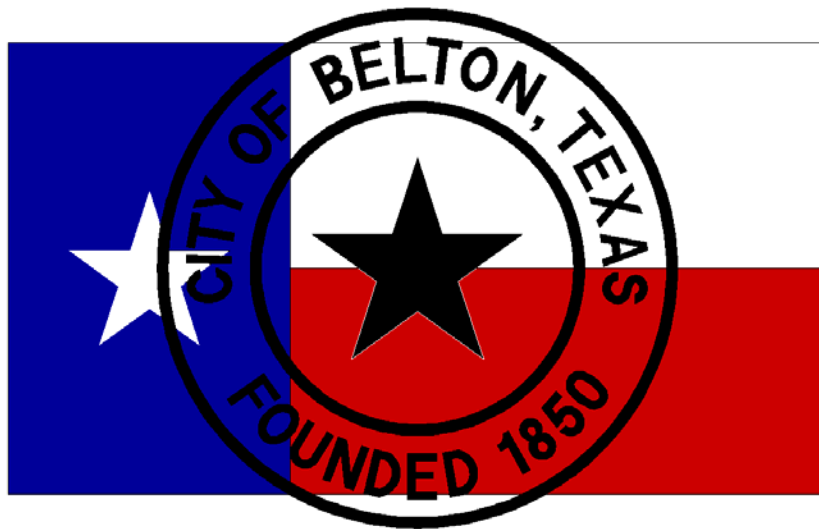


City of Belton, Texas

City Charter

Adopted May 7, 2005



PREAMBLE

This Charter is dedicated to and adopted by the citizens of the City of Belton to grant full authority for local self government, to ensure such rights and duties to the people, to reserve to the people the powers of initiative, referendum and recall, and to encourage citizen participation in our government for the proper and efficient progress of our City. To this end we adopt and ordain this Charter as authorized by the Texas Constitution.

CITY OF BELTON, TEXAS HOME RULE CHARTER

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PREAMBLE

This Charter is dedicated to and adopted by the citizens of the City of Belton to grant full authority for local self government, to ensure such rights and duties to the people, to reserve to the people the powers of initiative, referendum and recall, and to encourage citizen participation in our government for the proper and efficient progress of our City. To this end we adopt and ordain this Charter as authorized by the Texas Constitution.

ARTICLE I. INCORPORATION, FORM OF GOVERNMENT AND POWERS OF THE CITY

Section 1.01. Incorporation. The inhabitants of the City of Belton, Texas, within the corporate limits as now and as hereafter established, extended and modified, shall continue to be and are hereby constituted a body politic and corporate, in perpetuity, under the name of the City of Belton, with such powers, privileges, rights, duties, and immunities as herein provided.

Section 1.02. Form of Government. The municipal government shall be the Council-Manager form of government. Subject only to the limitations imposed by, the State constitution, State laws, and this Charter, all powers of the City shall be vested in and exercised by an elective governing body, hereinafter referred to as the City Council or council. The Council shall enact legislation, adopt budgets, determine policies, make appointments to committees, commissions and boards, and appoint the City Manager who shall execute the laws and administer the government of the City.

Section 1.03. Rights Reserved. All suits, taxes, penalties, fines, forfeitures, and all other rights, claims and demands, of every kind and character, which have accrued under the laws in favor of the City, heretofore in force governing the same, shall belong to and vest in the City and shall not abate by reason of the adoption of this Charter, and shall be prosecuted and collected for the use and benefit of the City and shall not be in any manner affected by the taking effect of this Charter; but as to all of such rights, the laws under which they shall have accrued shall be deemed to be in full force and effect. The budget and all ordinances, rules and regulations of the City shall be and remain in effect, subject to the terms of this Charter and the future discretion and vote of the Council. All present commissions, boards and officers of the City shall continue in office subject to the provisions of this Charter, including, but not limited to, the provisions governing election and removal, and the Council's exercise of the authority conferred by this Charter.

Section 1.04. General Powers. The City shall possess and may exercise the full and complete power of local self-government and shall have all powers possible and lawful for a home rule City to have under the constitution and laws of the State of Texas, as fully and completely as though each such power were specifically enumerated in this Charter. The City shall have the authority and power to accomplish and provide for any public purpose, including, but not limited to, the advancement of the interest, welfare, health, morals, comfort, safety, convenience, and economic well being of the City and its inhabitants, the regulation and control of public property and municipal

finances, the preservation of the public peace and good order, the security and protection of the public health, safety and welfare, the promotion of trade, commerce and economic development, the beautification and quality of life, and any other service or program serving a public purpose.

All powers of the City shall be exercised and enforced as prescribed in this Charter, and when not prescribed herein, in such manner as is provided by ordinance or resolution. The enumeration of general or particular powers in this Charter shall not be held or deemed to be exclusive or limiting, and all shall include the implied powers necessary to carry into execution any such power.

Under the name of the City, the City shall be known in law and have succession and be capable of contracting and being contracted with; being sued and impleaded as authorized in this Charter or by State law; suing and impleading at law or in equity and being answered to in all courts and tribunals; provided that the City shall have and reserve any and all legal and equitable defenses including, but not limited to, sovereign immunity and qualified governmental immunity.

Section 1.05. Particular Powers. In addition to the foregoing general powers and the other powers and authority set forth in this Charter, the City may exercise any of its powers and perform any of its functions by contract with, or in cooperation with, the State or any agency or any political subdivision thereof, the Federal government or any agency thereof, and any person, firm or legal entity; use a corporate seal; own, acquire, purchase, lease, hold, manage, control, convey and sell any character of property, whether real, personal or mixed, including any charitable or trust fund, situated within, or without, the limits of the City, in fee simple or in any lesser interest or estate by purchase, gift, devise, lease or condemnation; contract with, own, lease, operate and regulate public utilities and services; assess, levy and collect taxes for general and special purposes; borrow money on the revenues and/or the faith and credit of the City, by the issuance and sale of bonds, certificates of obligation, warrants, notes or any other evidence of indebtedness or obligation of the City; appropriate City funds and monies for any public purpose; regulate and control the use, for whatever purpose, of the streets and other public places; make and enforce regulations to protect the public safety, health and welfare; adopt resolutions and ordinances to establish and accomplish programs and functions for good government, for the peace, safety, welfare, comfort and quality of life of the City and its citizens, or for any other public purpose; zone and regulate the development and use of land and other property; provide suitable penalties for the violation of ordinances; and exercise all municipal powers, rights, functions, privileges and immunities of every kind and nature whatsoever.

Section 1.06. Power of Eminent Domain. The City shall have full power and right to exercise the power of eminent domain to accomplish any public purpose. The City shall have such power even though such power of eminent domain is not otherwise specifically enumerated in this Charter or State law. The City may exercise the power of eminent domain in any manner authorized or permitted by State law and, in those instances in which State law does not authorize, permit or establish the procedures, method of establishing value, or other requirements for condemnation and the exercise of the power of eminent domain, the Council shall by ordinance establish fair rules, processes and procedures for valuing the property and property interests to be condemned.

Section 1.07. Annexation and Disannexation. The City may by ordinance unilaterally annex or disannex any land, property or territory upon its own initiative, or upon a petition submitted by a majority of the voters residing within the territory being annexed or disannexed, or upon petition by the owners of the property. The procedure for the establishment, modification or extension of the City boundaries, and the annexation or disannexation of territory, may not be inconsistent with any applicable requirements established by State law; provided that absent procedures being established by State law the action may be taken by ordinance adopted after one public hearing is held at least ten (10) but not more than twenty (20) days after notice of such public hearing is published in a newspaper of general circulation in the City. Upon final passage of an ordinance, fixing, establishing or modifying the boundaries of the City, or annexing or disannexing any property by any method prescribed herein, the boundaries of the City shall be so extended or modified as provided in such ordinance. Upon an ordinance annexing property the territory described in the ordinance shall become a part of the City, and the annexed land and its residents and future residents shall be bound by the acts, ordinances, codes, resolutions and regulations of the City. Property disannexed from the City shall not be relieved from any unpaid assessments or taxes levied against the property while such property was a part of the City.

Section 1.08. Streets and Public Property. The City shall have exclusive dominion, control, and jurisdiction, in, upon, over, and under the public streets, sidewalks, alleys, highways, public squares, public ways and public property within the City. With respect to all such facilities and public property, the City shall have the power to establish, maintain, alter, abandon, or vacate the same; to regulate, establish, or change the grade thereof; to control and regulate the use thereof; and to abate and remove in a summary manner any encroachment. The City may develop and improve, or cause to be developed and improved, any and all public streets, sidewalks, alleys, highways, and other public ways within the City by laying out, opening, narrowing, widening, straightening, extending and establishing building lines along the same; by purchasing, condemning, and taking property therefor; by filling, grading, raising, lowering, paving, repaving, and repairing, in a permanent manner, the same; by constructing, reconstructing, altering, repairing, and realigning curbs, gutters, drains, sidewalks, culverts, and other appurtenances and incidentals in connection with development and improvements; and may make any one or more of the kinds or classes of development and improvement authorized hereinabove, or any combination or parts thereof. All such powers, rights and authority shall extend to and include any property, streets or rights-of-way located outside the corporate limits of the City that is owned or legally controlled by the City.

ARTICLE II. BOUNDARIES OF THE CITY

Section 2.01. Boundaries. The boundaries and limits of the City shall, until changed in the manner herein provided, be the same as have heretofore been established and as exist on the date of the adoption of this Charter. The boundaries and territorial limits of the City may from time to time by ordinance be fixed, decreased, modified or extended, and property may be annexed into the City or disannexed from the City, with or without the consent of any voter or of any landowner in the affected area.

**ARTICLE III.
THE CITY COUNCIL**

Section 3.01. Governing Body. The governing body of the City shall consist of a City Council composed of a Mayor and six Councilmembers elected by plurality vote from the City at large. The Mayor and each other member of the Council elected at a regular election shall be elected for a term of two years, and if elected at a special election they shall be elected to serve the remainder of the unexpired term of the office. All members of the Council shall serve until their successors are elected and take office.

At the regular election held in even numbered years a Mayor shall be elected, and two (2) Councilmembers shall be elected to serve in the Council positions for which the term of office expires in that year. At the regular election in odd numbered years, four Councilmembers shall be elected to serve in the four council positions for which the term of office expires in that year.

Each qualified voter of the City may vote for one Mayoral candidate and two Councilmember candidates in even numbered years, and for four Councilmember candidates in odd numbered years. The candidate for Mayor that receives the highest number of votes cast for that position shall be elected. In even numbered years the two candidates for Councilmember that individually receive the highest number of votes and in odd numbered years the four candidates for Councilmember that individually receive the highest number of votes shall be elected. The election shall be ordered by the City Council and the City Clerk shall give notice of the election in the manner required by the laws of the State of Texas.

Section 3.02. Qualifications. The Mayor and Councilmembers shall, on the day prior to the date of the scheduled election to be held for such office, be citizens of the United States; qualified voters of the City; residents of the City, or an area having been annexed into the City, for at least twelve (12) consecutive months; be eighteen (18) years of age or older; and not be delinquent on any indebtedness to the City. No City employee shall be eligible to file for the office of Mayor or Councilmember and no member of the Council shall hold any other elective public office. If a member of the Council ceases to possess any of the qualifications of office, is finally convicted of a crime involving moral turpitude, or files application to be a candidate for any other elective office when more than 180 days remain on his/her term of office, his/her office shall, upon such fact being determined by the Council, immediately become vacant; provided that if the residence of a member of the Council is disannexed, the member shall serve the remainder of his or her term of office.

Section 3.03. Vacancies in Office. The office of Mayor or Councilmember shall become vacant upon the death, resignation, or removal from office of the incumbent. Within thirty (30) days of declaring a vacancy, the Council shall appoint to the vacancy a person possessing the qualifications specified in this Charter. If two or more vacancies exist and a uniform election date for which timely notice may be given is available 180 days or more before a general City election, the Council shall, within not more than thirty (30) days of the occurrence of the multiple vacancies, call a special election to fill the vacancies. If a uniform election date is not available, the Council shall appoint

qualified persons to fill the vacancies. If no qualified candidate files for election to the office of Mayor or Councilmember, or if fewer qualified candidates file than the number of offices to be filled, for any special or general election, the Council shall appoint a qualified person to fill the position until the next general election.

Section 3.04. City Council Judge of its Members. The Council shall be the judge of the election and qualifications of its members, may determine the rules of its proceedings, and shall have power to compel the attendance of absent members and to punish members for disorderly conduct.

After due notice and opportunity to be heard and upon not less than five (5) affirmative votes, the City Council shall have the power to remove any elected officer for gross immorality, habitual drunkenness, incompetency, corruption, misconduct or malfeasance in office. Officers or employees of the City appointed directly by the Council may be removed by majority vote of the Council at any time after notice in compliance with the open meetings laws.

Section 3.05. Quorum and Attendance. Four (4) members of the Council shall constitute a quorum for the purpose of transacting business and no action of the Council shall be valid or binding unless adopted in an open meeting with a quorum present; provided that less than a quorum may adjourn any meeting or canvass an election. It is the duty of each member of the Council to attend regular and special meetings of the Council, and the failure of any member to attend three or more successive meetings, without good and sufficient cause, shall constitute grounds for discipline.

Section 3.06. Meetings. The Council shall hold one or more regular meetings each month on a schedule established from time to time by the Council, and as many additional or special meetings, as the Council deems necessary to transact the business of the City. The Council shall fix the dates and times of the regular meetings. Special meetings shall be held on the call of the Mayor, two (2) more Councilmembers, or the City Manager, and, if practicable, on not less than twelve (12) hours notice to each member. Meetings shall be open to the public and public notice shall be given as provided by State law. Executive and non-public sessions are permitted and may be held only as provided by State law.

Section 3.07. Voting. No ordinance, resolution, order, action, matter or issue, shall be passed, approved, adopted, taken or consented to except by a majority vote of at least four (4) members of the Council; and not less than four (4) affirmative votes shall be required to pass, approve, adopt, take action or consent to any ordinance, resolution, action, matter, issue, or motion, other than adjournment or canvass of an election.

Section 3.08. Compensation. Each member of the Council shall be compensated for their service in the amount of \$1.00 per annum, provided that, on approval by the Council, they shall also be entitled to reimbursement for necessary expenses incurred in the performance of official duties.

ARTICLE IV.
THE AUTHORITY AND LIMITATIONS OF THE CITY COUNCIL

Section 4.01. Mayor. The Mayor shall serve as the ceremonial head of the City government, preside at all meetings of the Council and provide leadership and coordination necessary to good government. He or she shall work closely with the Council to obtain legislation in the public interest and with the City Manager to ensure that the same is enforced, and participate in the discussion and vote on all legislative and other matters coming before the Council. The Mayor and the City Manager shall have signatory authority for all legal contracts and commitments of the City. The Mayor shall sign all ordinances and resolutions; recommend appointees for the boards and commissions to the Council; work and coordinate with the City Manager and the Council; and, in time of declared emergency, may take command of the police and govern the City by proclamation, maintain order and enforce all laws. The Mayor shall have such additional powers as are granted to the office by this Charter, State law, or ordinance.

Section 4.02. Mayor Pro-Tem. At its first regular meeting after each general election or a vacancy in the office of Mayor Pro-Tem, the Council shall elect one of its members to be Mayor Pro-Tem for a one (1) year term, or to fill the unexpired term resulting from the vacancy. Nominations for Mayor Pro-Tem shall require a second and the Mayor Pro-Tem shall be the Councilmember who receives a majority of the votes cast by the Council but not less than four (4) votes. In the absence of the Mayor, the Mayor Pro-Tem shall perform the duties of the office of the Mayor and in such capacity shall be vested with all powers conferred on such office. In the event of the failure, inability, or refusal of the Mayor to act in respect to any matter or duty, the Mayor Pro-Tem shall act. In the event the office of Mayor becomes vacant, the Mayor Pro-Tem shall serve as Mayor until the office is filled by election or appointment as provided herein.

Section 4.03. The City Council. The Council is the legislative and governing body of the City and shall have control of all the City finances, property, functions, services, affairs and programs, subject to the terms and provisions of this Charter. The Council shall have the power to ordain, alter, amend or repeal and enforce ordinances, resolutions, rules, orders, regulations and programs, for any local purpose, that are not in conflict with this Charter or the Federal or State constitutions and laws. The Council shall have the power and authority to provide for any public purpose.

The Council shall have all the powers necessary and incident to the proper discharge of the duties imposed upon it and is hereby vested with all powers necessary to carry out the terms and provisions of this Charter; except where such powers are, by this Charter, specifically reserved or conferred on some other officer. To that end, all the officers and personnel appointed by the Council shall serve at the pleasure of the City Council.

The following powers and duties of the Council are not exclusive but are enumerated for greater clarity:

- (a) Appoint, supervise and remove the City Manager, the City Attorney, the City Clerk and the municipal judge, by a majority vote of not less than four votes;
- (b) Ensure enforcement of the provisions of this Charter and the ordinances of the City;
- (c) Adopt and amend the budget of the City;
- (d) All bond elections and authorize the issuance and sale of bonds, certificates of obligations, certificates of participation, warrants, notes and other evidences of indebtedness or obligation of the City pursuant to this Charter and State law;
- (e) Provide oversight of all City finances;
- (f) Provide for and appoint boards and commissions required in this Charter and as deemed necessary by the Council;
- (g) Adopt, modify and carry out the plans proposed by the planning commission and other boards and commissions;
- (h) Adopt, modify and cause the enforcement of building codes, fire codes, health codes, public safety codes, and other codes and regulations deemed reasonably necessary;
- (i) Provide for all public utilities and service providers and serve as the regulatory agency for the rates thereof, whether City owned or furnished by private companies;
- (j) Adopt ordinances and resolutions as necessary in its judgment and discretion to accomplish or provide for any public purpose not inconsistent with this Charter;
- (k) Exercise all powers of the City provided for in this Charter, except as otherwise provided in this Charter.
- (l) Control and regulate the use and occupancy of the public streets, rights-of-way and all property of the City;
- (m) Make investigations into municipal affairs and subpoena persons, documents and records, and compel the attendance of witnesses and the production of records therefor;
- (n) Exercise police powers to provide for the safety of the citizens, to protect their health, life and property, prevent and summarily abate and remove all nuisances, preserve and enforce good government, and provide for order and security of the City; and

- (o) Govern the affairs of the City in conformance with this Charter and State and Federal law, and determine by majority vote of the Council the programs and services and the most appropriate method and manner of performing such functions and providing the services of the City, consistent with the Council-Manager form of government; and, except as provided in this Charter with respect to certain departments that must be maintained in effect, after the City Manager is given reasonable opportunity to make comment and provide recommendations, the Council may create, change, merge, or abolish offices, departments or agencies of the City, and may contract for services by interlocal agreement or otherwise as it deems advisable to improve the services or the efficiency of government.

Section 4.04. Duties of Officers and Employees. Provided that no action of the Council shall be inconsistent with this Charter, the Council shall from time to time, after having heard the City Manager's recommendations, establish personnel policies and regulations, and the duties, responsibilities and authority of each appointed officer and employee of the City not inconsistent with this Charter. The City shall be an equal opportunity employer and the service of each such officer and employee shall be at will and the Council may require other and further duties of any appointed officer or employee whose duties are prescribed herein, and may define, prescribe and change the duties of any appointed officer or employee as in its judgment be best for the public interest. No person related within the second degree of consanguinity or affinity to a member of the Council or the City Manager shall be or remain employed by the City; provided that such prohibition shall not apply to any person employed full-time for a period of twelve (12) months or more prior to the member of the Council, City Manager or department head taking office. The Council may require good and sufficient bond be given by appointed officers or employees handling funds of the City and may require bond of other officers or employees if considered proper or necessary. The expense of any such bond shall be paid by the City.

Section 4.05. Prohibitions. The Council shall have powers only as a body meeting with a quorum present and no member shall have power to act individually except where that power may, consistent with this Charter, be conferred on a member by the City Council.

No member of the Council shall hold any other City office or City employment during his or her term of office, and no former member of the Council shall hold any City office with compensation until one (1) year after the expiration of the full term of office to which such member was appointed or elected.

No member of the Council shall give orders directly to any City employee, except when empowered by State law to do so during an emergency, and all members of the Council shall deal with the officers, employees and administrative offices that are supervised by the City Manager, through the City Manager.

Section 4.06. Ordinances. The Council may adopt legislation by ordinance regarding any subject or matter relating to or dealing with any public purpose. An ordinance must be enacted whenever the purpose is to regulate persons and property; whenever there is imposed a penalty, fine, forfeiture,

or tax; whenever the purpose is to set a rate to be paid by consumers; whenever an ordinance is required by State law or this Charter; or when an ordinance is amended. The authority of the Council to legislate to accomplish any public purpose shall be subject only to the following:

- (a) No ordinance of the City may be inconsistent with this Charter or in conflict with any applicable State or Federal law;
- (b) The enacting clause of every ordinance shall be “BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS.”;
- (c) An ordinance may be adopted on one reading only, except as otherwise specifically provided in this Charter;
- (d) An ordinance adopted at an emergency meeting held with less than 72 hours notice shall be and remain in effect until the next regular council meeting, at which meeting it shall expire unless readopted by the City Council.

Section 4.07. Resolutions and Minute Orders. The Council may act by resolution regarding any subject or matter relating to or dealing with any public purpose or municipal issue or business except as provided in Section 4.06. The enacting clause of formal written resolutions shall be “BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS.” The Council may give instructions to the City Manager, approve bids and contracts, and take other actions regarding the day to day business of the City by motion and vote and entered in the minutes of the Council meeting.

ARTICLE V. ELECTIONS

Section 5.01. Conduct of Elections. All elections shall be held in accordance with State law and the ordinances adopted by the Council for the conduct of elections. The Council shall appoint the election judges, provide for other election officials, and establish and alter the voting precincts by ordinance. In the absence of State law providing regulations for the conduct of any election, the Council shall provide such regulations by ordinance. As authorized by State law, the Council may contract and provide for elections to be conducted and held as a joint election.

Section 5.02. Notice and Order for Elections. City elections shall be ordered and notice thereof given as provided in the Texas Election Code, and the Council shall establish the procedures and order elections except as provided therein. If not otherwise provided for by State law, all elections shall be ordered at least thirty (30) days prior to the date of the election and notice shall be given by publication not more than thirty (30) days and not less than twenty (20) days immediately preceding the date of election. Notice of election shall be published in a newspaper of general circulation within the City.

Section 5.03. General and Special Elections. The general City election shall be held annually on the first Saturday in May or the date nearest thereto as may be required by law. The Council may by ordinance call such special elections as are authorized by this Charter or State law, fix the time of holding such elections, and provide all means for holding such special elections; provided that every special election shall be held on a Saturday or a uniform election date, unless otherwise provided by law or this Charter.

Section 5.04. Filing for Office. Candidates for office shall make application for a place on the ballot within the times and manner prescribed by the Texas Election Code. In the absence of a filing deadline established by State law, applications for a place on the ballot shall be filed no later than 5 p.m. on the 45th day before election day. All applications shall designate the position sought. It shall be the duty of the City Clerk to place the name of all qualified candidates, making timely application, on the official ballot. Each candidate for the Council or any other elective office shall meet the following qualifications:

- (a) Have all the qualifications for a Councilmember as described in Section 3.02 of this Charter.
- (b) No candidate may file for more than one (1) office per election.
- (c) Each candidate shall file such application in the form required by State law or ordinance, as applicable.
- (d) A Councilmember having one (1) year or more remaining on his or her term of office may not file for election to the office of Mayor, prior to resigning from the office of Councilmember.

Section 5.05. Polling Places. The Council shall establish one or more election precincts and provide polling places as necessary for City elections. Until established otherwise by ordinance, the entire City shall be one (1) election precinct and the City hall shall be the polling place for all City elections.

Section 5.06. Official Ballots.

- (a) Names on Ballot. The legal name of each candidate for office, except those who have withdrawn, died or become ineligible two (2) business days or more prior to the start of early voting, shall be printed on the official ballots without party designation or symbol, in the form designated by the candidate. If two (2) or more candidates have the same surname or surnames so similar as to be likely to cause confusion, their residence addresses shall be printed with their names on the ballot.
- (b) Order of Listing. The order on the ballot of the names of the candidates shall be determined by lot in a drawing to be held under the supervision of the City Clerk.

- (c) Early Voting. Procedures for early voting shall be consistent with the Texas Election Code.
- (d) Ballots On Measures. Ballots for ordinances, bond issues, Charter amendments and other measures shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title but shall be a clear, concise statement, approved by majority of the Council, describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described (ordinance) (bond issue) (amendment) be adopted?" Immediately below or to the left of such question shall appear, in the following order, the words "Yes" and "No" each with a square in which the voter may cast his or her vote by marking a cross (X).

Section 5.07. Voters and Voting. Every registered voter who has been a resident of the City for thirty (30) days or more prior to the date of the election shall be entitled to vote in City elections. Early voting and the hours the polls are open shall be as established by State law, or, absent State law providing therefor, as established by ordinance. Write-in votes shall be permitted only in compliance with the Texas Election Code.

Section 5.08. Canvassing. The returns of every municipal election shall be delivered by the election judges to the City Clerk at City hall after the closing of the polls. The Council shall canvass the returns in accordance with State law. If not governed by State law the canvass shall be held within five (5) business days. The returns of every City election shall be recorded in the minutes of the Council by totals for each candidate, or, for and against each measure.

Section 5.09. Tie Votes. If two (2) or more candidates for Mayor tie for the highest number of votes in an election for that office, or if two (2) or more candidates for any Councilmember office tie for the number of votes required for election, the tie shall be broken in a manner authorized by the Texas Election Code, or by lot or chance as agreed between the candidates. No measure shall be adopted except by majority vote and a tie vote defeats the measure.

Section 5.10. Term of Office. The regular term of office of the Mayor and the Councilmembers shall commence immediately following the canvass of the vote for the general election at which they are elected. A Mayor or Councilmember elected at a special election may take office immediately following the canvass of the vote for the election at which they are elected. Any elected candidate that refuses to take office within thirty (30) days of the date of the canvass of the vote for the election shall forfeit the office.

ARTICLE VI. INITIATIVE, REFERENDUM AND RECALL

Section 6.01. General. The citizens reserve the powers of initiative, referendum and recall, which may be exercised in the manner and subject to the limitations provided in this Article.

Section 6.02. Initiative. Subject only to the limitations provided in this Article, the people of the City shall have the power to propose legislation on any local government issue, except legislation appropriating money, levying taxes, zoning land, annexing land, or setting rates, fees or charges, and, if the Council fails to adopt an ordinance so proposed, to adopt or reject the proposed legislation at an election.

Section 6.03. Referendum. The people of the City shall have the power to require reconsideration by the Council of any adopted ordinance regarding any issue that would be a proper subject for an initiative, and if the Council fails to repeal an ordinance so reconsidered, to approve or reject the ordinance at an election. Such power shall not extend to the budget; capital expenditures; levy of taxes; any bonds or any similar obligations; zoning; annexation; or any rates, fees and charges; provided that tax increases shall be subject to petition as provided by State law.

Section 6.04. Conflict. No initiative or referendum action shall conflict with this Charter, the constitution or any State statute.

Section 6.05. Signatures. Initiative and referendum petitions must be signed by registered voters residing within the City in number equal to ten percent (10%) of the number of registered voters within the City on the date the petition is first filed with the City Clerk under section 6.06. The signatures to the initiative or referendum petition need not all be appended to one paper, but each signer shall sign his or her name in ink or indelible pencil and shall add his or her printed name, place of residence by street and number, and the date of signature.

Section 6.06. Commencement of Proceedings. Any five (5) registered voters of the City may begin initiative, referendum or recall proceedings by filing with the City Clerk an affidavit signed by each of them stating they constitute the petitioners committee and will be responsible for circulating the petition. The affidavit must state their names and addresses and include as a referenced attachment the petition proposed to be circulated. Attached to each separate petition paper there shall be a separate affidavit to be completed by the person circulating such petition paper stating that he or she and he or she only personally circulated the foregoing paper, that the petition paper bears a stated number of signatures, that all such signatures appended thereto were made in his or her presence, and that he or she believes them to be the genuine signatures of the persons whose names they purport to be. An initiative or a referendum petition must also include the proposed initiative ordinance or the ordinance sought to be reconsidered, in full and proper form including the caption, and such petitions and recall petitions shall be assembled and filed with the City Clerk as one (1) instrument.

The City Clerk shall place the time and date on the petition and documents when filed, examine the filing for sufficiency as to form and place the time and date of the certification for circulation on such petition and documents. The City Clerk shall provide a certified copy of such filing as certified for circulation to the person presenting same, the City Manager and the City Attorney, and file a copy of such certified documents and petition in the archives of the City.

The circulated petition must be returned and refiled with the City Clerk within thirty (30) days after the date the petition is certified for circulation. Signatures obtained prior to the date of such certification shall be invalid and a petition returned after the expiration of thirty (30) days shall not be considered.

Section 6.07. Examination and Sufficiency. The City Clerk shall examine each signature separately and disqualify any signature not having all of the information required, or not found to be that of a qualified voter of the City, determine whether the petition contains the requisite number of valid signatures, and complete a certification as to the sufficiency of the petition signatures within fourteen (14) days following the date the circulated petition is filed with the City Clerk. The petitioner shall be notified by certified mail of the sufficiency of, or any insufficiencies in, the petition.

If the petition is certified as sufficient, the City Clerk shall present a certificate to the City Manager who shall cause the same to be placed on the agenda for the first council meeting that is three (3) or more days after the date of the certification.

If the petition is certified as insufficient due to the disqualification or invalidity of signatures, the petitioner shall have ten (10) days following the date the number of signatures is found insufficient to file a supplementary petition with additional signatures sufficient in number to equal the required number of signatures. If a supplementary petition is timely filed, the City Clerk shall have seven (7) days to certify the petition as sufficient or insufficient.

Section 6.08. Referendum-Suspension of Ordinance. When an authorized referendum petition is certified by the City Clerk as sufficient, the ordinance sought to be reconsidered shall be suspended unless continued by majority vote of the Council; and, if suspended, such suspension shall continue until the Council repeals the ordinance or the ordinance is upheld by election.

Section 6.09. Action on Petition. Within ten (10) days after the date an initiative or referendum petition has been certified to the Council as sufficient, the City Attorney shall be requested to give a legal opinion on the legality of the petition and ordinance. If the City Attorney issues a valid written opinion that the petition and proposed action are clearly and facially invalid, the Council may, but shall not be required to, decline to take action, or repeal the referred ordinance, adopt the initiated ordinance or call an election on such ordinance. Otherwise, within forty-five (45) days after an initiative or referendum petition has been certified to the Council as sufficient, the Council shall:

- (a) Adopt the proposed initiative ordinance without any change in substance; or
- (b) Repeal the referred ordinance; or
- (c) Call an election on the proposed or referred ordinance.

The election on a proposed or referred ordinance shall be held on the next available uniform election date after the date of the Council's action and for which notice may be timely given in compliance with State law and this Charter. Such election may coincide with a regular City election should such election fall within the specified time. However, special elections on initiated or referred ordinances shall not be held more frequently than once each six (6) months and no ordinance substantially the same as a defeated initiative ordinance shall be adopted by the Council or initiated within two (2) years after the date of the election. No referred ordinance repealed at an election may be readopted by the Council within two (2) years from the date of the election at which such ordinance was repealed. Copies of the proposed or referred ordinances shall be made available at each polling place.

Section 6.10. Procedure and Results of Election. Not more than thirty (30) and not less than fifteen (15) days prior to the special election, the City Clerk shall cause the proposed or referred ordinance to be published in its entirety at least once in a newspaper of general circulation in the City.

The ballots used when voting upon such proposed and referred ordinances shall set forth the nature of the ordinance sufficiently to identify the ordinance and shall also set forth a proposition as provided in this Charter. If a majority of the qualified voters voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances adopted by the Council. If conflicting ordinances are approved at the same election, the ordinance receiving the greatest number of affirmative votes shall prevail.

An ordinance adopted by initiative may not be repealed or amended at any time prior to the expiration of two (2) years from the date of its adoption, except at an election held for such purpose or such amendment being approved by the Council by not less than six (6) affirmative votes.

If a majority of the qualified voters on a referred ordinance vote against the ordinance, it shall be considered repealed upon certification of the election results. If a majority of the qualified voters voting on a referred ordinance vote for the ordinance, it shall be upheld and, in such event, may not again be the subject of a petition within twelve (12) months following the date of such election.

Section 6.11. Power of Recall. The people of the City reserve the power to recall any elected City officer and may exercise the power by filing with the City Clerk a petition signed by qualified voters of the City equal in number to at least fifteen percent (15%) of the number of registered voters within the City on the date the petition is first filed with the City Clerk, demanding the removal of the elected officer and stating the reasons for removal. The petition shall be signed and verified as required for an initiative petition and a separate petition must be filed for each officer being recalled.

Section 6.12. Recall Election. The provisions requiring a five (5) member committee, an affidavit and a petition being filed for commencement of initiative petitions, and the provisions for examination, certification, and amendment of petitions shall apply to recall petitions. If the City

Clerk certifies the petition as sufficient, the City Council shall, at the first meeting for which timely notice may be given, order a special election to be held at the earliest time permitted by this Charter and State law, to determine whether the officer shall be recalled. If a majority of votes cast at a recall election be for the recall of the officer, the office shall be vacant.

Section 6.13. Limitation on Recall. No recall petition shall be filed against an officer within six (6) months after taking office; no officer shall be subjected to more than one (1) recall election during the term of office; and no officer shall be recalled at an election held less than six (6) months prior to the expiration of the term of office being served by such officer.

Section 6.14. Failure of City Council to Call an Election. If the City Clerk shall certify the petition as sufficient and the City Council shall fail or refuse to order such recall election, or to discharge any other duty imposed upon the Council with reference to the recall, then any citizen of the City may file suit in the district courts to compel the Council to order the election. If a suit is filed regarding a petition on which the City Attorney has issued a written opinion that the proposed ordinance or referendum petition is facially invalid, if the courts find the petition valid and the opinion in error the Council shall call the election.

ARTICLE VII. ADMINISTRATIVE SERVICES

Section 7.01. City Manager. The Council shall appoint and may remove the City Manager upon the affirmative vote of a majority of the entire council, and shall supervise the City Manager by majority vote. The City Manager shall be chosen and compensated solely on the basis of his or her experience, education, training, ability and performance, and need not when appointed be a resident of the City; provided that, during his or her tenure of office the City Manager shall reside within the City. The City Manager may be bonded at City expense as determined by the Council. No member of the Council shall, during the term of office to which elected or for one (1) year thereafter, be appointed City Manager.

The City Manager shall be the chief executive and administrative officer of the City and shall be responsible to the Council for the proper administration of all the affairs and business of the City. The City Manager shall be required to:

- (a) Enforce all State laws and City ordinances;
- (b) Appoint, supervise, suspend and remove officers and employees of the City, except those appointed by the Council or as otherwise specifically provided in this Charter or State law;
- (c) Attend all council meetings except when excused;
- (d) Prepare and submit the proposed annual budget, and be responsible for the administration of the adopted budget;

- (e) Keep the Council advised of the financial condition and needs of the City and make appropriate recommendations;
- (f) Prepare and submit to the Council at the end of each fiscal year a complete report on the finances and administrative activities of the City for such year;
- (g) Make such other reports as the Council may require concerning the operations of the City;
- (h) Meet, discuss and confer with and advise the Mayor and/or any member of the Council regarding City business; and
- (i) Perform other duties as may be prescribed in this Charter or required by the Council, consistent with this Charter;

Section 7.02. Interim Manager. If the office of City Manager is vacant, the Council shall designate an interim City Manager. The Council may designate a person to perform the duties of the City Manager during his/her extended absence or disability.

Section 7.03. Administrative Departments. There shall be such administrative departments as are required to be maintained by this Charter, and as are established by ordinance. Administrative departments shall include, but shall not be limited to, the City Manager, Finance, Police, Fire, Public Works, Development Services and Library. All departments, other than those for which this Charter requires the department head to be appointed by the Council, shall be under the control and direction of the City Manager. The Council shall approve all personnel policies, and shall, by ordinance, have the power to establish administrative offices or departments not provided for in this Charter, and to discontinue, redesignate, or combine any of the departments and administrative offices that are established by ordinance. No change shall be made by the Council in any personnel policy, department or the City organization until the City Manager's recommendations have been heard by council.

Section 7.04. Department Directors. At the head of each department there shall be a director who shall be appointed and may be removed as provided in this Charter. Such directors shall supervise and control their respective departments, may serve as the head of any division within their department, and may, with the City Manager's approval, appoint and remove all employees of their respective department. More than one department may be headed by the same person, the City Manager may head one or more such departments, and a provision in this Charter for the appointment of a director does preclude any such dual assignments or service.

Section 7.05. Departmental Organization. The work, duties, responsibilities and organization of departments may be established by ordinance; provided that no such ordinance shall conflict with this Charter or be adopted until the City Manager shall have been heard and have made a recommendation with respect thereto. The City Manager may establish divisions or sections in any

department. Departments not established by this Charter, and their respective responsibilities and duties shall be established by ordinance.

Section 7.06. City Clerk. The office and department of City Clerk shall be established and maintained. The duties of the City Clerk shall be as set forth in this Charter. Such duties shall include, but not be limited to, the giving notice of all council meetings; keeping the minutes of the proceedings of council meetings and the archives of the City; authenticating by his or her signature, and recording in full in books kept and indexed for the purpose, all ordinances and resolutions; performing other duties as shall be assigned to the position by law; maintaining appropriate files of all contracts and other legal documents resulting from and/or having a bearing on actions of the Council; and assisting the City Manager to maintain appropriate records, files and resources which pertain to City business or specific council or board meeting agenda items.

Section 7.07. City Attorney. There shall be a department and office of City Attorney. The City Attorney shall be a competent and duly licensed attorney. He or she shall receive for his or her services such compensation as is fixed by the Council and shall advise the City on all legal matters and represent the City in all litigation and other legal matters. The Council may retain other attorneys for specific matters when it deems same to be necessary.

Section 7.08. Municipal Court. There shall be established and maintained a court, designated as the “Municipal Court” of the City of Belton, for the trial of misdemeanor offenses, with all such powers and duties as are now, or may hereafter be, prescribed by Charter or State law relative to municipal courts. The municipal court shall be organized and supervised as follows:

- (a) The municipal judge shall be responsible for hearing and the trial of cases filed in the court. The judge shall be entitled to compensation as fixed by the City Council.
- (b) The Council shall have the power to appoint and remove the Municipal Judge and additional Associate Judges. The qualifications and requirements of office of the Municipal Judge and the Associate Judges shall be as prescribed by State law and the City Council.
- (c) The term of office of the Municipal Judge and associate judges shall not be for a fixed or definite term.
- (d) A clerk and any deputy clerks of the court shall be appointed by and report to the City Manager or his designee.
- (e) The clerk of the court and deputies shall have the power to administer oaths and affidavits, make certificates, affix the seal of said court thereto, and perform any and all acts usual and necessary to be performed by the clerks of courts and conducting the business thereof.
- (f) All costs, fees, special expenses and fines imposed by the court shall be paid into the City treasury for the use and benefit of the City, except as required by law.

ARTICLE VIII.
FINANCE

Section 8.01. Finance Department. The Department of Finance shall be established and maintained and the head of such department shall be the Director of Finance. The Director of Finance shall have knowledge of municipal accounting and experience in budgeting and financial control. Such director shall provide a bond with such surety and in such amount as the Council may require. The premium on such bond shall be paid by the City.

Section 8.02. Powers and Duties. Under the direction of the City Manager, the Director of Finance shall have the charge of the administration of the financial affairs of the City and to that end, he or she shall have authority and shall be required to:

- (a) Supervise and be responsible for the disbursement of all monies and have control over all expenditures to insure that budget appropriations are not exceeded;
- (b) Maintain a general accounting system for the City government and each of its offices, departments, and agencies; keep bonds for and exercise financial budgetary control over each office, department and agency; keep separate accounts for the items of appropriation contained in the City budget, each of which accounts shall show the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance; require reports of receipts and disbursements from each receiving and spending agency of the City government to be made daily or at such intervals as may be deemed expedient;
- (c) Submit to the Council, through the City Manager, a monthly statement of all receipts and disbursements;
- (d) Prepare, as of the end of each fiscal year, a complete financial statement and report;
- (e) Unless otherwise provided in a manner authorized by State law, supervise and be responsible for the assessment of all property within the corporate limits of the City for taxation, make all assessments for the City government, and give such notices of taxes and special assessments as may be required by law;
- (f) Collect all taxes, special assessments, license fees and other revenues of the City or for whose collection the City is responsible and receive all money receivable by the City from the county, any district, State or Federal government, or from any court, or office, department or agency of the City, or, where such services are provided by contract authorized by State law, coordinate and provide oversight of such contract;
- (g) Have custody of all public funds belonging to or under the control of the City, or any office, department or agency of the City government, and deposit all funds as may be designated by the City Council, subject to the requirements of law in force from time to time as to the

furnishing of bonds or the deposit of securities and the payment of interest on deposits. All such interest shall be the property of the City and shall be accounted for and credited to the proper account;

- (h) Have custody of all investments and invested funds of the City government, or in possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the City and the receipt and delivery of City bonds and notes for transfer, registration or exchange;
- (i) Supervise and be responsible for the purchase, storage and distribution of all supplies, materials, equipment and other articles used by any office, department or agency of the City government;
- (j) Approve all proposed expenditures; unless he or she shall certify a sufficient unencumbered balance of appropriation and available funds, no expenditure shall be made.

Section 8.03 Accounting Supervision and Control. The Director of Finance shall have power and shall be required to:

- (a) Prescribe the forms of receipts, vouchers, bills or claims to be used by all the offices, departments and agencies of the City government;
- (b) Examine and approve all contracts, orders and other documents by which the City government incurs financial obligations, having previously ascertained that monies have been appropriated and allotted and will be available when the obligations shall become due and payable;
- (c) Audit and approve before payment of all bills, invoices, payrolls and other evidences of claims, demands or charges against the City government and with the advice of the City Attorney, determine the regularity, legality and correctness of such claims, demands or charges;
- (d) Inspect and audit any accounts or records of financial transactions which may be maintained in any office, department or agency of the City government apart from or subsidiary to the accounts kept in his or her office.

Section 8.04. Fiscal Year. The fiscal year of the City shall begin on the first day of each October and end on the last day of September of the succeeding year.

Section 8.05 Annual Budget. The City Manager, between thirty (30) and ninety (90) days prior to the beginning of each fiscal year, shall submit to the Council, a proposed budget, which shall provide a complete financial plan for the fiscal year, and shall contain the following:

- (a) A budget message, explanatory of the budget, which message shall contain an outline of the proposed financial policies of the City for the fiscal year, shall set forth the reasons for salient changes from the previous fiscal year in expenditure and revenue items, and shall explain any major changes in financial policy.
- (b) A consolidated statement of receipts and expenditures for all funds.
- (c) An analysis of property valuations.
- (d) An analysis of tax rate.
- (e) Tax levies and tax collections by years for at least five (5) years or, if records for five (5) years are not available, then for as many years as are available.
- (f) General fund resources in detail.
- (g) Summary of proposed expenditures by function, department and activity.
- (h) Summary of proposed expenditures by character and object.
- (i) Detailed estimates of expenditures shown separately for each activity to support the summaries numbered (g) and (h) above. Such estimates of expenditures are to include an itemization of positions showing the number of persons having each title.
- (j) A revenue and expense statement for all types of bonds.
- (k) A description of all bond issues outstanding, showing rate of interest, date of issue, maturity date, amount and authorized amount issued, and amount outstanding.
- (l) A schedule of requirements for the principal and interest of each issue of bonds.
- (m) A special funds section.
- (n) The appropriation ordinance.
- (o) The tax levying ordinance.
- (p) Such other information as may be required by the City Council, not inconsistent with this Charter.

The budget shall be arranged to show comparative figures for estimated revenues and expenses of the current fiscal year and for the preceding fiscal year in separate columns, compared to the estimate for the budgeted year.

Section 8.06. Budget Process and Adoption. The budget and all supporting schedules shall be filed with the City Clerk when submitted to the Council at a public meeting and it shall then be a public record for inspection by anyone.

- (a) At the meeting of the Council at which the budget is submitted, the Council shall fix the time and place of a public hearing on the budget and shall cause to be published, a notice of the hearing setting forth the time and place thereof at least five (5) days before the date of the hearing.
- (b) At the time and place set forth above, or at any time and place to which such public hearing shall from time to time be continued, the Council shall hold a public hearing on the budget submitted and all interested persons shall be given an opportunity to be heard for or against any item or the amount of any item therein contained.
- (c) After the public hearing the Council may adopt the budget with or without amendment. The Council may amend the recommended budget to add, increase, decrease or delete any programs or amounts, except expenditures required by law or for debt service; provided that no amendment shall increase the authorized expenditures to an amount greater than the total of estimated funds available from all sources.
- (d) The budget shall be finally adopted by ordinance not later than the twenty-seventh day of September; provided that if the Council takes no final action on or prior to such day, the budget as submitted by the City Manager shall be deemed to have been finally adopted by the Council until such time as the City Council adopts a budget pursuant to the provisions of this Charter.

Section 8.07. Administration of Budget. No payment shall be made or obligation incurred except in accordance with this Charter and appropriation duly made, and unless the Director of Finance first certifies that a sufficient unencumbered balance and sufficient funds are or will be available to cover the claim or meet the obligation when it becomes due and payable. If funds are not currently available to make an appropriate payment, but will become available within the fiscal year, the Finance Director may request the Council give authority to borrow money to make such payment provided that such money will be repaid by the end of the fiscal year. Any authorization of payment or incurring of an obligation in violation of the provisions of this Charter shall be void and any payment so made illegal; provided this shall not be construed to prevent the Council by ordinance from making or authorizing of payments or the making of contracts, for capital expenditures to be financed wholly or partly by the issuance of bonds, time warrants, certificates of indebtedness, certificates of obligation, lease-purchase, or other similar evidence of indebtedness or obligation, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year.

Section 8.08. Estimated Expenditures Shall Not Exceed Estimated Resources. The total estimated expenditures of the general fund and debt service fund shall not exceed the total estimated resources of each fund (prospective income plus cash on hand).

Section 8.09. Amendment and Supplemental Budgets. To protect the public health, safety, welfare and resources of the City, budget amendments to fund and meet unanticipated conditions, the Council may amend the budget at anytime. Supplements and amendments shall be approved by ordinance and shall be filed with the original budget.

Section 8.10. Contingent Appropriation. Provisions shall be made in the annual budget and in the appropriation ordinance for a contingent appropriation in an amount not more than three percent (3%) of the total general fund expenditures, to be used in case of unforeseen items of expenditures. Such contingent appropriations shall be under the control of the City Manager and distributed by him. Expenditures from this appropriation shall be made only in cases of emergency or unforeseen circumstances. A detailed account of such expenditures shall be recorded and reported. The proceeds of the contingent appropriation shall be disbursed only by transfer to other departmental appropriation, the spending of which shall be charged to the departments or activities for which the appropriations are made.

Section 8.11. Transfer of Appropriations. The City Manager may at any time, transfer any unencumbered appropriation balance or portion thereof between general classifications of expenditures within an office, department or agency. At the request of the City Manager and within the last three (3) months of the fiscal year, the Council may by resolution, transfer any unencumbered appropriation balance or portion thereof from one office, department or agency to another.

Section 8.12. Lapse of Appropriations. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered.

Section 8.13. Depository. The Council shall select a depository or depositories for City funds on the basis of bids received from such institutions. Investment of City funds shall be made pursuant to State law. All monies received by any person, department or agency of the City for or in connection with affairs of the City shall be promptly deposited in the City depository or depositories. All checks, vouchers, or warrants for the withdrawal of money from the City depositories shall be signed by at least two authorized signatories, all of which shall be approved by the City Council by resolution. The Council may authorize the use of machine imprinted facsimile signatures on checks, vouchers and warrants.

Section 8.14. Purchase Procedure. All purchases made and contracts executed by the City and exceeding authorized limits set by the Finance Director, shall be pursuant to a requisition from the head of the office, department or agency whose appropriation will be charged; and no contract or order shall be binding upon the City unless the Director of Finance certifies there is to the credit of such office, department or agency, a sufficient unencumbered appropriation to pay for the supplies,

materials, equipment, or contractual services for which the contract or order is to be issued. All such contracts and purchases shall be made in accordance with all applicable competitive bidding requirements established by State law.

Section 8.15. Bonds and Financial Obligations. The Council may authorize the issuance of any bonds, refunding bonds, certificates of obligation, warrants, notes, certificates of participation, or other evidence of indebtedness or obligation, for any permanent public improvement or any other public purpose not prohibited by law, subject only to the following limitations:

- (a) no general obligation bonds, except refunding bonds, shall be issued unless approved by a majority vote at an election held for such purpose;
- (b) no indebtedness or obligation shall be issued except in compliance with State law;
- (c) no form of indebtedness other than general obligation bonds approved by public vote may be issued without a public hearing being held, after notice of such hearing has been published once a week for three consecutive weeks; the published notice must summarize the statutory provisions providing for a petition and election, if any;
- (d) no bonds or indebtedness shall be issued without being approved by majority vote at an election on the issue, except as authorized by State law; and
- (e) the authorization for bonds authorized but not issued shall expire ten (10) years after the date of authorization.

Section 8.16. Borrowing to Meet Funding Requirements. In the absence of available funds to meet emergency conditions and requirements, the Council may authorize the borrowing of funds. In any fiscal year in anticipation of the collection of the ad valorem property tax for such year, whether levied or to be levied in such year, the Council may authorize the borrowing of money by the issuance of tax anticipation notes. Such notes shall mature and be payable not later than the end of the fiscal year in which issued, or as otherwise provided by statute.

Section 8.17. Independent Audit. Prior to the end of the fiscal year, the City Council shall designate qualified certified public accountants who shall make an independent audit of accounts and other evidences of financial transactions of the City government and shall submit their report to the City Council. Notice shall be given by publication in a newspaper of general circulation that the audit is on file at the City Hall for inspection.

Section 8.18. Sale of City Property. The sale of City property shall be made in a manner that is not inconsistent with State law.

**ARTICLE IX.
REVENUE AND TAXATION**

Section 9.01. Taxation. The City Council may levy, assess and collect taxes of any type or character not prohibited by State law.

Section 9.02. Procedures. The procedures, limitations and requirements for the levy, assessment and collection of any tax or lien therefor shall be as established by State law; provided that, if not established by State law, such procedures, limitations and requirements shall be established by ordinance.

Section 9.03. Tax Assessor-Collector. The Finance Director shall have the responsibility and duty for assessing and collecting taxes and the City Manager may appoint an officer in such department to perform such duties; provided that the City may contract for such services at the discretion of the Council.

Section 9.04. Property Taxes. The City shall have the power and is hereby authorized annually, to levy and collect taxes, not to exceed one dollar and ninety cents (\$1.90) on each one hundred dollars (\$100.00) of assessed valuation of real and personal property within the City limits, not exempt from taxation by the constitution and laws of the State, as set by the Tax Appraisal District of Bell County, and provided by State law, or in such other manner as may hereafter be permitted by State law. The City Council shall each year pass a tax levying ordinance in the manner provided for under State law.

All ad valorem property taxes shall be due and payable on or before the first day of February each year at the office of the Director of Finance or such other place as authorized by the City Council. Such taxes may be paid at any time after the tax rolls for the tax year have been approved and shall become delinquent and be subject to penalties and interest if not paid on or before the first day of February following the levy. The failure to levy or assess taxes does not relieve any owner or property from the tax liability on any taxable property.

The City Council may by ordinance, provide that current taxes paid prior to December thirty-first of the tax year shall be subject to discounts as follows: three percent (3%) if paid on or before October thirty-first, two percent (2%) if paid after October thirty-first and on or before November thirtieth, and one percent (1%) if paid after November thirtieth and on or before December thirty-first.

Section 9.05. Tax Liens and Claims. All property within the City on the first day of January each year shall stand charged with a special lien in favor of the City, and the owner of such property on that date shall be personally liable therefor, until the tax and all related penalties and interest on that property are paid. All such taxes, penalties and interest may, if not voluntarily paid, be collected by the City in any manner authorized by State law.

ARTICLE X.
PLANNING AND DEVELOPMENT

Section 10.01. Purpose and Intent. The development of the City shall be undertaken and accomplished pursuant to a comprehensive plan, and the Council shall establish and provide for the revision and update of the comprehensive plan from time to time, but not less than every five years, as a governmental function, to promote, guide, strengthen and assist the management of future development within the City and its extraterritorial jurisdiction, to assure the appropriate and beneficial use of land, water, and natural and community resources, consistent with the public interest.

Section 10.02. Comprehensive Plan. The Council shall adopt and maintain a comprehensive plan, and all public and private development shall conform with the adopted comprehensive plan, or the applicable elements or portions thereof. The comprehensive plan may be amended at anytime and reviewed and considered for amendment periodically as found appropriate by the Council.

The comprehensive plan adopted by ordinance shall constitute the master and general plan for the development of the City. It shall contain the Council's policies for growth, development and beautification of the land within the corporate limits and the extraterritorial jurisdiction of the City, or for geographic portions thereof including neighborhood and community plans, as determined appropriate from time to time.

Section 10.03. Implementation of Plan. The Council may amend the plan, or adopt a new or replacement comprehensive plan at anytime, after one or more public hearings. Upon the adoption or amendment of a comprehensive plan or element or portion thereof by the Council, the land development regulations including zoning, zoning map, subdivision regulations, public improvements, roadway plan, public facilities, public utilities projects and City regulatory actions relating to land use, subdivision and development approval shall not be inconsistent with the comprehensive plan, or any element or portion thereof, except to the extent provided by law. The various types of local regulations or laws concerning the alteration, development, use and occupancy of land may be combined in their totality into one or more ordinances or codes.

Section 10.04. Planning Commission. There shall be a nine (9) member planning commission appointed by the City Council which shall consist of qualified voters that reside within the City. The members of the commission shall be appointed for a term of two (2) years, annually elect a chair from among its members and shall meet as needed to conduct business. Vacancies in unexpired terms shall be filled for the remainder of the term.

Section 10.05. Planning Commission Powers and Duties. The planning commission shall serve as the planning and the zoning commission of the City, review and make recommendations to the Council regarding the adoption, amendment and implementation of a comprehensive plan or elements or portions thereof prepared under authority of the City Council and the direction of the City Manager; review and make recommendations to the Council on proposals to zone, rezone, or

plat or subdivide land, except as provided by law for administrative plats, or the amendment of regulations applicable to zoning, subdivisions, the environment, building codes, and other codes and land development regulations being considered by council.

Pursuant to the comprehensive plan and ordinances adopted by the Council, exercise control over the platting and subdividing land within the City limits and the extraterritorial jurisdiction of the City; the zoning of land and land uses within the City; and act as an advisory body to the Council and perform such additional duties and exercise such additional powers as may be requested by the Council not inconsistent with the provisions of this Charter.

Section 10.06. Duties. The Council may prescribe other duties of the planning commission by ordinance. The duties so established shall not be inconsistent with this Charter and such duties shall include, but not be limited to, those prescribed herein.

Section 10.07. Board of Adjustment. A board of adjustment shall be established and maintained. As authorized by ordinance and/or State law, such board shall have the power to hear and determine appeals from the refusal of building permits, appeals from administrative decisions by the building official applying the zoning ordinance, and to authorize a variance from the zoning regulations. Members of the board of adjustment shall hold no other City office and no former member of the Council shall serve as a member of the board until one (1) year after completion of his or her council term.

Section 10.08. Subdivisions and Developments. The Council shall adopt and maintain a comprehensive ordinance or ordinances regulating the development, subdivision and improvement of land within the City and its extraterritorial jurisdiction.

ARTICLE XI. PUBLIC UTILITIES, FRANCHISES AND CONTRACTS

Section 11.01. Public Services and Utilities. The City shall have the full power and authority to:

- (a) Buy, own, construct, lease, maintain, operate, mortgage and encumber, within and without the limits of the City a system or systems of gas, electricity, telephone, sewage, sanitation, water, parks, airports, swimming pools, race tracks, transportation, communications, golf course, cemeteries, cable television, or any other public service or utility.
- (b) Manufacture, purchase, produce or otherwise provide, distribute and/or sell its own electricity, gas, water or any other product, good or commodity that may be required by the public for municipal purposes.

- (c) Regulate and control the fees and rates for service and the distribution of utilities and services within the City and establish standards of service and quality of products, and, if City provided, outside of the City.

These powers shall be vested in the Council and the Council may exercise the power of eminent domain to acquire all or part of the property of any public utility or public service provider within the City whenever found by the Council to be in the public interest for carrying out the objectives of providing utilities or services within the City. Any such eminent domain or condemnation proceeding shall be according to the procedures and the methods of establishing the value of the property and facilities as provided by State law, and if such procedures or methods are not so provided by State law as reasonably provided by ordinance.

Section 11.02. Franchises. The Council shall have the power and authority to grant franchises for the use and occupancy of streets, avenues, alleys and any and all public property belonging to or under the control of the City. No individual, organization, entity, political subdivision, corporation, public utility, or any provider of public service shall provide any service within the City requiring the use or occupancy of any street, public right-of-way or property without first being granted a franchise or permit to use such City facilities. The franchise ordinance or permit shall fully describe the terms of the agreement and, regardless of the title given, shall be subject to the terms of this Article. The terms of such agreements shall be explicit so as to protect the interests of the citizens and shall include but not be limited to the terms prescribed in this Charter. No franchise ordinance or permit shall be passed except on two (2) readings held after a public hearing for which ten (10) days notice is given.

Section 11.03. Franchise Limitations. No exclusive franchise shall ever be granted and franchises shall be transferable only upon authorization of the Council expressed by ordinance. A franchise may not be transferred except to a person, firm or entity taking all or substantially all of the franchise's business in the City. The expiration date of all franchises shall be specified and the term thereof may be extended or renewed only by ordinance.

Section 11.04. Franchise for Public Utilities. The Council shall have the power to grant, amend, renew, or extend by ordinance, or to deny, the franchise of all public utilities of every character serving the City, including, but not limited to, persons or entities providing electricity, gas, water, sewage, or telephone service, or any similar commodity or utility to the public. The effective period of public utility franchises may be set by the Council but shall not exceed twenty (20) years unless such extended term is specifically approved by a majority of the qualified voters at an election held for that purpose.

Section 11.05. Franchise for Public Services. The Council shall have the power to grant, amend, renew or extend by ordinance, or deny, the franchises of all providers of public services to the City. Public services include, but are not limited to, ambulance services, cable television services, transportation services, any communication services, sanitation services, and any other service or

business using the public streets or property within the City to provide service. The effective period of public service franchises may be set by the Council, but shall not exceed ten (10) years.

Section 11.06. Regulation of Franchises. All grants of franchises shall be subject to the right of the Council to:

- (a) Determine, fix and regulate the charges, rates or compensation to be charged by the franchisee.
- (b) Repeal the franchise by ordinance at any time upon the failure or refusal of the franchisee to comply with the terms of the franchise, this Charter, any applicable City ordinance or State law, or any valid regulatory rule.
- (c) Establish standards and quality of products or service.
- (d) Require such expansion, extension and improvement of plants and facilities as are necessary to provide adequate service to all the public and to require that maintenance of facilities be performed at the highest reasonable standard of efficiency.
- (e) Prescribe the method of accounting and reporting to the City so that the franchisee will accurately reflect the expenses, receipts, profits and property values used in rendering its service to the public. It shall be deemed sufficient compliance with this requirement if the franchisee keeps its accounts in accordance with the uniform system established by an applicable Federal or State agency for such service.
- (f) Examine and audit at any time the accounts and other records of any franchisee and to require annual and other reports prescribed in the franchise ordinance.
- (g) Require such compensation, regulatory, rental and franchise fees as are not prohibited by law.
- (h) Impose regulations and restrictions as are deemed desirable or conducive to the health, safety, welfare and accommodation of the public.
- (i) Require the franchisee to restore at its expense all public or private property to a condition equal to or better than that before being damaged by the franchisee.

Section 11.07. Penalty Authorized. The Council shall have the power and authority to review any franchise at anytime and to assess a penalty against the franchisee for its failure to comply with the franchise, this Charter, the ordinances of the City or the laws of the State. If in the opinion of council the requirements of the franchise, Charter, ordinances or State law are not being complied with, the Council shall so notify the franchisee in writing stating the provisions the franchisee has failed to comply with and setting a time for a hearing and deadline for correction of the non-

compliance. The Council may assess and enforce a reasonable penalty based upon the facts, issues and circumstances determined at the hearing if noncompliance is found. If the franchisee does not correct the noncompliance within a reasonable time established by the Council for correction, the Council may repeal or cancel the franchise.

Section 11.08. Franchise Value Not to be Allowed. In determining the just compensation to be paid by the City for any public utility or public service property or facilities which the City may acquire by condemnation or otherwise, no value shall be assigned to any franchise granted by the City.

Section 11.09. Extensions. Unless provided otherwise in the franchise, or limited by a certificate of convenience and necessity held by the franchisee, franchisees shall be required to extend services to all parts and portions of the City. All extensions of any public utility lines, conduit, pipe or systems shall become a part of the aggregate property of the utility or service and shall be subject to all the obligations and rights prescribed in this Charter and the franchise. The right to use and maintain any such extension shall terminate with the franchise.

Section 11.10. Other Conditions. All franchises heretofore granted are recognized as contracts between the City and the franchisee and the contractual rights as contained therein shall not be impaired by the provisions of this Charter except:

- (a) The power of the City to exercise the right of eminent domain to acquire the property and assets of the utility is reserved.
- (b) The general power of the City to regulate the rates and services of a utility including the right to require adequate and reasonable extension of plant and service and to require that maintenance of facilities be performed at the highest reasonable standard of efficiency shall be enforced.
- (c) The Council shall review each franchise at its first renewal date after the adoption of this Charter and cause the franchise, if renewed, to meet the provisions of this Charter; and no rights shall be vested in the franchisee with regard to any renewal based upon the terms, conditions or limitations expressed in any such existing franchise.

Section 11.11. Election Required on Certain Sales. No City owned electric utility, gas, water, sewer, cable television, or telecommunications system, park, swimming pool or other utility shall ever be sold or leased without authorization by a majority vote of the qualified voters of the City voting at an election held for such purpose. Any other property of the City may be sold or leased when, the Council finds such sale or lease to be in the best interest of the City; provided, however, a sale or a lease for more than five (5) years of property other than property acquired for taxes shall not become effective until thirty (30) days after passage of the ordinance or resolution affecting the same. If during such thirty (30) day period a referendum petition meeting the requirements of this

Charter is presented to the City Clerk, and the same is found sufficient, an election shall be held to submit the question of whether or not the sale or lease shall be consummated.

Section 11.12. Contracts Concerning City Property. The Council shall have the power to grant, amend, renew or extend contracts concerning the operation and management of any City owned facility, such as a civic center, public building, park, golf course, swimming pools, water and wastewater treatment plants and any other such property; provided that no such contract shall be let except in a manner not inconsistent with State law, nor exceed a term of ten (10) years unless approved at an election held for such purpose.

ARTICLE XII. ETHICS AND CONFLICTS

Section 12.01. Ethics Commission. The City Council shall adopt and, from time to time, modify and amend an ordinance providing an ethics policy and code of conduct applicable to the officers, employees, board and commission members of the City. An Ethics Commission composed of seven (7) citizens of the City shall be established to advise the Council on the content and requirements of the ethics policies and ordinance, and to hear and decide complaints filed pursuant to such policies and ordinance. The terms of office and provisions for appointment shall be established by the ordinance providing the procedures, authorities and duties of the commission. At their first meeting, the Commission shall organize and select a Chair and Vice Chair. The members of such commission shall be appointed, supervised and removed by the City Council and shall meet upon a complaint or grievance being filed and at the request of the Council or the City Manager. Each member of the Council shall nominate one (1) member to serve for a one (1) year term upon confirmation by majority vote of the Council. Terms shall immediately follow each council election; provided that members shall continue in office pending conclusion of an ongoing complaint or investigation and for that purpose the membership of the commission shall be temporarily increased. The commission shall have authority and power to investigate complaints, gather and hear evidence, issue and enforce subpoenas to compel the attendance of witnesses and any evidence or documents, to decide ethics complaints based on the information and facts submitted, to issue written opinions, verbal or written reprimands and to admonish, and, in appropriate circumstances, to recommend to the City Council and/or the City Manager as appropriate more severe disciplinary action, including recall, termination, civil litigation or criminal charges.

Section 12.02. Acceptance of Gifts. No officer or employee of the City shall accept directly or indirectly, any gift, favor or privilege exceeding a nominal value, or employment, from any utility, corporation, person or entity having or seeking a franchise or contract with, or doing business with, the City. If any utility, corporation, person or entity contracting with the City shall make any gift, or give any favor, privilege or employment to an officer or employee in violation of this section, such action shall render the contract voidable.

Section 12.03. Interest in City Contract. No elected or compensated officer or employee of the City shall have a financial interest direct or indirect, or by reason of ownership of more than ten percent (10%) of the stock in any corporation, in any contract with the City, or be financially interested directly or indirectly in the voluntary sale to the City of any land, materials, supplies or services except on behalf of the City as an officer or employee. Any violation of this section with the knowledge express or implied of the person or corporation contracting with the City shall render the contract voidable.

ARTICLE XIII. GENERAL PROVISIONS

Section 13.01. Oath of Office. All elected and appointed officers of the City shall, before performing any duties of their respective offices, take and subscribe to the official oath prescribed by the Constitution of the State of Texas. The oath shall be administered by the Mayor, Mayor Pro-Tem, City Clerk, Municipal Judge, State judge, or any person authorized by law to administer oaths.

Section 13.02. Notice of Claim Against City. Except as provided by the constitution or a statute in conflict herewith, the City shall not be liable for any damages, attorneys' fees, costs of court, or monies regarding any matter whatsoever, unless notice has first been given the City in compliance with this section.

- (a) Before the City shall be liable for any damage, claim or suit, attorneys' fees or costs of court, arising out of or for any personal injury, damage to property, or violation of any statutory right or duty, the person who is injured or whose property has been damaged, or someone on his or her behalf, shall give the City Manager or the City Clerk notice in writing duly certified within ninety (90) days after the date of the alleged damage, injury or violation of statutory duty or right, stating specifically in such notice when, where and how the injury or damage was sustained, setting forth the extent of the injury or damage as accurately as possible, and giving the names and addresses of all witnesses known to the claimant upon whose testimony the claimant is relying to establish the injury or damage. In case of injuries resulting in death, the person or persons claiming damage shall within ninety (90) days after the death of the injured person give notice as required above.
- (b) Before the City shall be liable for any damages, attorneys' fees, court costs or monies whatsoever, for any action authorized by statute, for declaratory judgment, for equitable remedy, or for any damage, claim or suit arising out of contract, the person who seeks such remedy, relief or damage, or someone on his or her behalf, shall: (i) give the City Manager or the City Clerk notice in writing not less than thirty (30) days prior to the filing of such claim, suit or cause of action, stating specifically the allegations of and basis for such claim, suit or request for remedy, the facts, contract provisions or circumstances supporting the same, the specific remedy or damages sought, the names of all City officers and employees complained of, and giving the names and addresses of all witnesses known to the claimant upon whose testimony the claimant is relying to establish the injury or damage; and (ii) upon

request of the City Manager or the City Council meet, confer and negotiate with the City for the purpose of reaching an acceptable compromise and settlement.

Section 13.03. Reservation of Defenses. Nothing contained in this Charter or in any ordinance or contract of the City shall be construed to mean the City waives any rights, privileges, defenses or immunities provided under common law, or the constitution and laws of the State of Texas. No such right, privilege, defense or immunity may be waived except by the City Council acting in a public meeting to settle or compromise a claim, dispute or lawsuit.

Section 13.04. Security or Bond Not Required. It shall not be necessary in any action, suit or proceeding in which the City may be a party, for any bond, undertaking, or security to be executed on behalf of the City, but all actions, suits and proceedings shall be conducted as if a bond, undertaking or security had been given. The City shall have all remedies of appeal provided by law to all courts without bond or security of any kind. For the purposes of all such actions, suits, proceedings and appeals, the City shall be responsible in the same manner and to the same extent as if the bond, undertaking or security had been executed and given.

Section 13.05. Exemption of Assets. Property of the City shall not be liable for sale or appropriation by writ of execution. Funds of the City possessed by any person or entity shall not be liable to garnishment on account of any debt the City may owe nor funds or property it may have on hand owed to any person. The City and its officers and agents shall not be required to answer a writ of garnishment of City property on any account whatsoever. Except as may be specifically required and mandated by law, the City shall not be obligated to recognize any voluntary assignment of wages or funds by its employees, agents or contractors.

Section 13.06. Settlement of Claims. The Council shall have the authority to compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the City, except suits by the City to recover delinquent taxes; provided that the City Attorney shall have the authority to settle on behalf of the City any and all matters pending in municipal court, or in the county courts on appeal from the municipal court.

Section 13.07. Public Records. All public records of every office, department, or agency of the City shall be open to inspection by the public at reasonable times, provided that records that may be closed to the public under State law shall not be considered public records for the purpose of this section. During normal office hours, any person shall have the right to examine any such public records and shall have the right to make copies thereof under such reasonable rules and conditions as may be prescribed. All applications for records shall be stamped with a City seal and a copy of the application shall be provided to the applicant.

Section 13.08. Conformity of Provisions. The City Council is hereby authorized and empowered to act by ordinance from time to time to eliminate, correct and update any obsolete or out-of-date statutory references found in this Charter. Such action may only correct or delete obsolete or out-of-date statutory references. The City Council is further authorized and empowered by ordinance to

reorder, rearrange and reorganize the layout and format of the articles, sections and paragraphs of this Charter, and the numbering thereof. Such actions shall be limited and taken only for purposes of clarity, organization and public convenience.

Section 13.09. Charter Review. The Council may, at anytime, appoint an advisory Charter Review Committee, consisting of at least seven (7) qualified voters of the City. The Council shall appoint such a Committee not less often than every tenth year. The term of each such Committee shall be three (3) months and such Committee shall review, hold hearings upon, and make recommendations for the amendment, if any, of this Charter. The Council may call an election to consider any amendment proposed by the Committee, and any resulting Charter election shall be noticed and held in compliance with State law; provided that the Council may call the election for any permitted election date, or the earlier to occur on the date of the next general State or general City election.

