administrative code;
- (2) establish, alter, or abolish any City department, office, or agency;
- (3) establish a rule or regulation a violation of which results in a fine or other penalty;
- (4) adopt a budget;
- (5) levy taxes;
- (6) grant, renew, or extend a franchise;
- (7) regulate the rate a public utility charges for its services;
- (8) authorize the borrowing of money;
- (9) regulate land use and development;
- (10) prescribe standards for issuance of business or other licenses; and
- (11) amend or repeal any ordinance previously adopted.

B. Acts other than those referred to in the preceding sentence may be done either by ordinance or resolution.

Section 3.15 Ordinances in General

A. Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject, which shall be clearly expressed in its title. The enacting clause shall read, "Be it ordained by the City Council of the City of Aledo...."

B. An ordinance may be introduced and acted upon at any regular or special meeting of the Council.

C. Except as otherwise provided in this Charter, by ordinance, or by state law, all ordinances and resolutions passed by the Council shall take effect on the date of adoption.

D. Any ordinance imposing any penalty, fine, or forfeiture shall, after the passage thereof, be published one (1) time in the official newspaper of the City before the same shall go into effect. In lieu of publication of the full text of the ordinance, it shall be sufficient to publish the descriptive caption or title of the ordinance, stating in summary the purpose of the ordinance and the penalty for violation thereof. The ordinance shall take effect and be in force from and after the publication thereof, unless otherwise provided, and the penalty, fine, or forfeiture shall apply on the thirtieth day after publication.

Section 3.16 Codes of Technical Regulations

A. The Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedures and requirements governing such an adopting ordinance shall be that prescribed for ordinances generally. A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the City Secretary pursuant to Section 3.17.

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

Section 3.17 Authentication and Recording; Codification

A. The City Secretary shall authenticate by signing and shall record in full in properly indexed books kept for the purpose all ordinances and resolutions by the Council.

B. All City ordinances having the force of law shall be codified. The general codification shall be adopted by the Council by ordinance, shall be published in loose-leaf form, and shall include this Charter and any amendments thereto. The official copy of the City Code in the office of the City Secretary shall be kept up to date and properly indexed. It shall not be necessary to repeat in this codification any technical codes adopted by reference. Copies of the City Code shall be furnished to City offices, placed in libraries

and public offices for free public reference, and made otherwise available for purchase by the public at a reasonable price fixed by the Council. Amendments to the City Code shall also be made available for purchase by the public as they become available.

ARTICLE IV -- ADMINISTRATIVE ORGANIZATION

Section 4.01 Appointment, Qualifications and Compensation of the City Manager

A. The Council shall appoint a City Manager for an indefinite term, who shall be the chief administrative officer of the City. The City Manager shall be chosen by the Council by a majority vote of its entire membership and solely on the basis of executive and administrative training, experience, ability and character, and without regard to political consideration.

B. The City Manager shall receive such compensation as may be fixed by the Council.

C. The Council may enter into a contract with the City Manager to establish additional terms of employment.

Section 4.02 Removal or Suspension of the City Manager

The City Manager may be removed or suspended from office at the will of the Council by a majority vote of its entire membership. The action of the Council in removing the City Manager shall be final, it being the intention of this Charter to vest authority and fix all responsibility for such removal on the Council.

Section 4.03 Acting City Manager

By letter filed with the City Secretary, the City Manager shall designate a qualified administrative employee of the City to exercise the powers and perform the duties of the City Manager during the City Manager's temporary absence or disability. The Council may revoke such designation at any time and appoint another such employee of the City until the City Manager returns.

Section 4.04 Powers and Duties of the City Manager

The City Manager shall:

- (1) be responsible for the proper administration of all affairs of the City;
- (2) appoint and remove all department heads and subordinate employees of the City, except as otherwise provided in this Charter. The City Manager may authorize department heads to appoint and remove subordinates;
- (3) direct and supervise the administration of all departments, offices, and

agencies of the City, except as otherwise provided in this Charter;

- (4) attend Council meetings and have the right to take part in discussions, but may not vote;
- (5) see that the laws, provisions of this Charter, and acts of the Council subject to enforcement by the City Manager or by officers subject to the City Manager's direction and supervision, are faithfully executed;
- (6) prepare and submit the annual budget to the Council;
- (7) make such other reports as the Council may require concerning the operations of City departments, offices, and agencies subject to the City Manager's direction and supervision;
- (8) keep the Council advised as to the financial condition and future needs of the City;
- (9) perform such other duties as are specified in this Charter or may be required or directed by the Council, not inconsistent with the provisions of this Charter.

Section 4.05 Administrative Departments

There shall be such administrative departments established by this Charter and such other administrative departments deemed necessary by the Council and established by ordinance, all of which shall be under the control and direction of the City Manager.

Section 4.06 Directors of Departments

At the head of each department there shall be a director who shall be appointed and may be removed by the City Manager, except as provided by state law. Directors shall have supervision and control over their respective departments and may serve as chiefs of divisions within their respective departments and may serve as chiefs of divisions within their respective departments.

ARTICLE V – MUNICIPAL COURT

Section 5.01 Municipal Court

There shall be a court known as the "Municipal Court of the City of Aledo," with such jurisdiction, powers, and duties as are given and prescribed by the laws of the State of Texas.

Section 5.02 Judge of the Municipal Court

The Municipal Court shall be presided over by a Judge. The Judge shall be appointed by a majority vote of the Council for a two-year term and may be appointed to additional consecutive terms upon completion of the term of office. The Judge may be removed by a majority vote of the City Council after written notice and opportunity for a public hearing. The Judge shall receive such compensation as shall be fixed by the Council. In the absence or disability of the Judge, the Council shall appoint one or more qualified persons to serve in an interim capacity. Such interim appointees shall have all powers and duties of the office and shall be entitled to compensation as set by the Council.

Section 5.03 Clerk of the Municipal Court

A. There shall be a Clerk of the Municipal Court who shall be appointed by the City Manager, unless otherwise required by law. The Clerk shall have the power to administer oaths and affidavits, make certificates, affix the seal of the court thereto, and otherwise perform any and all acts necessary to the operation of such court.

B. Deputy Clerks of the Municipal Court may be appointed by the City Manager and shall have authority to act for and on behalf of the Clerk of the Municipal Court.

ARTICLE VI – FINANCIAL PROCEDURES

Section 6.01 Fiscal Year

The fiscal year of the City shall begin on October first of each calendar year and shall end on September thirtieth of the following calendar year. The fiscal year shall also be established as the accounting and budget year.

Section 6.02 Preparation and Submission of the Budget

The City Manager, at least sixty (60) days prior to the commencement of the fiscal year, shall prepare and submit a budget to the Council, which shall contain the following:

- (1) a budget message that outlines the proposed financial policies for the year with explanations of significant changes in expenditures from previous years and any other major changes of policy and a statement regarding the overall financial condition of the City.

- (2) an estimate of all revenues from taxes and other sources;

- (3) summaries of proposed expenditures by function, department, and activity and of proposed expenditures by character and object;
- (4) a description of all outstanding bond indebtedness, showing the amount, date of issue, rate of interest, and maturity date, as well as any other indebtedness that the City has incurred and is unpaid;
- (5) a statement describing any capital expenditures proposed to be undertaken during the year and recommending provisions for financing such expenditures.

Section 6.03 Budget a Public Record

The budget and all supporting schedules shall be filed with the City Secretary when submitted to the Council and shall be open to public inspection.

Section 6.04 Public Hearing on Budget

At the Council meeting at which time the budget is submitted, the Council shall, in conformance with the requirements of state law, name and cause to be published the date, time, and place of a public hearing. At this hearing, interested citizens may express their opinions concerning items of expenditure, giving their reasons for wishing to increase or decrease any such items.

Section 6.05 Procedures for Adoption of Budget

After public hearing, the Council shall analyze the budget, making any additions or deletions considered appropriate, and shall, at least three (3) days prior to the beginning of the fiscal year, adopt the budget by a majority vote.

Section 6.06 Budget Appropriation and Amount to be Raised by Taxation

On final adoption, the budget shall be in effect for the budget year. Final adoption of the budget by the Council shall constitute the official appropriations of budgeted expenditures for the year and shall constitute the basis of the official levy of the property tax as the amount of tax to be assessed and collected for that tax year. Budgeted expenditures will in no case exceed budgeted revenues plus reserves on hand.

Section 6.07 Contingency Accounts

The City Manager may recommend for approval by the Council one or more contingency accounts to be used for unanticipated items of expense that were not included in the budget as original items of expenditure.

Section 6.08 Amending the Budget

Under conditions that may arise and could not have been foreseen in the normal process of budget preparation, the Council may, by a majority vote, amend or change the budget to provide for additional expenditures. Such amendments shall be by ordinance and shall become an attachment to the original budget, kept on file by the City Secretary.

Section 6.09 Certification and Copies Made Available

A copy of the budget, as finally adopted, shall be filed with the City Secretary. The final budget shall be printed, or otherwise reproduced, and sufficient copies shall be made available for the use of all offices, agencies and interested persons and civic organizations.

Section 6.10 Defect Shall Not Invalidate the Tax Levy

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

Section 6.11 Independent Audit

At the close of each fiscal year and at such times as it may otherwise be deemed necessary, the Council shall cause an independent audit to be made of all accounts of the City by a certified public accountant. The certified public accountant shall have no personal interest, directly or indirectly, in the financial affairs of the City or any of its officers. Upon completion of the audit, the document shall be placed on file in the office of the City Secretary as a public record and made available for inspection by the public upon request.

Section 6.12 Purchasing Procedures

The City Manager shall direct that purchases of supplies, materials, or equipment by the City be made in accordance with policies adopted by the Council and as provided by state law.

Section 6.13 Investment Policy

The City Manager may invest any City monies in accordance with policies adopted by the Council and as provided by state law. Such policies shall be reviewed by the Council annually.

ARTICLE VII -- BONDS, WARRANTS AND OTHER EVIDENCE OF INDEBTEDNESS

Section 7.01 Powers to Issue

In keeping with state law, the City shall have the power to borrow money on the credit of the City for any public purpose not now or hereafter prohibited by state law and shall have the right to issue all general obligation bonds, revenue bonds, funding and refunding bonds, time warrants, and other evidence of indebtedness as now authorized or as may be authorized to be issued by cities in Texas.

Section 7.02 Interest and Sinking Fund

It shall be the duty of the Council to levy an annual tax or establish rates sufficient to pay the principal and interest when due and provide the necessary sinking fund required by law on all outstanding general obligation bonds of the City. The interest and sinking fund shall not be diverted to or used for any other purpose than to pay the interest and principal on all such bonds issued by the City. The interest and sinking fund maintained for the redemption of any debt may be invested in accordance with policies adopted by the Council and as provided by state law.

Section 7.03 Revenue Bonds

The City shall have the power to borrow money for the purpose of constructing, purchasing, improving, extending, or repairing public utilities, recreational facilities, or facilities for any other self-liquidating municipal function not now or hereafter prohibited by state law and to issue revenue bonds to evidence the obligations created thereby. Such bonds shall be a charge upon and payable solely from the properties or interest therein acquired and the income from such properties or interest, and shall never be a debt of the City. The Council shall have the authority to provide for the terms and conditions of any purchase agreement, contract, mortgage, bond, or document desired or necessary for the issuance of revenue bonds and the acquisition and operation of any such property or interest.

ARTICLE VIII -- TAXATION

Section 8.01 Powers of Taxation

The Council shall have the power under the provisions of state law to levy, assess, and collect an annual tax on taxable property within the City, not to exceed the maximum limits set by the Constitution and laws of the State of Texas. The Council shall have the further power to levy, assess, and collect all other types of taxes as provided and permitted by state law.

Section 8.02 Tax Lien and Liability

A special lien in favor of the City is hereby created on all real, personal, and mixed property located in the City for all unpaid taxes. The priority of said lien shall be determined in accordance with state law.

ARTICLE IX -- ELECTIONS

Section 9.01 Regular and Special Elections

Regular City elections shall be held on the first Saturday of May of each year, or as otherwise required by the Texas election code, at which time members of the Council, including the Mayor, shall be elected to fill those positions that become vacant that year. The Council may order special elections as authorized by state law, this Charter, or for any reason the Council deems appropriate. The Council shall fix the hours, place, and procedures for holding regular and special elections. Elections shall be held in compliance with applicable state law.

Section 9.02 Qualified Voters

All citizens qualified by state law to vote in the City and who satisfy the requirements for voter registration prescribed by state law shall be qualified voters of the City within the meaning of this Charter.

Section 9.03 Regulation of Elections

The Council shall make all regulations considered to be necessary or desirable, which are not inconsistent with this Charter or state law, for the conduct of City elections, or for the prevention of fraud in such elections, and shall make provisions for a recount of the ballots in case of doubt or fraud. The Council shall appoint election officials who shall conduct the City elections consistent with this Charter and with regulations made by the Council and by state law, or may contract with other jurisdictions to do so as permitted by the Texas Election Code. The Council shall provide for the compensation of all election officials in City elections and for all other expenses of holding such elections.

Section 9.04 Filing for Office

Any person having the qualifications required by this Charter for holding office as a member of the City Council who desires to become a candidate for election to the Council shall have the right to file an application to that effect, in writing, with the City Secretary. The application must provide information in accordance with the Texas Election Code.

Section 9.05 Official Ballot

An official ballot shall be drawn up by the City Secretary and it shall contain the names of all candidates for office, except those who may have been withdrawn, died, or otherwise become ineligible. Names will be placed on the ballot without party designation and each candidate's position on the ballot shall be determined by drawing lots, under the supervision of the City Secretary.

Section 9.06 Conducting and Canvassing Elections

The returns of each City election shall be delivered to the City Secretary by the election judges. The Council shall canvass the returns, investigate the qualifications of the candidates, and declare the official results of the election in the manner and within the time periods provided by state law. Returns of each City election shall be recorded in the minutes of the Council.

Section 9.07 Election by Majority

The mayor or other Council candidate receiving the majority of all votes cast for the office shall be elected. If no candidate receives a majority, the Council shall, on the first day following the official count, call for a second election to be held as provided by state law. The two candidates receiving the highest number of votes shall have their names placed on the ballot to be prepared by the City Secretary, in the order of their standing in the computation of the votes. In the event of a tie between two or more candidates, they shall draw lots to determine which two are to be the run-off candidates or to determine their places on the ballot. In the event of a tie in the run-off election, the run-off candidates shall draw lots to determine the winner.

ARTICLE X – INITIATIVE, REFERENDUM, AND RECALL

Section 10.01 Power of Initiative

The people of the City reserve the power to direct legislation by initiative and, in the exercise of such power, may propose any ordinance not in conflict with this charter or state law, except an ordinance related to appropriating money, authorizing the levy of taxes, zoning, annexation, salaries of employees, or on any topic that a court of competent jurisdiction has held to be not subject to initiative. Any initiated ordinance may be submitted by a petition signed by registered voters of the City equal in number to at least twenty percent (20%) of the number of registered voters residing in the City at the time of the last regular City election.

Section 10.02 Power of Referendum

The people of the City reserve the power to approve or reject at the polls any legislation enacted by the Council that is subject to the initiative process under this

Charter or on any topic that a court of competent jurisdiction has held to be not subject to imitative. Within thirty (30) days after the final adoption or publication, whichever date is later, of any ordinance that is subject to referendum, a petition, signed by registered voters of the city equal in number to at least twenty percent (20%) of the number of registered voters residing in the City at the time of the last regular City election, may be filed with the City Secretary requesting that any such ordinance be either repealed or submitted to a vote of the people. When such a petition has been certified as sufficient by the City Secretary, the ordinance so specified in the petition shall not go into effect, or further action thereunder shall be suspended if it shall have gone into effect, until and unless it is approved by the voters as herein provided.

Section 10.03 Form of Petition for Initiative and Referendum

All petition papers circulated for the purpose of an initiative or referendum shall be uniform in size and style. Initiative petition papers shall contain the full text of the proposed ordinance. The signatures to initiative and referendum petitions need not all be appended to one paper, but to each separate paper there shall be attached a statement of the circulator that they personally circulated the foregoing paper, that all the signatures appended thereto were made in their presence, and that they believe them to be the genuine signatures of the persons whose names they purport to be. Each signer of any such petition shall sign their name as required by the Texas Election Code.

Section 10.04 Filing, Examination and Certification of Petitions

All papers comprising a petition for initiative or referendum shall be assembled and filed with the City Secretary as one instrument. Within thirty (30) days after the petition is filed, the City Secretary shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition has been signed by a sufficient number of qualified electors and shall hold any petition paper entirely invalid that does not have attached thereto the statement signed by the circulator thereof. The City Secretary shall certify the result of this examination to the Council at its next regular meeting. If the City Secretary certifies that the petition is insufficient, the certificate shall specify the particulars in which it is defective and shall at once notify in writing the person filing the petition of this finding. A petition may be amended by filing a supplementary petition at any time within ten (10) days after a notice of insufficiency has been sent by the City Secretary. In such event, the same procedures shall then be followed by the City Secretary and Council as in the case of the original petition for the same purpose.

Section 10.05 Council Consideration and Submission to Voters

A. When the Council receives an authorized initiative petition, certified by the City Secretary to be sufficient, the Council shall either: (a) pass the initiated ordinance without amendment within thirty (30) days after the date of the certification to the Council; or (b) submit the initiated ordinance without amendment to a vote of the

qualified voters of the City at a regular or special election to be held on the next uniform election date of the State of Texas that allows sufficient time to comply with state law.

B. When the Council receives an authorized referendum petition, certified by the City Secretary to be sufficient, the Council shall reconsider the referred ordinance. If, upon such reconsideration, such ordinance is not repealed, it shall be submitted to the voters of the City at a regular or special election to be held on the next uniform election date of the State of Texas, that allows sufficient time to comply with state law.

C. Special elections on initiated or referred ordinances shall not be held more frequently than once each six (6) months, and no ordinance on the same subject as an initiated ordinance that has been defeated at any election may be initiated by the voters within two (2) years from the date of such election.

Section 10.06 Ballot Form and Results of Election

A. Ordinances submitted to the electors in accordance with the initiative and referendum provisions of this Charter shall be submitted by ballot title, which shall contain a clear, concise statement, without argument, of the substance of such ordinance. The ballot used shall have below the ballot title the following proposition, one above the other in the order indicated: "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE." Any number of ordinances may be voted on at the same election and may be submitted on the same ballot.

B. If a majority of electors voting on a proposed initiated ordinance shall vote in favor thereof, it shall thereupon become an ordinance of the City. A referred ordinance that is not approved by a majority of the electors voting thereon shall thereupon be deemed repealed. If conflicting ordinances are approved by the electors at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

Section 10.07 Power of Recall

The people of the City reserve the power to recall the Mayor or any other member of the Council and may exercise such power by filing a petition demanding the removal of the Mayor or other members of the Council with the City Secretary, signed by qualified voters of the City equal in number to at least thirty percent (30%) of the number of registered voters residing in the City at the time of the last regular municipal election of the City. The petition shall be signed and verified in the manner required for an initiative petition, contain a general statement of the grounds upon which the removal is sought, and include an affidavit of one of the signers of each petition paper affirming that the statements made therein are true.

Section 10.08 Recall Election

A. All papers comprising a recall petition shall be assembled and filed with the City Secretary. Within thirty (30) days after the petition is filed, the City Secretary shall determine its sufficiency and, if found to be sufficient, shall certify this fact to the Council at its next regular meeting. If a recall petition is found to be insufficient, it may be amended by filing a supplementary petition at any time within ten (10) days after notice of such insufficiency by the City Secretary,. In that event, the same procedures shall then be followed by the City Secretary and the Council as in the case of an original petition. The finding of insufficiency of a recall petition shall not prejudice the filing of a new petition for the same purpose.

B. The Council member whose removal is sought by a recall petition may, within five (5) days after such petition has been certified and presented to the Council, request in writing that a public hearing be held to permit them to present facts pertinent to the charges specified in the petition. In this event, the Council shall order such public hearing to be held not less than five (5) days nor more than fifteen (15) days after receiving such request for a public hearing.

C. If the Council member whose removal is sought does not resign, the Council shall order a recall election and fix a date for such election to be held on the next uniform election date of the State of Texas that allows sufficient time to comply with state law.

Section 10.09 Recall Ballot

Ballots used in recall elections shall read as follows: "SHALL (name of person or persons) BE REMOVED FROM THE CITY COUNCIL BY RECALL?" Below such question there shall be printed the following as to each person named:

"FOR THE REMOVAL OF (name of person.)"

"AGAINST THE REMOVAL OF (name of person.)"

Section 10.10 Results of a Recall Election

If a majority of the votes cast at a recall election shall be against removal of a Council member named on the ballot, that member shall continue in office. If a majority of the votes cast at such election be for the removal of the Council member named on the ballot, the Council shall immediately declare the office vacant and such vacancy shall be filled in accordance with the provisions of this Charter. A Council member thus removed shall not be a candidate in an election of their successor called to fill the vacancy created.

Section 10.11 Limitations on Recall

No recall petition shall be filed against the Mayor or any other Council member within six (6) months after they first take office, nor within six (6) months after an election for their recall, nor within six (6) months of the end of their term.

ARTICLE XI -- FRANCHISE AND PUBLIC UTILITIES

Section 11.01 Power to Grant Franchise

A. The ownership, right of control, and use of streets, highways, alleys, parks, public places, rights-of-way, and all other real property of the City is declared to be inalienable to the City. No entity or individual shall have the right to occupy such public property without the express permission of and under an express written agreement with the City concerning such occupancy. Utilities and/or public utilities shall only be granted the right to occupancy under the terms of a franchise agreement with the City. All grants, removals, extensions, or amendments of public utility franchises on, under, or beneath such public places shall be the right of the Council. The City may, by ordinance, sell, lease, transfer, or otherwise alter its control and use of such public properties, in accordance with the provisions of this Charter.

B. No franchise shall be granted for an indefinite term, nor may a franchise be granted for a term in excess of twenty (20) years.

Section 11.02 Franchise Extensions

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

Section 11.03 Exclusivity and Transfer of Franchise

A. With the exception of waste companies, the City shall not grant an exclusive franchise to any public utility.

B. No public utility franchise may be transferred or assigned by the holder except with the approval of the Council, expressed by ordinance following a public hearing.

Section 11.04 Regulation of Franchises

All grants, renewals, extensions, or amendments of public utility franchises, including waste providers, shall be subject to the right of the City to:

- (1) 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 terms of the franchise, such power to be exercised only after due notice and hearing;

- (2) require an adequate and reasonable extension of plant and service and the maintenance of plant and fixtures at a standard by which to render the highest reasonable quality of service to the public;
- (3) establish reasonable standards and quality of service and prevent unjust discrimination in service and/or rates;
- (4) prescribe, for each franchisee, the form of accounts to be kept or, alternately, require the system of accounts conform to that required by the appropriate state and/or federal regulatory agencies;
- (5) impose such reasonable regulations and restrictions as may be deemed desirable or conducive to the safety, welfare, and accommodation of the public;
- (6) require franchisees to furnish the City, without cost to the City, a general map with updates outlining the location, character, size, length, and terminals of all facilities of such franchisee in, over, or under the City; to regulate and control the location, relocation, and removal of such facilities; and to provide detailed information on request;
- (7) examine and audit at any time during normal business hours the accounts and records of the franchisee;
- (8) require compensation and rental fees, except as limited by state law, for use of public streets, sidewalks, highways, alleys, and public places;
- (9) require every franchisee to indemnify and hold harmless the City against any liability, claim, or damages (including attorney's fees and expenses) for injury to persons, including death, or damages to any property arising out of any intentional or negligent act or omission of the franchisee, or any of its officers, agents, or employees in connection with the franchisee's construction, maintenance, and operation of the franchisee's facilities in the City.

Section 11.05 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.

Section 11.06 Regulation of Rates

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

B. The Council, upon receiving a request from a public service desiring a change in rates, charges, or fares, shall call a meeting for consideration of such change.

C. A holder of a franchise to provide a public service or utility in the City must show the necessity for such change by establishing by clear, competent, and convincing evidence:

- (1) Cost of its investment for service in the City;
- (2) Amount and character of expenses and revenues connected with rendering the service; and
- (3) Any additional evidence required by Council.

D. The Council may, if not satisfied with the sufficiency of the legal evidence furnished by the public service, select and employ rate consultants and auditors to investigate any requests or changes in rates, charges, or fares. The public service shall reimburse the City for reasonable and necessary expenses incurred.

Section 11.07 Records and Accounts; Annual Reports

A. The Council shall require all franchise holders and public service companies operating within the City to file a sworn annual report of the receipts from the operation of the said business for the current year, how much thereof was expended for betterments or improvements, the charges for services rendered to the public, and any other facts or information that the Council may deem pertinent for its use. Said reports to be filed with the City Secretary. Such reports shall be reviewed annually by the Council to determine the propriety of the rates being charged.

B. Any franchise holder or public service company who shall for a thirty (30) day period willfully refuse or fail to report in the manner provided by this Charter, or shall file any report, knowing that the same does not truly report the facts about the matters mentioned therein, shall be subject to such penalties as may be prescribed by the Council by ordinance.

Section 11.08 Municipal Owned Utilities

The Council shall have the right to:

- (1) Set rates of City-owned public services; and

- (2) Require any City-owned public services to keep accounts of financial operations. Accounts must show actual cost of each service to the City, including costs of extensions and improvements, and source of funds extended for these purposes. Costs and revenues of services furnished to other cities or government agencies must be included.

ARTICLE XII -- PLANNING

12.01 Planning and Zoning Commission

A. There shall be established a Planning and Zoning Commission which shall consist of five (5) members, who shall be residents of the City and who shall serve two-year staggered terms. The members shall be appointed by the Council, and any vacancy on the Commission shall be filled by the Council for the remainder of the unexpired term in question. Members of the Commission shall serve without compensation and may be removed by the Council at its sole discretion.

B. The Commission shall annually elect a Chairman and a Vice Chairman from among its membership. A majority of members shall constitute a quorum. The Commission shall keep minutes of its proceedings and such minutes shall be of public record.

Section 12.02 Powers and Duties of the Planning and Zoning Commission

The Commission shall:

- (1) recommend a comprehensive plan for the physical development of the City;
- (2) recommend to the Council approval or disapproval of proposed changes in the zoning plan;
- (3) have and perform such additional duties as may be prescribed by ordinance.

Section 12.03 Comprehensive Plan

A. The comprehensive plan shall serve as a guide for the physical development of the City and contain the Commission's recommendations for growth, development, and beautification of the City. A copy of the comprehensive plan, or any part thereof, shall be submitted to the Council, which may adopt such plan in whole or in part, after at least one (1) public hearing on the proposed action. The Council shall act on such plan, or part thereof, within sixty (60) days following its submission. If such plan, or part thereof, is rejected by the Council, the Commission may modify such plan, or part thereof, and resubmit it to the Council for reconsideration.

ARTICLE XIII – GENERAL PROVISIONS

Section 13.01 Personal Interest in City Contracts

The Council, City Manager, City Secretary, and department heads of the City shall not have a substantial financial interest, as defined by the Texas Local Government Code, as amended, in any contract with the City; or have a substantial financial interest in the sale of any land, materials, supplies, or service to the City. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee violating this section shall forfeit their office or position. Any violation of this section, with the knowledge expressed or implied of a person or corporation contracting with the City, shall render the contract involved voidable by the Council.

Section 13.02 Nepotism

No person related within the second degree by affinity or the third degree by consanguinity to a member of the Council or to the City Manager shall be appointed to any paid office, position, or other service of the City. This prohibition shall not apply, however, to any person who shall have been continuously employed by the City for at least six months prior to the election of the Council member, or 30 days prior to the appointment of the City Manager so related to the employee.

Section 13.03 Oaths of Office

Every person elected or appointed to any office shall, before entering upon the duties of that office, take and subscribe to the oath of office prescribed by state law.

Section 13.04 Prohibited Activities and Penalties

A. 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.

B. No person seeking 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 their test, appointment, promotion, or proposed promotion.

C. Any person convicted of a violation of this section shall be ineligible for a period of five (5) years following such conviction to hold any City office or position and, if an officer or employee of the City at the time of the violation, shall immediately forfeit their office or position. The Council may establish by ordinance such further penalties for such violations as it may deem appropriate.

Section 13.05 Claims Against the City

Before the City shall be liable for damages, personal injury of any kind, or damage to property, the person who is injured, whose property is damaged, or someone on behalf of that person shall give the City Manager notice of the alleged claim in writing 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. The party also shall, whenever possible, give the names and addresses of all witnesses known to the claimant and 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. Failure to notify the City of such a claim within six (6) months from the date of the claim shall exonerate, exempt, and excuse the City from any liability whatsoever. Nothing in this section shall be construed to mean the City waives any rights, privileges, defenses, or immunities in tort action, or otherwise, provided under common law and state law.

Section 13.06 Liens, Assignment, Execution and Garnishment

A. Real and personal property belonging to the City shall not be liable for sale or appropriation under any writ, 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 by state law.

B. 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 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 whatsoever. The City shall not be obligated to recognize any assignment of wages or funds by its employees, agents, or contractors except by court order or as otherwise required by state law.

Section 13.07 References to State Law

Wherever in this Charter reference is made to "state law," unless explicitly provided otherwise, such reference shall mean state law currently in effect and shall not be limited to state law as it existed at the time of adoption of this Charter, or any relevant portion hereof.

Section 13.08 Separability

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

Section 13.09 Charter Amendment

A. Proposed amendments to this Charter shall be framed and submitted to the voters of the City in the manner prescribed by state law.

B. The Council shall, at intervals not to exceed five (5) years, formally consider the need for revision(s) to the Charter. This review shall be based on a written report from the City Manager, with special attention given to conflicts, if any, between the Charter and state law, and recommending such amendments to the Charter as may seem necessary for legal, administrative, or other reasons.

Section 13.10 Public Meetings

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

Section 13.11 Public Records

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

Section 13.12 Official Newspaper

The Council may designate by resolution one or more newspapers of general circulation as defined by state law, in the City as the official newspaper of the City, and shall cause to be published therein all ordinances, notices, and other matters that are required to be published by this Charter, the ordinances of the City, or the Constitution or laws of the State of Texas. In addition to publication in the official newspaper, such notices shall be posted on the City's website.

Section 13.13 Bond or Security Not Required

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

Section 13.14 Judicial Notice

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

Section 13.15 Indemnification of Officers

The Council shall by appropriate ordinance, provide for the indemnification and defense of the officers and employees of the City, including members of the Council, or any board, commission, or committee, including volunteers, against any loss, cost, or expense, including court costs and attorneys' fees, to the extent allowed by law, arising out of any claim, suit, judgment, or settlement thereof, resulting from any alleged negligent act or omission of such officer, employee, member, or volunteer during the discharge of their duties and within the scope of their office, employment, membership, or assigned voluntary position with the City, or in any other case where the City is directed or authorized by law to do so, provided however, that such indemnification will not be provided for any act arising out of the intentional or knowing violation of any penal statute or ordinance arising out of any conduct determined by final judgment to be an act of fraud or to have been taken with the intent to deceive or defraud, or for any personal or private business of such officer, employee, member, or volunteer, or for the gross negligence, official misconduct, or willful or wrongful act or omission of such officer, employee, member, or volunteer.

Section 13.16 Assignment of Wages

The City shall never be liable to the assignee of any wages of any officer, agent, or employee of said City, whether earned or unearned, upon any claim or account whatsoever, and as to the City such assignment shall be absolutely void.

Section 13.17 Meaning of Words

The provisions of this Charter shall be liberally construed for the purpose of effecting the objects and ends thereof. Unless some other meaning is manifest the word "CITY" shall be construed to mean the "CITY OF ALEDO", the words in the present tense include future tense, except when a more restricted meaning is manifest, and singular may mean plural. The words "CITY SECRETARY" refers to the person performing the duties of City Secretary. The words "COUNCIL" or "CITY COUNCIL" shall be construed to mean the "CITY COUNCIL OF THE CITY OF ALEDO." All references to State law or the laws of the State of Texas, however expressed in this Charter, shall mean "as presently enacted or hereafter amended."

ARTICLE XIV – TRANSITIONAL PROVISIONS

Section 14.01 Officers and Employees

A. 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.

B. Persons, who on the date this Charter is adopted, are filling appointive positions that the City which are retained under this Charter, shall continue to fill these positions for the terms for that they were appointed, unless removed by the Council or by other means provided for in this Charter.

Section 14.02 Effect on Existing Laws

All City ordinances, rules, or regulations inconsistent with this Charter are repealed as of the date of adoption of the Charter.

Section 14.03 Continuance of Contracts

All contracts entered into by the City or for its benefit prior to the taking effect of this Charter shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws or ordinances existing at the time this Charter takes effect may be carried to completion in accordance with the provisions of such existing laws or ordinances. All suits, taxes, penalties, forfeitures, and all other rights, claims, and demands, which have accrued under the laws, heretofore in force governing the City shall belong to and be vested in and shall be prosecuted by and for the use and benefit of the City, and shall not in any way be diminished, affected, or prejudiced by the adoption and taking effect of this Charter.