

# City of Hondo Charter

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## **PREAMBLE**

We, the citizens of the City of Hondo, Texas, in order to establish a Home Rule municipal government, provide for the future growth and progress of our City, obtain more fully the benefits of local self-government and provide for the public welfare do adopt this Home Rule Charter, in accordance with the laws and statutes of the State of Texas; and we do declare the residents of the City of Hondo, in Medina County, Texas living within the legally established boundaries of said City, to be a political subdivision of the State of Texas, incorporated in perpetuity under the name and style of “City of Hondo” with such powers, rights, privileges, authorities, duties and immunities as are provided in this Charter.

**ARTICLE I  
FORM OF GOVERNMENT AND BOUNDARIES**

**SECTION 1.01 Form of Government**

The municipal government provided for by this Charter shall be known as the “Council-Manager” form of government. Pursuant to its provisions, and subject only to the limitations imposed by the Constitution, laws and statutes of the State of Texas and by this Charter, all powers of the City of Hondo (referred to as the City) shall be vested in an elected City Council (referred to as the City Council) which shall enact local legislation, adopt budgets, determine policies and appoint a City Manager, who in turn, will be held responsible to the City Council for the execution of the laws and the administration of the government of the City. All powers of the City shall be exercised in the manner prescribed by this Charter, or if the manner not be prescribed, then in such manner as may be prescribed by the United States Constitution, Texas Constitution, laws or statutes of the State of Texas, and ordinances adopted by the City of Hondo.

**SECTION 1.02 Boundaries**

The boundaries of the City of Hondo shall be the same as have heretofore been established and as they existed on the day of ratification of this Charter. An official map shall be maintained and posted in City Hall so that it is accessible by the citizens. The map shall be updated at least annually.

**ARTICLE II  
POWERS OF THE CITY**

**SECTION 2.01 Local Self-Government**

The City shall have perpetual succession as a body politic and corporate; may use a seal; may sue and, in cases where its sovereign immunity has been waived, may be sued; may enter into contracts for any public purpose; may acquire and hold, in fee simple or any lesser estate or in trust, by gift, deed, bequest, right of eminent domain, purchase, lease, exchange, or otherwise, and may alienate any character of property, real or personal, within and without the City limits. The City may exercise all powers of local self-government not inconsistent with the Constitution or the laws of this State or by special limitations in this Charter, and has all powers and authority possible for a city to have under the Constitution and laws of this State, as fully and completely as though all such powers and authority were specifically enumerated in this Charter.

**SECTION 2.02 Public Improvements**

The City shall have the power to, among others, construct and maintain, or require the construction and maintenance, within or without its corporate limits, streets, flood control and sanitary facilities, water and storm drainage facilities in, over, under or upon all public property or easements granted for that purpose and to levy assessments for the costs of such improvements. The City shall have the power to collect attorney's fees for the collection of paving assessments in foreclosure cases as allowed under state law. It shall have the power to

cause liens to be established for the purpose of securing the payment of such levies and shall have the power to compel the use of such improvements by the citizens of the City.

### **SECTION 2.03 Intergovernmental Relations**

The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or any state civil division or agency, or the United States or any of its agencies, and any other county or any other political subdivisions in the State of Texas.

### **SECTION 2.04 General Enumeration of Powers**

It being intended by this Charter to grant and bestow upon the City and its inhabitants full power of local government to accomplish any public purpose, and by all powers of municipal government, not inconsistent with this Charter or the Constitution or general laws of the State of Texas, giving and granting to the City and its inhabitants all powers that are or may be later granted to municipalities of any class by the Constitution or laws of the State of Texas and all such powers, whether expressed or implied shall include, but not limited to the following:

- (1) to enact and to enforce all ordinances and take other action as necessary to protect life, health, property and the public welfare, and to accomplish any public purpose;
- (2) to prevent and summarily abate and remove nuisances;
- (3) to preserve and promote good government, order, security, amusement, recreation, trade and economic development, peace, prosperity and the general welfare of said City and its inhabitants;
- (4) to exercise any and all municipal powers necessary to the complete and efficient management and control of municipal property and the affairs of said City;
- (5) to exercise all powers that may be conducive to the public welfare, happiness, prosperity and to accomplish any public purpose of the City and its inhabitants and to enact and enforce any and all ordinances upon any subject, provided that no such ordinance shall be enacted inconsistent with the provisions of this Charter or the Constitution or laws of the State of Texas; and
- (6) to provide further that the specification of particular powers shall never be construed as a limitation upon the general powers granted by this Charter.

In addition to the express or implied powers enumerated in this Charter, the City may have and may exercise in the manner provided by this Charter all other powers necessary or useful to accomplish any public purpose, that are not inconsistent with the Constitution and laws of the State of Texas, and that it would have been competent for this Charter to specifically enumerate.

**ARTICLE III  
CITY COUNCIL**

**SECTION 3.01 Composition**

- (1) The “City Council” shall be composed of a “Mayor” and five (5) “Council Members” elected under the Place System, with there being Places 1, 2, 3, 4, and 5. The Mayor and each Council Member shall be elected at large, and unless sooner removed under the provisions of this Charter, shall serve for a term of three (3) years and until their successor has been elected and duly qualified. All of the City Council Members holding office at the time of passage of this Charter shall continue to hold their respective office until their respective term of office for which they were elected expires. The Mayor and City Council members may not be elected for more than two (2) consecutive terms and must “sit out” for two years prior to being eligible to run for the same elected office, i.e. Mayor or City Council Member. That is, a Council Member completing two consecutive terms is eligible to run for Mayor, and a Mayor completing two consecutive terms is eligible to run for City Council without a “sitting out” period. The previous terms of the City Council Members holding office as of June 2007, shall not count toward the term limitation of this Charter.
- (2) The terms of current Council Members holding places 3, 4, & 5 shall expire in May 2008 and thereafter, such places shall be elected every three (3) years. The terms of Council Members holding places 1 & 2 and the Mayor shall expire in May 2009 and thereafter, such places shall be elected every three (3) years.
- (3) At such time as the City attains twelve thousand (12,000) inhabitants as determined by the U.S. Census, the number of Council Members shall increase to seven (7). Place numbers 6 and 7 shall be elected the first May where an election for Mayor or Council is not being held under the Charter and thereafter, such places shall be elected every three (3) years. The two additional Council Members shall be elected in accordance with the laws of the State of Texas.

**SECTION 3.02 Qualifications of City Council**

In addition to any other qualifications prescribed by the Texas Election Code, the Mayor and each Council Member shall meet the qualifications set forth in Article V of this Charter while in office.

**SECTION 3.03 Compensation**

Compensation of the City Council shall be \$150 per month and the compensation for the Mayor shall be \$200 per month. Any subsequent increases shall be determined and approved by a vote of the citizens at a regular election to amend this Charter. No increase in such compensation shall take effect until the beginning of the terms of Mayor and/or Council Members elected at the next general election. The City Council and Mayor shall also be

entitled to reimbursement for actual expenses incurred in the performance of official duties with the approval of the City Council at a public meeting.

#### **SECTION 3.04 Mayor and Mayor Pro Tem**

- (1) The Mayor occupies the highest elective office in the City and shall preside at meetings of the City Council. The Mayor shall be recognized as head of the City government for all ceremonial purposes, and by the Governor for purposes of military law, but shall have no regular administrative duties. The Mayor may participate in the discussion of all matters coming before the City Council. The Mayor shall not be entitled to vote as a member of the Council, on legislative or other matters, except in case of a tie, when the Mayor shall cast the deciding vote.
- (2) Before an Ordinance or Resolution adopted by the City Council may take effect, the Ordinance or Resolution must be signed by the Mayor. On any Ordinance or Resolution adopted by the Council to which the Mayor does not execute within one week after Council approval, the Ordinance or Resolution shall take effect. If the Mayor files objections with the City Secretary within one week after Council approved the Ordinance or Resolution, the action by the Mayor shall be deemed a veto of the original Council action. Mayor's objections must be filed within one week of the original Council action, and must state the Mayor's reason for this filing. The City Secretary will forward copies to each Council Member along with notice that the original item will be added to the next Council agenda for consideration by the full Council. In the event that a full Council is not present, the item shall be carried forward to the first meeting with a full Council.
- (3) The Mayor Pro Tem shall be a Council Member elected by the City Council at the first regular meeting after each election of Council Members and/or Mayor. The Mayor Pro Tem shall act as Mayor during the disability or absence of the Mayor, and in this capacity shall have all the rights conferred upon the Mayor and shall still be entitled to vote as a Council Member.

#### **SECTION 3.05 Vacancies, Forfeiture and Filling of Vacancies**

- (1) The office of a Council Member or the Mayor shall become vacant upon his/her death, resignation, forfeiture of, or removal from office by any manner authorized by law.
- (2) If any member of the City Council is absent from three (3) consecutive regular meetings without explanation acceptable to a majority of the remaining Council Members, his/her office shall be declared vacant at the next regular meeting of the City Council by resolution.
- (3) Any person on the City Council who ceases to possess the required qualifications for office or who is convicted of a felony or of a misdemeanor involving moral turpitude or is convicted of violating any state laws or City ordinance regulating conflicts of interest of municipal officers shall forfeit his/her office. Every forfeiture shall be declared and enforced by the City Council.

- (4) If there is a vacancy in the office of Mayor, the Mayor Pro Tem will serve as Mayor until the next municipal election at which time a new Mayor shall be elected in accordance with the Texas Election Code. If the Mayor Pro Tem should refuse to serve as Mayor, the City Council shall appoint a Mayor from among the remaining City Council Members. If the remaining Council Members refuse to serve as Mayor, by three-fourths vote of the Council, the Council may appoint a qualified resident to serve as Mayor for the remainder of the unexpired term. The vacancy created by the Mayor Pro Tem or Council Member being appointed to Mayor may be filled by selection of a person qualified for the position, as described in this Charter, within thirty (30) days of the occurrence of the vacancy by a three quarters (3/4) majority vote of the remaining Council Members. This appointee shall serve until the next municipal election at which time a new Council Member shall be elected in accordance with the Texas Constitution and the Texas Election Code. The City Council shall elect a new Mayor Pro Tem at the next regular meeting after the vacancy is filled.
- (5) A vacancy in the City Council where the term is less than one-year, other than that of the Mayor, shall be filled by selection of a person qualified for the position, as described in this Charter, within thirty (30) days of the occurrence of the vacancy by a three quarters (3/4) majority vote of the remaining Council Members. This appointee shall serve until the next municipal election at which time a new Council Member shall be elected in accordance with the Texas Constitution and the Texas Election Code. If the vacancy in the City Council were to occur and a year or more is left on the term of the vacated place on the Council, that position must be filled by election in accordance with state law.
- (6) All vacancies filled by appointment or election shall be for the remainder of the unexpired term of the office so filled. Specifically, any person elected to a vacancy that occurs in the first or second year of a three-year term shall serve out the remainder of that term.

### **SECTION 3.06 Powers of the City Council**

All powers of the City and the determination of all matters of policy shall be vested in the City Council. Except where in conflict with and otherwise expressly provided by this Charter, the City Council shall have all powers authorized to be exercised by the Constitution and laws of the United States and the State of Texas and the acts amendatory thereof and supplementary thereto, now or hereafter enacted. Without limitation of the foregoing and among the other powers that may be exercised by the City Council, the following are hereby enumerated for greater certainty:

- (1) Appoint and remove the City Manager;
- (2) Appoint the Municipal Judge(s) of the Municipal Court;
- (3) Appoint and remove the City Attorney;
- (4) Consider the recommendation of the City Manager for the approval and or removal of the City Secretary;

- (5) Establish administrative departments;
- (6) Adopt the budget of the City;
- (7) Collectively inquire into the conduct of any office, department or agency of the City and make investigations as to municipal affairs;
- (8) Provide for and appoint a Planning and Zoning Commission and other boards and commissions as deemed necessary, and appoint the members of all such boards and commissions. Such boards and commissions shall have all powers and duties now or hereafter conferred and created by this Charter, by City ordinance or by state law;
- (9) Adopt and modify the official map of the City and the official zoning map;
- (10) Adopt, modify and carry out plans in cooperation with the Planning and Zoning Commission for the replanning, improvement and redevelopment of specific areas of the City;
- (11) Adopt, modify and carry out plans in cooperation with the Planning and Zoning Commission for the replanning, reconstruction or redevelopment of any area or district which may have been destroyed, in whole or part, by disaster;
- (12) Regulate, license and fix the charges or fares, or tariffs made by any person owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire on the public streets and alleys of the City;
- (13) Provide for the establishment and designation of fire limits and prescribe the kind and character of buildings or structures or improvements to be erected therein; provide for the erection of fireproof buildings within certain limits; and provide for the condemnation of dangerous or dilapidated structures or buildings, and such buildings or structures calculated to increase the fire hazard, and the manner of their removal or destruction;
- (14) Fix and regulate rates and charges of all utilities and public services and operate municipal utilities;
- (15) Adopt development Master Plans and subdivision plats; and
- (16) Provide for the development and maintenance of a Comprehensive Plan and Capital Improvement Plan.

### **SECTION 3.07 Prohibitions**

- (1) Except where authorized by law or by this Charter, no Mayor or Council Member shall hold any other City office or City employment during his/her term as Mayor or Council Member. No former Mayor or Council Member shall hold any compensated appointive

office or City employment until two (2) years after the expiration of the term for which they were elected or appointed to the City Council.

- (2) Members of the City Council shall not in any way dictate the appointment or removal of the City administrative officers or employees whom the City Manager or any of the City Manager's subordinates are empowered to appoint. The City Council, at a meeting called for that purpose, may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.
- (3) Except for the purpose of inquiries and investigations as provided by this Charter, the City Council shall deal with City officers and employees, who are subject to the direction and supervision of the City Manager, solely through the City Manager. The City Council shall not give orders to any such officer or employee, either publicly or privately, except as otherwise provided in this Charter. Any violations of the foregoing provision by any member of the council shall constitute official misconduct, and shall authorize the council by a vote of three quarters (3/4) of its entire membership to expel such offending member, if found guilty after a public hearing, and declare the office vacant and appoint a successor.

### **SECTION 3.08 Meeting of the City Council**

- (1) The City Council may hold at least one (1) regular meeting each month and as many additional meetings as it deems necessary to transact the business of the City. The City Council shall fix, by ordinance, the date and time of the regular meetings.
- (2) Special meetings of the City Council shall be held at the call of the Mayor or a majority of the City Council Members upon provision of public notice in accordance with Texas Open Meetings Act.
- (3) Except as provided by state law, all City Council meetings shall be open to the public and shall be held and notice given in accordance with the Texas Open Meetings Act.

### **SECTION 3.09 Quorum**

A majority of Council Members shall constitute a quorum for the purpose of transacting business. No action of the City Council, except as specifically provided in this Charter, shall be valid or binding unless adopted by the affirmative vote of a majority of the City Council places occupied at the time of the vote. The presence of the Mayor at any Council meeting shall not count toward a quorum.

### **SECTION 3.10 Conflict of Interest**

Should any member of the City Council have a conflict of interest, pursuant to any state laws and/or City ordinances regulating conflicts of interest of municipal officers, with an agenda item then before the City Council, he/she shall openly declare same before discussion proceeds, and

he/she is thereby prohibited from discussing the item or voting on the question and is not considered as present and voting for the purposes of the tally.

### **SECTION 3.11 Abstentions**

Should any member of the City Council choose to abstain from voting on any question before the City Council, where no conflict of interest exists, the person's vote shall be recorded as an abstention vote in the official minutes of the meeting and the council member is considered as present and voting for the purposes of the tally.

### **SECTION 3.12 Rules of Procedure**

- (1) The City Council and all Commissions and Boards shall conduct business in accordance with Robert's Rules of Order. The City Council shall provide that the citizens of the City shall have a reasonable opportunity to clearly hear and be heard at all regular meetings and public hearings with regard to specific matters under consideration. The City Council shall provide for minutes to be taken and recorded for all public meetings as required by law. Such minutes shall be a public record and shall be kept and maintained by the City Secretary. City Council shall adopt Rules of Procedure consistent with this Charter.
- (2) The Mayor or Council members by motion may place items on the agenda prior to the agenda being posted.

### **SECTION 3.13 Passage of Ordinances in General**

- (1) The City Council shall legislate by ordinance, resolution, or order, and the enacting clause of every ordinance shall be "Be it ordained by the City Council of the City of Hondo, Texas. . ." Each proposed ordinance shall be introduced in the written or printed form required for adoption. No ordinance shall contain more than one (1) subject which shall be clearly expressed in its title. General appropriation ordinances may contain various subjects and accounts for which monies are to be appropriated. After adoption, an ordinance shall not be amended or repealed except by the adoption of another ordinance amending or repealing the original ordinance. Copies of each proposed ordinance, in the form required for adoption, shall be furnished to the City Council. Copies of the proposed ordinance, in the form required for adoption, shall be available at the City offices and shall be furnished to citizens upon request to the City Secretary from and after the date on which such proposed ordinance is posted as an agenda item for a City Council meeting and, if amended, shall be available and furnished in amended form for as long as the proposed ordinance is before the City Council.
- (2) A proposed ordinance which has been amended in substance after its placement on the agenda for a City Council meeting may not be voted on at such meeting. Such amended ordinance shall be placed on the agenda of a subsequent meeting of the City Council in accordance with the provisions of this Section. All persons interested in such ordinance shall have a reasonable opportunity to be heard.

- (3) Every ordinance shall become effective upon adoption or at any later time(s) specified in the ordinance, except that every ordinance imposing any penalty, fine or forfeiture shall become effective only after having been published in its entirety, summary form or brief description after adoption, in a newspaper designated as the official newspaper of the City.
- (4) If a majority of the City Council present requests that the ordinance title and caption be read or that the ordinance in its entirety be read, it must be read.

### **SECTION 3.14 Emergency Ordinances**

- (1) The Council may adopt emergency ordinances only to meet public emergencies affecting life, health, property or the public safety. In particular, such ordinances shall not levy taxes, grant or renew or extend a franchise, or regulate the rate charged by any public utility for its services. Neither shall they authorize the borrowing of money except as provided elsewhere in this Charter.
- (2) An emergency ordinance shall be introduced in the form and manner generally prescribed for ordinances, except that they shall be plainly designated in the title as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms.
- (3) An emergency ordinance may be introduced at any City Council meeting and can be adopted with or without amendment or rejected at the meeting at which it is introduced. The affirmative vote of a majority of Council Members shall be required for adoption.
- (4) Emergency ordinances shall become effective upon adoption and shall be published as soon as practicable. Every emergency ordinance so adopted, except one authorizing the borrowing of money as described herein, is automatically repealed as of the sixty-first (61<sup>st</sup>) day following the day on which it became effective. The ordinance may be re-enacted if the emergency still exists.

### **SECTION 3.15 Authentication, Recording, Codification Printing and Distribution**

- (1) All ordinances and resolutions adopted by the City Council shall be authenticated by seal and signature of the person performing the duties of the City Secretary and numbered consecutively as adopted. They shall be properly indexed and placed in a book kept open for public inspection. In addition, all City ordinances shall be posted on the City's official website.
- (2) The City Council shall plan and budget for the codification of ordinances of the City. This codification shall be known and cited as the "Hondo Code of Ordinances" and shall be in full force and effect without the necessity of such code or any part thereof being published in any newspaper. The caption, descriptive clause and other formal parts of the ordinances of the City may be omitted without affecting the validity of such ordinances when codified. Every general ordinance, enacted subsequent to such

codification, shall be enacted as an amendment to the code. For the purpose of this section, general ordinances shall be deemed to be those ordinances of a permanent or continuing nature which affect the residents of the City at large. Copies of the code shall be furnished to City Officers, placed in the City offices and made available for purchase by the public at a reasonable price to be fixed by the City Council. The initial codification shall be completed within two years of the adoption of this Charter.

- (3) The City Council shall cause all ordinances and amendments to this Charter to be printed promptly following their adoption. A copy of each ordinance and amendment shall be placed in appropriate City offices for public reference. Printed ordinances and Charter amendments shall be sold to the public at a reasonable price in accordance with the Texas Public Information Act.

### **SECTION 3.16 Investigations by the City Council**

The City Council shall have the power to inquire into the official conduct of any appointed official department head or agency of the City. For that purpose, the City Council shall have the power to administer oaths, subpoena witnesses and compel the production of books, papers or other evidence material to the inquiry. The City Council shall provide, by ordinance procedures on the conduct of investigations, penalties for contempt for failing or refusing to obey any such subpoena or to produce any such books, papers or other evidence and shall have the power to punish any such contempt in the manner provided by the ordinance and/or the laws of the State of Texas.

### **SECTION 3.17 Bond**

The City Council shall require bonds of all municipal officers and employees who receive monies for or pay out any monies of the City. The amount of the bonds shall be determined by state law or the City Council, the bonds shall be payable to the City of Hondo and conditioned upon the faithful discharge of the duties of such persons and upon the faithful accounting of all monies, credits, and things of value coming into the hands of such persons, and such bonds shall be signed as surety by a corporate surety bond company authorized to do business under the laws of the State of Texas. The premium on such bonds shall be paid by the City, and such bonds must be acceptable to the Council. The Council may also require new bonds at any time, if in its opinion; the existing bond on any employee is insufficient.

## **ARTICLE IV CITY ADMINISTRATION**

### **SECTION 4.01 City Manager**

- (1) **Appointment.** The City Council shall appoint and approve a written agreement for the City Manager by the affirmative vote of a majority of the full membership of the City Council. The City Manager shall serve as Chief Administrative Officer of the City. The City Manager shall be responsible to the City Council for administration of all the affairs of the City, with only those exceptions that are named in this Charter. The City Manager shall be appointed solely upon the City Manager's executive, administrative and

educational qualifications and shall have previous city manager or administrator or assistant city manager experience and/or a degree in a field related to city government. The City Manager need not be a resident of the City when appointed, but shall, within a reasonable time (no more than one year), after such appointment, reside within the City during the balance of the tenure of his/her appointment.

- (2) **Exemption.** No Mayor or member of the City Council shall, during the term to which he/she is elected and for two (2) years thereafter, be appointed City Manager.
- (3) **Compensation.** The City Council shall fix the compensation of the City Manager, and the City Manager's compensation may be amended from time to time, in accordance with the City Manager's experience, qualifications and performance.
- (4) **Suspension or Removal.** The City Manager shall be appointed by the affirmative vote of a majority of the full membership of the City Council, and may be removed at the discretion of the City Council by the affirmative vote of a three quarters (3/4) majority of the City Council. Upon decision to remove the City Manager, notice, in writing, of such decision shall be immediately furnished to him/her and the City Council may then suspend him/her from duty.
  - (A) If, within five (5) working days after being notified of his/her termination and removal, the City Manager files a written request to the City Council requesting that his/her termination be reconsidered, the City Council shall, as soon as practical, meet with the City Manager in accordance with the Texas Open Meetings Act to review its decision to terminate.
  - (B) Following such review, after affording the City Manager an opportunity to respond to such initial decision to terminate, a new vote requiring three-fourths majority of the City Council shall be taken with regard to the termination of the City Manager.
  - (C) The City Manager shall, from the date of suspension, continue to receive his/her salary pending the final decision of the City Council provided however, that if the Manager is suspended or terminated because of a final conviction for a misdemeanor involving moral turpitude or personal gain, or indicted for any felony, then, in that event, the City shall have no obligation to pay the salary designated in this Section.
  - (D) This procedure for a review meeting with the City Manager shall not alter the fact that the City Manager serves at the pleasure of the City Council, and the City Manager shall not have, nor should this procedure be construed to grant to the City Manager, any right to continued employment.

(5) **Acting City Manager.**

- (A) In case of a disability or suspension of the City Manager, the City Council may designate a qualified administrative officer of the City to perform the duties of the office or appoint an acting City Manager.
- (B) By letter filed with the City Secretary and copies provided to the Mayor and City Council, the City Manager shall designate, subject to the approval of the City Council, a qualified administrative officer to exercise the powers and perform the duties of the City Manager during vacation or any temporary voluntary leave of the City Manager. The Council may revoke such designation at any time and appoint another officer of the City to serve until the return of the City Manager.

(6) **Duties and Responsibilities.** The City Manager shall:

- (A) Appoint, suspend and remove all City employees and appointive administrative officers provided for in this Charter, except as otherwise provided by law, this Charter or personnel rules adopted pursuant thereto;
- (B) Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by law of this Charter;
- (C) See that all state laws and City ordinances are effectively enforced;
- (D) Attend or designate a City employee to attend City Council, Commission, and Board meetings, with the right to take part in discussion, but shall not vote;
- (E) Prepare and accept, or designate an appropriate department head or City employee to prepare and accept, items for inclusion in the official agenda of all City Council meetings and meetings of all boards and commissions;
- (F) Prepare and recommend to the City Council the annual budget and capital improvement budgets and administer budgets as adopted by the City Council;
- (G) Keep the City Council advised, at least quarterly, as to the financial conditions of the City and make recommendations concerning the affairs of the City;
- (H) Make reports as the City Council may require concerning the operations of the City departments, offices, or agencies subject to the City Manager's direction or supervision;
- (I) Designate an appropriate department head or City employee to keep a written inventory of all real property and all permanent equipment belonging to the City, said inventory to be subject to annual audit. A system shall be established to control the use and replacement of expendable items;

- (J) Execute all contracts as authorized by resolution or ordinances adopted by the City Council except as otherwise provided in this Charter; and
- (K) Perform such other duties as are specified in this Charter or may be required by the City Council, which are consistent with this Charter and state and federal laws.

#### **SECTION 4.02 City Secretary**

- (1) The City Manager shall appoint or remove without cause, the City Secretary upon the affirmative vote of a three quarters (3/4) majority of the City Council.
- (2) The City Council shall fix the compensation of the City Secretary as recommended by the City Manager to the City Council, and the City Secretary's compensation may be amended, from time to time, in accordance with the City Secretary's experience, qualifications and performance. The City Secretary shall report administratively to the City Manager. The City Manager shall annually evaluate the performance of the City Secretary.
- (3) The City Secretary shall:
  - (A) Give notice of all official public meetings of the City Council, Commissions, and Boards in a manner consistent with this Charter and state laws;
  - (B) Attend or designate a City employee to attend public meetings and hearings of the City Council;
  - (C) Keep the minutes of the proceedings of all public official meetings and hearings of the City Council in a manner prescribed by the City Council consistent with applicable law;
  - (D) Act as a custodian of all official records of the City Council;
  - (E) Hold and maintain the seal of the City and affix this seal to all appropriate documents;
  - (F) Authenticate, by signature and seal, and record all ordinances, resolutions and proclamations of the City;
  - (G) Act as agent for the purposes of serving civil process;
  - (H) Assist the City Manager with the maintenance and public information request of all records;
  - (I) Perform such other duties, as may be required by the City Council or City Manager, which are consistent with this Charter and state and federal law; and

- (J) Schedule and oversee all City elections in accordance with the Texas Election Code and any other applicable law.

### **SECTION 4.03 Municipal Court**

- (1) The City Council shall establish and cause to be maintained a Municipal Court. The Court shall have all the powers and duties as are now, or as may be, prescribed by the laws of the State of Texas.
- (2) The City Council shall appoint, by the affirmative vote of a majority of the membership of the City Council, such Municipal Judges of the Municipal Court, as may be necessary, all of whom shall be competent, duly qualified attorneys licensed and practicing for at least five (5) years in the State of Texas. In the event a duly qualified attorney is not available, the City Council shall then select a qualified person to be the Municipal Judge. The Municipal Judge(s) of the Municipal Court(s) shall be appointed to a term of two (2) years and may be appointed to additional consecutive terms upon completion of his/her term(s) of office. The Municipal Judge(s) shall receive compensation as may be determined by the City Council.
- (3) In the event of failure of any Municipal Judge to perform his/her duties, the Mayor shall appoint a Municipal Judge for a term not to exceed three continuous months. In the event of a vacancy, a Municipal Judge shall be appointed by the City Council in accordance with paragraph 2 of this Section. If the Mayor appoints a Municipal Judge, the Judge shall be compensated at the same salary, if any, as the Municipal Judge for whom the Judge is acting.
- (4) Municipal Judge shall have the power to punish for contempt to the same extent and under the same circumstance as the Justice of the Peace may punish for contempt of criminal cases.
- (5) The Clerk and Deputy Clerks of the Municipal Court(s) shall have the power to administer oaths, certify affidavits, make certificates, affix the seal of the Court and perform all usual and necessary acts in conducting the business of the Court(s), including but not limited to, the keeping of records and accounts of the Municipal Court(s).
- (6) All special expenses and fines imposed by the Municipal Court(s) shall be paid into the City Treasury for the use and benefit of the City, as may be consistent with present and future laws.

### **SECTION 4.04 City Attorney**

- (1) The City Council shall appoint, by the affirmative vote of a majority of the City Council, a competent, duly qualified, licensed and practicing attorney in the State of Texas for at least five (5) years who shall serve as the City Attorney. The City Council may provide for such services by contract with a duly qualified law firm. The City Attorney designated to provide services must be a member of and be in good standing with the

State Bar of Texas.

- (2) The City Attorney shall:
  - (A) Serve as the legal advisor to the City Council and City Manager;
  - (B) Represent the City in litigation and legal proceedings as directed by the City Council and the City Manager; and
  - (C) Review and provide opinions as requested by the City Council or City Manager on contracts, legal instruments, ordinances of the City and other City business.
- (3) The City Council shall have the right to retain special counsel at any time that it may deem necessary and appropriate.
- (4) The City Attorney and Special Counsel shall receive compensation as may be determined by the City.
- (5) The City Attorney, with approval of the City Council, may select additional attorneys to act for him/her and the City in its representation and/or litigation.
- (6) The City Attorney may be removed, without cause, by the affirmative vote of a majority of the City Council.

#### **SECTION 4.05 Administrative Departments, Offices, and Agencies**

- (1) The City Council may, after hearing recommendations of the City Manager, establish, abolish, re-designate and/or combine departments, offices or agencies, in addition to those provided for by this Charter, and may prescribe the functions and duties of such departments, offices and agencies.
- (2) Except as provided elsewhere in this Charter, all departments, offices and agencies of the City shall be under the direction and supervision of the City Manager and shall be administered by officers appointed by and subject to the direction and supervision of the City Manager. The City Manager may, with the consent of the City Council, serve as the head of one (1) or more City departments, offices or agencies or appoint one (1) person as head of two (2) or more of them.
- (3) The City Manager may appoint a City Tax Collector, whose duties and functions shall be those usual to the office and consistent with the laws of the State of Texas, as they may apply to City or County Tax Collectors. The City Manager may recommend that the City Council enter into an outside contract for such services.

## **SECTION 4.06 Personnel System**

Personnel rules shall be prepared by the City Manager and presented to the City Council who may adopt them by ordinance or resolution, with or without amendment. The adopted rules shall establish the City as an Equal Opportunity Employer and shall govern the equitable administration of the personnel system of the City. The City shall comply with all applicable State and Federal labor laws.

## **SECTION 4.07 Freedom From Interference**

It shall be unlawful for the City Council or any of its members to dictate to the City Manager the appointment of any person to office or employment or interfere in any manner with the City Manager in the performance of the duties of that office as stated in Section 3.07 of this Charter.

# **ARTICLE V NOMINATIONS AND ELECTIONS**

## **SECTION 5.01 City Elections**

- (1) All City elections shall be conducted in accordance with the Texas Election Code and other applicable law.
- (2) The general City election shall be held annually during the month of May or such date as required by the Texas Election Code. The City Council shall be responsible for specification of places for holding such elections.
- (3) The City Council may, by resolution, order a special election for purposes consistent with this Charter and laws of the State of Texas. The City Council will fix the time and places for such a special election and provide all means for holding same.
- (4) Municipal elections shall be conducted by election officials appointed by the City Council or contracted with the County Elections Office, as prescribed by law. Sample ballots, identical in format to those used in the specific election, shall be posted in the voting place(s) for the purpose of voter orientation.
- (5) All municipal elections shall be publicized in accordance with the Texas Election Code.
- (6) A sample ballot shall be published twice in the official newspaper of the City prior to the date of the election.

## **SECTION 5.02 Filing for Office**

- (1) Candidates for elective City offices shall file for office in accordance with the Texas Election Code.
- (2) Candidates for elective City offices shall meet the following qualifications:

- (A) Shall be at least twenty-one (21) years of age at the time of the election for which they are filing;
- (B) Shall be a qualified voter;
- (C) Shall have resided within the corporate limits of the City, or recently annexed territory, for at least twelve (12) months prior to the filing date and shall have their primary residence within the City limits of the City of Hondo. Each Council Member and Mayor must continually reside within the City during his term of office, and any removal of his residence from the City during his term of office shall constitute a forfeiture of his office;
- (D) No candidate may file in a single election for more than one (1) elective office or position;
- (E) No employee of the City shall continue in such position after filing for an elective City office;
- (F) In the event any incumbent office holder, of any elected city office, becomes a candidate for election to any office other than the one they are presently holding, and the incumbent office holder has less than one year remaining in office, such candidate shall tender a resignation from the currently held city office if the incumbent is elected to the other office. Such resignation shall take effect without any further act of acceptance by the Council. Failure to offer the resignation, the incumbent shall automatically forfeit his position upon being elected and the Council may proceed in filling the vacancy in accordance with the Charter;
- (G) In the event any incumbent office holder, of any elected city office, becomes a candidate for election to any office other than the one they are presently holding, and the incumbent office holder has more than one year remaining in office, such candidate shall forfeit his/her position effective as of the date of becoming a candidate for the other elected office. Such resignation shall take effect without any further act of acceptance by the Council and the Council may proceed in filling the vacancy by calling an election in accordance with state law;
- (H) A candidate or incumbent to a city office must demonstrate fiscal responsibility and judgment in the management of their debts and therefore must not be in debt to the City, including but not limited to fees, fines and taxes levied by the City; and
- (I) Shall comply with all other City ordinances and/or resolutions that may be applicable

### **SECTION 5.03 Official Ballots**

- (1) The name of each candidate seeking elective office, except those who have withdrawn, died or become ineligible, shall be printed on the official ballot in the form designated by the candidate in accordance with the Texas Election Code. If two (2) or more candidates have the same surname, their residence addresses shall be printed with their names on the ballot.
- (2) The order of the names of the candidates on the ballot shall be determined by lot in a public drawing to be held under the supervision of the person performing the duties of the City Secretary in accordance with the Texas Election Code.
- (3) Procedures for voting by absentee ballot shall be consistent with the Texas Election Code.
- (4) An ordinance, bond issue, or Charter amendment to be voted on by the voters of the City shall be presented for voting by ballot title. The ballot title of a measure may be different from its legal title and shall be a clear, concise statement, approved by the City Council, describing the substance of the measure without argument or prejudice.
- (5) Procedures for write-in votes shall be consistent with the Texas Election Code.

### **SECTION 5.04 Official Results**

- (1) The Mayoral or Council candidate for elective office receiving a plurality, meaning the greatest number of the votes cast shall be declared the winner.
- (2) The returns of every municipal election shall be handled in accordance with the Texas Election Code. These returns shall be delivered from the election judges to the person performing the duties of the City Secretary at City Hall as soon as possible after the closing of the polls. Election returns, general and special, shall be presented to the City Council at their next meeting in accordance with the Texas Election Code, at which time the City Council shall canvass and declare the results of the election, which shall be recorded in the minutes of the meeting.

### **SECTION 5.05 Taking of Office**

- (1) Each newly elected person to the City Council shall be inducted into office at the first regular City Council meeting following the official canvassing of the election.
- (2) At such meeting, the oath shall be administered in accordance with the City Charter.

### **SECTION 5.06 Oath of Office**

Every officer of the City shall, before entering upon the duties of his/her office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the City Secretary:

*"I, \_\_\_\_\_, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of \_\_\_\_\_, of the City of Hondo, State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and Laws of the United States and of this State and the Charter and ordinances of this City; and I furthermore solemnly swear (or affirm), that I have not directly nor indirectly paid, offered, or promised to pay, contributed, nor promised to contribute any money, or valuable thing, or promise any public office or employment, as a reward for the giving or withholding a vote at the election at which I was elected, or if the office is one of appointment, to secure my appointment So Help Me God."*

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

### **SECTION 6.01 Power of Initiative**

The people of the City reserve the power to direct legislation by initiative and, in the exercise of such power, may propose any ordinance not in conflict with this Charter or State law, except an ordinance appropriating money or authorizing the levy of taxes, an ordinance amending an ordinance appropriating money or levying taxes, or an ordinance repealing an ordinance appropriating money or levying taxes. Any initiated ordinance may be submitted by a petition signed by registered voters of the City equal in number to at least twelve-five (12.5 %) percent of the number of registered voters residing in the City at the time of the last regular City election.

### **SECTION 6.02 Power of Referendum**

The people of the City reserve the power to approve or reject at the polls any legislation enacted by the City Council, which is subject to the initiative process under this Chapter. Within thirty (30) days after the final adoption or publication, whichever date is later, of any ordinance which is subject to referendum, a notice must be filed with the City Secretary that a petition will be filed. A petition signed by registered voters of the City equal in number to at least twelve-five (12.5 %) percent of the number of registered voters residing in the City at the time of the last regular City election, may be filed with the City Secretary requesting that any such ordinance be either repealed or submitted to a vote of the people. When such a petition has been certified as sufficient by the City Secretary, the ordinance so specified in the petition shall not go into effect, or further action shall be suspended if it shall have gone into effect, until and unless it is approved by the voters as herein provided.

### **SECTION 6.03 Form of Petition for Initiative and Referendum**

All petition papers circulated for the purpose of an initiative or referendum shall be uniform in size and style. Initiative petition papers shall contain the full text of the proposed ordinance. The signatures to initiative and referendum petitions need not all be appended to one paper, but to each separate paper there shall be attached a statement of the circulator that he personally circulated the foregoing paper, that all the signatures appended thereto were made in his presence

and that he believes them to be the genuine signatures of the persons whose names they purport to be. Each signer of any such petition shall sign his name in ink, shall indicate after his name his place of residence by street, street number and zip code, shall indicate his voter registration certificate number and shall record the date of signature, but no signatures to such petition shall remain effective or be counted which were placed thereon more than forty-five (45) days prior to the filing of such petition or petitions with the person performing the duties of City Secretary.

#### **SECTION 6.04 Filing, Examination and Certification of Petitions**

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

#### **SECTION 6.05 Council Consideration and Submission to Voters**

When the City Council receives an authorized initiative petition, certified by the City Secretary to be sufficient, the City Council shall either (a) pass the initiated ordinance without amendment within twenty (20) days after the date of the certification to the City Council; or (b) submit the initiated ordinance without amendment to a vote of the qualified voters of the City at a regular or special election to be held on a uniform election date of the State of Texas, but not less than sixty-two (62) days from the date that the City Secretary certifies the submission to the City Council.

When the City Council receives an authorized referendum petition, certified by the City Secretary to be sufficient, the City Council shall reconsider the referred ordinance. If, upon such reconsideration, such ordinance is not repealed, it shall be submitted to the voters of the City at a regular or special election to be held on a uniform election date of the State of Texas, but not less than sixty-two (62) days from the date the City Secretary certifies the submission to the City Council.

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

## **SECTION 6.06 Ballot Form and Results of Election**

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

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

## **SECTION 6.07 Power of Recall**

The people of the City reserve the power to recall the Mayor or any other member of the City Council and may exercise such power by filing with the City Secretary a petition, signed by qualified voters of the City equal in number to at least twelve-five (12.5 %) percent of the number of registered voters residing in the City at the time of the last regular municipal election of the City demanding the removal of the Mayor or other members of the City Council. The petition shall be signed and verified in the manner required for an initiative petition, shall contain a general statement of the grounds upon which the removal is sought and one of the signers of each petition paper shall make an affidavit that the statements made therein are true.

## **SECTION 6.08 Recall Election**

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

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

If the City Council Member whose removal is sought does not resign, the City Council shall order a recall election and fix a date for such election, the date of which shall not be less than sixty-two (62) days from the date the petition was submitted to the City Council or from the date

of the public hearing if one was held, whichever is later, or at the earliest date thereafter permitted by the Texas Election Code.

### **SECTION 6.09 Recall Ballot**

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

“FOR THE REMOVAL OF (name of person.)”  
“AGAINST THE REMOVAL OF (name of person.)”

### **SECTION 6.10 Results of a Recall Election**

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

### **SECTION 6.11 Limitations on Recall**

No recall petition shall be filed against the Mayor or any other Council Member within six (6) months after he first takes office, or within six (6) months after an election for his recall, nor within six (6) months of the end of his term.

### **SECTION 6.12 Failure of the City Council to Call an Election-Initiative or Referendum**

If all of the requirements of this Charter have been met and the City Council fails or refuses to receive the initiative or referendum petition, or order such initiative or referendum election, or discharge any other duties imposed on the City Council by the provisions of this Charter with reference to such initiative or referendum, then the District Judge of Medina County Texas, shall discharge any of such duties herein provided to be discharged by the person performing the duties of City Secretary or by the City Council.

## **ARTICLE VII FINANCIAL PROCEDURES**

### **SECTION 7.01 Fiscal Year**

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

## **SECTION 7.02 Submission of Budget and Budget Measure**

On or before August 15<sup>th</sup> of the fiscal year, the City Manager shall submit to the City Council a budget for the ensuing fiscal year and an accompanying budget message. The proposed budget submitted to Council for review will be an itemized budget in accordance with state law.

## **SECTION 7.03 Budget Message**

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

## **SECTION 7.04 Budget a Public Record**

In accordance with state law, the proposed budget and all supporting schedules shall be filed with the person performing the duties of City Secretary when submitted to the City Council and shall be open to the public inspection by anyone interested. A notice of availability shall be published in the official newspaper within ten (10) days of the budget being presented to City Council.

## **SECTION 7.05 Public Hearing on Budget**

At the City Council meeting when the budget is submitted, the City Council shall name the date and place of a public hearing and shall have published in the official newspaper of the City, the time and place, which will be not less than the ten (10) days nor more than thirty (30) days after the date of notice. At this hearing, interested citizens may express their opinions concerning items of expenditures, giving their reasons for wishing to increase or decrease any items of expense.

## **SECTION 7.06 Proceeding on Adoption of Budget**

After public hearing, the City Council shall analyze the budget, making any additions or deletions which they feel appropriate, and shall, at least ten (10) days prior to the beginning of the next fiscal year, adopt the budget by the affirmative vote of a majority of the City Council. Should the City Council take no final action on or prior to such day, the current budget shall be in force on a month-to-month basis until a new budget is adopted, but budget must be approved within sixty (60) days of the next fiscal year.

## **SECTION 7.07 Budget, Appropriation and Amount to be Raised by Taxation**

On final adoption, the budget shall be in effect for the budget year. Final adoption of the budget by the City Council shall constitute the official appropriations as proposed by expenditures for the current year and shall constitute the basis of official levy of the property tax as the amount of

tax to be assessed and collected for the corresponding tax year. Estimated expenditures will in no case exceed proposed revenue plus cash on hand. Unused appropriations may be transferred back to general funds.

### **SECTION 7.08 Amending the Budget**

Under conditions which may arise and which could not reasonably have been foreseen in the normal process of planning the budget, the City Council may, by the affirmative vote of a majority of the City Council, amend or change the budget to provide for any additional expense in which the general welfare of the citizenry is involved. These amendments shall be by ordinance and shall become an attachment to the original budget.

### **SECTION 7.09 Certification; Copies Made Available**

A copy of the budget, as finally adopted, shall be filed with the person performing the duties of City Secretary and such other places required by state law or as the City Council shall designate. The final budget shall be printed or otherwise reproduced and sufficient copies shall be made available for the use of all offices, agencies, and for the use of interested persons and civic organizations. A notice of availability shall be published in the official newspaper within ten (10) days of the budget being approved by the City Council.

### **SECTION 7.10 Capital Program**

The City Manager shall submit a five (5) year capital program as an attachment to the annual budget. The program as submitted shall include:

- (1) A clear general summary of its contents;
- (2) A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years succeeding the budget year, with appropriate supporting information as to the necessity for such improvements;
- (3) Cost estimates, method of financing and recommended time schedules for each improvement and
- (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

### **SECTION 7.11 Defect Shall Not Invalidate the Tax Levy**

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

## **SECTION 7.12 Lapse of Appropriations**

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned. The purpose of any such appropriation with the exception of a bond fund, shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation. Any funds not expended, disbursed or encumbered shall be deemed excess funds.

## **SECTION 7.13 Bonds and Other Evidences of Indebtedness**

The City shall have the right and power to borrow money on the credit of the City and to issue general obligation bonds and others evidences of indebtedness for permanent public improvements or for any other public purpose not prohibited by the Constitution and laws of the State of Texas or the Charter and to issue refunding bonds to refund outstanding bonds and other evidences of indebtedness of the City previously issued by whatever method it may deem to be in the public interest. All such bonds shall be issued in conformity with the laws of the State of Texas.

The City shall further have the power to borrow money for the purpose of constructing, acquiring, improving, extending or repairing of public utilities, recreational facilities or any other self-liquidating municipal function not prohibited by the Constitution and laws of the State of Texas, and to issue revenue bonds to evidence the obligations created thereby. Such bonds shall be a charge upon and payable from the properties, or interest therein pledged, or the income there from, or both. The holders of the revenue bonds of the City shall not have the right to demand payment thereof out of monies raised or to be raised by taxation. All such bonds shall be issued in conformity with the laws of the State of Texas. The City shall have the power to borrow money for public improvements in any other manner provided by law, including certificates of obligation as authorized by the Texas Local Government Code. All bonds and evidences of indebtedness of the City having been approved by the Attorney General and registered by the Comptroller of Public Accounts shall thereafter be incontestable in any court or other forum for any reason, and shall be valid and binding obligations of the City in accordance with their terms for all purposes.

## **SECTION 7.14 Emergency Funding**

In any budget year, the City Council may in accordance with state law, by affirmative vote of a majority of the Council Members, authorize the borrowing of money. Notes may be issued which are repayable not later than the end of the current fiscal year.

## **SECTION 7.15 Purchasing**

- (1) The City Council may, by ordinance, give the City Manager general authority to contract for expenditure without further approval of the City Council for all budgeted items not exceeding limits set by the City Council within the ordinance.

- (2) All contracts for expenditures involving more than the limits must be expressly approved in advance by the City Council. All contracts or purchases involving more than the limits set by the City Council shall be awarded by the City Council in accordance with state law.
- (3) Emergency contracts, as authorized by law and this Charter, may be negotiated by the City Council or City Manager, if given authority by the City Council, without competitive bidding and in accordance with state law. Such emergency shall be declared by (I) the City Manager and approved by the City Council, or (II) the City Council.

### **SECTION 7.16 Administration of Budget**

- (1) No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made, unless the City Manager, or the City Manager's designee, first that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefore are or will be available to cover the claim or meet the obligation when it becomes due and payable.
- (2) Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal. Such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such payment or obligation, and the officer shall also be liable to The City for any amount so paid.
- (3) This prohibition shall not be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds, time warrants, certificates of indebtedness or certificates of obligation or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, providing that such action is made or approved by ordinance.
- (4) The City Manager shall submit to the City Council each month a report covering the revenues and expenditures of the City in such form as requested by the City Council.

### **SECTION 7.17 Depository**

All monies received by any person, department or agency of the City for or in connection with the affairs of the City shall be deposited promptly in the City depository or depositories. The City depositories shall be designated by the City Council in accordance with such regulations and subject to the requirements as to security for deposits and interest thereon as may be established by ordinance and state law. Procedures for withdrawal of money or the disbursement of funds from the City depositories shall be prescribed by ordinance.

## **SECTION 7.18 Independent Audits**

At the close of each fiscal year and in accordance with state law, and at such other times as may be deemed necessary, the City Council shall call for an independent audit to be made of all accounts of the City by a certified public accountant. No more than five (5) consecutive annual audits shall be completed by the same firm. The certified public accountant selected shall have no personal interest, directly or indirectly in the financial affairs of the City or any of its officers. The report of audit, with the auditor's recommendations, will be made to the City Council. Upon completion of the audit the summary shall be published immediately in the official newspaper of the City and copies of the audit placed on file in the office of the person performing the duties of City Secretary, as public record.

## **SECTION 7.19 Tax Administration**

- (A) The City Council may establish a Department of Taxation to assess and collect taxes. If the Council establishes such a Department, the Director of which shall be the City Tax Assessor and Collector shall be appointed by the City Council. The Tax Assessor and Collector shall provide a bond with such sureties and in such amount as the City Council may require. The City shall pay the premiums on such bond. The City Council may provide for such services by contract.
- (B) The City Council shall have the power, and is hereby authorized, to levy, assess, and collect annual taxes not to exceed the maximum limit set by the Constitution and laws of the State of Texas, as they now exist or as they may be amended, on each one hundred dollars (\$100.00) assessed valuation of all property having a location within the corporate limits of the City and not exempt from taxation by the Constitution and laws of the State of Texas.
- (C) All taxes due the City shall be payable at the office of the City Assessor and Collector and may be paid at any time after the tax rolls for the year have been completed and approved, which completion and approval shall be not later than October 1<sup>st</sup>. Taxes shall be paid before February 1<sup>st</sup> of each year succeeding the year for which the taxes are levied. All such taxes not paid prior to such date shall be deemed delinquent and shall be subject to such penalty and interest as may be provided by law.
- (D) Failure to levy and assess taxes through omission in preparation of the approval tax rolls shall not relieve the person, firm or corporation so omitted from the obligation to pay such current or past due taxes shown to be payable by recheck of the rolls and receipts for the years in question, unless otherwise provided by law.

## **SECTION 7.20 Tax Liens, Liabilities and Suits**

- (A) All property having its location in the City on January 1<sup>st</sup> of each year shall stand charged with a lien in favor of the City from said date for the taxes due thereon. The lien provided hereby shall be superior to all other liens except other tax liens, regardless of when such other liens were created. All persons purchasing any of said property on or

after January 1<sup>st</sup> in any year shall take the property subject to the lien herein provided. In addition to the lien herein provided on January 1<sup>st</sup> on any year, the owner of property subject to taxation by the City shall be personally liable for the taxes due thereon for such year.

- (B) The City shall have the power to sue for and recover personal judgment for taxes without foreclosure, or to foreclose its lien or liens, or to recover both personal judgment and foreclosure. In such suit where it appears that the description of any property in the City assessment rolls is insufficient to identify such property, the City shall have the right to plead a good description of the property to be assessed, to prove the same, and to have its judgment foreclosing the tax lien and/or for personal judgment against the owner for such taxes as such ownership and property appears on the certified tax roll.

## **ARTICLE VIII BOARDS AND COMMISSIONS**

### **SECTION 8.01 Authority, Composition and Procedures**

- (1) The City Council shall create, establish or appoint, as may be required by the laws of the State of Texas or this Charter, or deemed desirable by the City Council, such boards, commissions and committees as it deems necessary to carry out the functions and obligations of the City. The City Council shall, by ordinance or resolution, prescribe the purpose, composition, function, duties, accountability and tenure of each board, commission and committee where such are not prescribed by law or this Charter.
- (2) Individuals who are qualified voters and residents of the City, with no more than one member from the City's Extraterritorial Jurisdiction (ETJ), may be appointed by the City Council, if allowed by state law, to serve on one (1) or more boards, commissions or committees if allowed by state law. Such appointees shall serve at the pleasure of the City Council and may be removed at the discretion of the City Council. Except as otherwise provided in this Charter members of any such board, commission or committee shall serve without compensation but may be reimbursed for actual expenses as approved by the City Council.
- (3) All boards, commissions or committees of the City shall keep and maintain minutes of any proceedings held and shall submit them to the City Secretary to provide a copy to the City Council following the meeting at which they are approved.
- (4) Unless authorized by state law, no officer or employee of the City nor any person who holds a compensated appointive position with the City shall be appointed to any board, commission or committee created or established by this Charter other than in an advisory capacity.
- (5) Unless specified otherwise by a previous ordinance, any member of a board, commission or committee who is absent from three (3) consecutive regular meetings, or twenty-five percent (25%) of regularly scheduled meetings during the twelve month (12 month)

period immediately preceding and including the absence in question, without explanation acceptable to a majority of the other members, shall forfeit his/her position on the board, commission or committee.

## **ARTICLE IX PLANNING AND ZONING COMMISSION**

### **SECTION 9.01 Organization**

- (1) There is hereby established a Planning and Zoning Commission (the "Commission") which shall consist of at least seven (7) members who shall be appointed by the City Council to staggered terms of two (2) years and shall be governed in accordance with the zoning ordinance which is in effect at the time of the adoption of this Charter. The Commission members shall be qualified City voters and residents of the City. Any vacancy occurring during the unexpired term of a member shall be filled by the City Council for the remainder of the unexpired term. Each January, the Commission shall elect from its members a Chairman, Vice Chairman, and Secretary to serve for one (1) year. Members of the Commission may be removed, without cause, by an affirmative vote of a majority of the City Council.
- (2) The Commission shall meet at least once a month. The Commission shall keep minutes of its proceedings which shall be of public record. Minutes will be recorded by the Commission Secretary. The Commission shall receive such compensation as is determined by the City Council and may be reimbursed for actual expenses as approved by the City Council.
- (3) The Chairman shall not be considered a voting member of the Commission, except in the case of a tie, he/she shall cast the deciding vote, but shall have no power to veto.

### **SECTION 9.02 Duties and Powers**

- (1) The Commission shall be responsible to and act as an advisory board to the City Council. The Commission shall:
  - (A) Review all current and proposed ordinances and amendments pertaining to planning and zoning and make recommendations to the City Council for action to be taken;
  - (B) Make proposals to the City Council to amend, extend and add to the Comprehensive Master Plan of the City;
  - (C) If requested by the City Council, a monthly report shall be made in person by a member of the Commission to the City Council;

- (D) Review master plans, subdivision plats, annexation, variance, and zoning requests and make recommendations to the City Council for final adoption of same.
  - (E) Use Assumptions as required;
  - (F) Perform such other functions as may be duly delegated by the City Council.
- (2) The Commission shall have full power to:
- (A) Exercise the authority of the Commission as provided by state law, this Charter and City ordinances;
  - (B) Administer rules and recommendations pertaining to subdivisions and to platting in territories within the City limits and its extraterritorial jurisdiction; and
  - (C) Make reports and recommendations relating to the Comprehensive Plan and development of the City.
- (3) A three-quarters (3/4) vote of all the Council Members is required to overrule a recommendation of the Commission that a proposed zoning amendment, supplement or change, or change to a regulation or boundary be denied.

### **SECTION 9.03 Procedures**

- (1) The Planning and Zoning Commission procedures shall be governed by the provisions of the City Zoning Ordinance and Texas State Law.
- (2) Should any person on the Commission have a conflict of interest, pursuant to any state laws and/or City ordinances regulating conflicts of interest of municipal officers, with an agenda item then before the Commission, he/she shall openly declare same before discussion proceeds, and he/she is thereby prohibited from discussing the item or voting on the question, and is not considered as present and voting for the purposes of the tally.
- (3) Should any person on the Commission choose to abstain from voting on any question before the Commission, where no conflict of interest exists, the person's vote shall be recorded as an abstention vote in the official minutes of the meeting.

### **SECTION 9.04 The Comprehensive Master Plan: Procedure and Legal Effect**

- (1) The existing Comprehensive Master Plan contains recommendations for the growth, development and beautification of the City and its extraterritorial jurisdiction. Additions to and amendments of the Comprehensive Plan shall be by ordinance or resolution in accordance with Texas State Law.
- (2) Following the adoption by the City Council of the Comprehensive Master Plan, and any revisions thereto, it shall serve as a guide to all future City Council action concerning

land use and development regulations and expenditures for capital improvements. Any proposal which deviates from the Comprehensive Master Plan shall not be authorized until and unless the location and extent thereof shall have been submitted to and approved by the Commission. In case of denial, the Commission shall communicate its reasons to the City Council, which shall have the power to overrule such denial with a vote of a majority of the full Council Membership, and upon such overruling, the City Council or the appropriate office, department or agency shall have authority to proceed.

## **ARTICLE X UTILITY AND PUBLIC SERVICE FRANCHISES AND LICENSES**

### **SECTION 10.01 Authority**

- (1) The ownership, right of control and use of streets, highways, alleys, parks, public places, rights-of-way and all other real property of the City is hereby declared to be inalienable to the City. No entity or individual shall have the right to occupy such public property without the express permission of and under an express written agreement with the City concerning such occupancy. Utilities and/or public utilities shall only be granted the right to occupancy under the terms of a franchise agreement with the City. All grants, removals, extensions or amendments of public utility franchises on, under or beneath such public places shall be the right of the Council. The City may, by ordinance, sell, lease, transfer or otherwise alter its control and use of such public properties, in accordance with the provisions of this Charter.
- (2) The City shall have the power to buy, own, sell, construct, lease, maintain, operate and regulate public services and utilities and to manufacture, distribute and sell the output of such services and utility operations. The City shall not supply any utilities service outside the City limits, except by a written contract. The City shall have such regulatory and other power as may now or hereafter be granted under the Constitution and laws of the State of Texas.

### **SECTION 10.02 Ordinance Granting Franchise**

No franchise shall be granted for a term of more than twenty (20) years from the date of the grant, renewal or extension of any franchise.

### **SECTION 10.03 Transfer of Franchise**

No public service or utility franchise is transferable, except with the approval of the City Council. However, the franchisee may pledge franchise assets as security for a valid debt or mortgage.

### **SECTION 10.04 Franchise Value Not to be Allowed**

Franchises granted by the City are of no value in fixing rates and charges for public services or utilities within the City and in determining just compensation to be paid by the City for property which the City may acquire by condemnation or otherwise.

## **SECTION 10.05 Right of Regulation**

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

- (1) To repeal the franchise by ordinance for failure to begin construction or operation within the time prescribed, or for failure to comply with terms of the franchise;
- (2) To require all extensions of service within the City limits to become part of the aggregate property of the service and operate subject to all obligations and reserved rights contained in this Charter. Any such extension is considered part of the original grant and terminable at the same time and under the same conditions as the original grant;
- (3) To require expansion and extension of facilities and services and to require maintenance of existing facilities to provide adequate service at the highest level of efficiency;
- (4) To require reasonable standards of service and quality of product and prevent rate discrimination;
- (5) To impose reasonable regulations and restrictions to insure the safety and welfare of the public;
- (6) To examine and audit accounts and records and to request annual reports on local operations of the public service or utility;
- (7) To require the franchisee to restore, at franchisee's expense, all public or private property to a condition as good as or better than before disturbed by the franchisee for construction, repair or removal;
- (8) To require the franchisee to furnish to the City, from time to time within a reasonable time following request of the City, at franchisee's expense a general map outlining current location, character, size, length, depth, height and terminal of all facilities over and under property within the City and its extraterritorial jurisdiction;
- (9) To require compensation, rent or franchise fees to be paid to the City as may be permitted by the laws of the State of Texas; and
- (10) Any other authority to regulate utilities and franchises in accordance with the laws of the State of Texas.

## **SECTION 10.06 Regulation of Rates**

- (1) The City Council has the power to fix and regulate the rates, tariffs, and charges of all utilities and public services, consistent with state statutes.

- (2) If not satisfied with the sufficiency of evidence, the City Council may hire rate consultants, auditors and attorneys to investigate and, if necessary, litigate requests for rate changes, the expense of which shall be reimbursed to the City by the franchisee.

#### **SECTION 10.07 Licenses**

The City shall have the power to license, levy and collect fees in order to license any lawful business, occupation or calling subject to control pursuant to the police powers of the State of Texas and/or for any other purpose not contrary to the Constitution and laws of the State of Texas.

### **ARTICLE XI GENERAL PROVISIONS**

#### **SECTION 11.01 Severability**

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

#### **SECTION 11.02 Wording Interpretation**

The gender of the wording throughout this Charter shall always be interpreted to mean either sex. All singular words shall include the plural and all plural words shall include the singular. All references to the state law or laws of the State of Texas, however expressed in this Charter, shall mean "as presently enacted or as may be amended or superceded." The use of the word "City" in this Charter shall mean the City of Hondo, Texas, and the use of the word "Charter" shall mean this Home Rule Charter. The term "qualified voter" shall mean a resident of the City who is duly registered to vote in City elections.

#### **SECTION 11.03 Amendment of Charter**

Amendments to this Charter may be framed and submitted to the qualified voters of the City in the manner provided by the Constitution and the laws of the State of Texas; but, the Charter may not be amended more often than once every two (2) years, as provided by the Texas Constitution.

#### **SECTION 11.04 Charter Review Commission**

- (1) Within the first two (2) years after the adoption of this Charter the Council may appoint a Charter review Commission in accordance with this Section. If Council does not appoint a Charter Commission, on the fifth year after initial adoption of the Charter and every five (5) years thereafter, the Council shall appoint a Charter review Commission. Except as otherwise provided in this Charter, each appointment of the Charter Review Commission shall be a registered voter of the City prior to the appointment, for at least twelve months preceding the appointment. Commission members shall serve without compensation and shall not be employed by or hold any other position in the City

government, in addition to any other requirements prescribed by the Council, members shall maintain the qualification established by this section while in office. No member of the commission shall remain in this position after being elected or appointed to a City office.

- (2) The Charter Review Commission shall consist of at least fifteen (15) citizens of the City who shall:
  - (A) Inquire into the operation of the City government under the Charter and determine whether any provisions require revision. To this end, public hearings may be held. The Commission may compel the attendance of any officer or employee of the City and require submission of any City records;
  - (B) Propose any recommendations it deems desirable to insure compliance with the Charter of the City government; and
- (3) The City Council shall receive and have published in the official newspaper of the City a comprehensive summary of the report presented by the Charter Review Commission, shall consider any recommendations made, and may order any amendments suggested to be submitted to the voters of the City in the manner provided by state law.
- (4) The term of office of the Charter Review Commission shall be for not more than six (6) months, at the end of which time a report shall be presented to the City Council and all records of proceedings of the Charter Review Commission shall be filed with the City Secretary and become a public record.

#### **SECTION 11.05 Submission of Charter to Electors**

The Charter Commission in preparing this Charter finds and declares that it is impractical to segregate each subject so that the voter may vote "Yes" or "No" on each subject. The Charter is so constructed that in order to enable it to work and function, it is necessary that it should be adopted in its entirety. For these reasons, the Charter Commission directs that this Charter be voted upon as a whole.

### **ARTICLE XII LEGAL PROVISIONS**

#### **SECTION 12.01 Annexation - Extensions of Boundaries**

The boundaries of the City may be enlarged and extended by the annexation of additional territory, irrespective of size and configuration, by the methods hereinafter set forth:

- (1) A. City Initiated Annexation: The City Council shall have the power by ordinance to fix the boundary limits of the City and to provide for the alteration and extension of said boundary limits and the annexation of additional territory, lying adjacent to the City, in the manner provided by state law provided, however, that more than fifty (50) percent of

the real property owner(s) in the area proposed to be annexed of the property approve of the annexation.

B. The City Council may also initiate the process of annexation of contiguous and adjacent land within the existing extraterritorial jurisdiction boundaries and under such procedural rules as may be prescribed by state law. The proposed annexation and prescribed plan thereof shall be submitted to the qualified voters of both the City and the proposed annexation area, at any regular scheduled City election. A majority vote in favor shall be required for continuation of the annexation process. Less than a majority vote in favor shall end the proposed annexation process. A waiting period of two years shall be required before a similar annexation plan, involving the same territory, can be again proposed by the City.

- (2) Voluntary Annexation: The owner or owners of any land contiguous and adjacent to the City may, by petition in writing to the City Council, request the annexation of such contiguous and adjacent land. The City Council shall hold a public hearing with the arguments for and against the proposed annexation. If the City Council chooses to grant such petition, it may, by proper ordinance, under such procedural rules as may be prescribed by State law, receive and annex such territory as a part of the City.
- (3) When any additional territory has been so annexed, the same shall be a part of the City and the property situated therein shall bear its pro rata part of the taxes levied by the City. The inhabitants thereof shall be entitled to all the rights and privileges of the other citizens of the City and shall be bound by the acts, ordinances, resolutions and regulations of the City.
- (4) The extraterritorial jurisdiction boundaries may be extended by the Council as provided by state law.

### **SECTION 12.02 Disannexation**

Whenever in the opinion of the City Council, there exists within the corporate limits of the City a territory not suitable or necessary for City purposes the City Council may disannex said territory as part of the City in accordance with state law; however, any territory so de-annexed shall be liable for its pro rata share of any debts incurred while it was a part of the city, and the city shall continue to levy and collect taxes on the property within said territory until indebtedness has been discharged.

### **SECTION 12.03 Assignment, Execution and Garnishment**

- (1) Property, real and personal, belonging to the City shall not be liable to be sold or appropriated under any writ of execution or cost bill. Funds belonging to the City in the hands of any person, firm or corporation, shall not be liable to garnishment, attachment or sequestration; nor shall the City be liable to garnishment, attachment or sequestration; nor shall the City be liable to garnishment on account of any debt it may owe or funds or property it may have on hand owing to any person. Neither the City nor any of its

officers or agents shall be required to answer any such writ of garnishment on any account whatsoever.

- (2) The City shall not be obligated to recognize any assignment of wages or funds by its employees, agents or contractors, except as provided by the laws of this State or the United States of America.

#### **SECTION 12.04 Security and Bond**

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

#### **SECTION 12.05 Notice of Claim**

The City shall not be held liable on account of any claim for the death of any person or injuries to any person or damage to any property unless the person making such complaint or claiming such damages shall, within ninety (90) days after the time at which it is claimed such damages were inflicted upon such person or property, file with the City a written statement, under oath, stating the nature and character of such damages or injuries, the extent of the same, the place where same happened, the circumstances under which same happened and the condition causing same, with a detailed statement of each item of damages and the amount thereof, giving a list of any witnesses known by affiant to have seen the accident.

#### **SECTION 12.06 Power to Settle Tax Claims**

The City Council shall have the power to settle suits by the City to recover delinquent taxes.

#### **SECTION 12.07 Service of Process Against the City**

All legal process against the City shall be served upon either the Mayor, City Manager or City Secretary.

#### **SECTION 12.08 Judicial Notice**

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

#### **SECTION 12.09 Pending Matters**

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

**SECTION 12.10 Property Not Exempt From Special Assessments**

No property of any kind, by whomsoever owned or held or by whatsoever institution, agency, political subdivision or organization, owned or held, whether in trust or by non-profit organization, or corporation, or by foundation, or otherwise, (except property of the City), shall be exempt in any way from any of the special taxes, charges, levies and assessments, authorized or permitted by this Charter, for local improvements, for the public welfare in accordance with Texas State Law.

**SECTION 12.11 City Council May Require Bonds**

In addition to any provisions contained herein, the City Council may require any City official, department director, or City employee, before entering upon his/her duties, to execute a good and sufficient bond with a surety company doing business in the State of Texas and approved by the City Council. The City shall pay the premium of such bond.

**SECTION 12.12 Disaster Clause**

In case of disaster when a legal quorum of the elected City Council cannot otherwise be assembled due to multiple deaths or injuries, the surviving persons of the City Council, or highest surviving City official, if no elected official remains, must, within twenty four (24) hours of such disaster, request the City Manager and the County Judge of Medina County to appoint a commission to act during the emergency and call a City election within thirty (30) days of such disaster, or as provided in the Texas Election Code, for election of a required quorum, if for good reasons it is known a quorum of the present City Council will never again meet.

**SECTION 12.13 Construction of Charter**

This Charter is a general grant of powers and is not to be interpreted as limiting in any way.

**ARTICLE XIII  
TRANSITIONAL PROVISIONS**

**SECTION 13.01 Effective Date**

If this Charter is approved by a majority of the qualified voters, it shall become the Charter of the City of Hondo on the date the Council entered an order in the records of the City declaring that the Charter is adopted, as prescribed by state law.

**SECTION 13.02 Continuation of Elective/Appointive Offices**

Upon adoption of this Charter, the present persons filling elective offices on the City Council will continue to fill those offices for the terms for which they were elected. Persons who, on the date this Charter is adopted, are filling appointive positions with the City which are retained under this Charter, may continue to fill those positions for the term for which they were appointed, unless removed by the City Council or by other means provided in this Charter.

### **SECTION 13.03 Continuation of Operation**

All City ordinances, rules and regulations in force at the time of adoption of this Charter and not in conflict with it shall remain in force until altered, amended or repealed by the Council. All rights of the City under existing franchises and contracts are preserved in full force and effect. Any ordinances, rules or regulations inconsistent with this Charter are repealed as of the date of adoption of the Charter.

### **SECTION 13.04 Officers and Employees**

Except as specifically provided, nothing in this Charter shall affect or impair the rights or privileges of persons who are City officers or employees at the time of its adoption. Upon adoption of this Charter, the persons presently serving as the City Administrator shall be deemed to be the City Manager, subject to the provisions of this Charter.

## **ARTICLE XIV CODE OF ETHICS AND NEPOTISM**

### **SECTION 14.01 Code of Ethics**

The City Council shall adopt a Code of Ethics governing the City Council and all City employees which shall include but not be limited to, the following: wrongful influence, wrongful interference, employees' political activities, penalties, conflict of interest, acceptance of gifts, conduct of members and confidential information. The City Council shall comply with all state laws regarding conflict of interest. The City Council shall adopt a Code of Ethics within 180 days of the effective date of this Charter.

### **SECTION 14.02 Nepotism**

No person related within the second degree by affinity or within the third degree by consanguinity to the Mayor or any Council Member or the City Manager shall be employed by or contracted with for the City. This shall not apply to any person employed by the City prior to the person related in the above degree filing to run for elective office or being nominated for an appointment. Nothing in this Section shall prohibit the Council from adopting a more restrictive ordinance.