

CHARTER

SINTON, TEXAS

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ARTICLE I. INCORPORATION, FORM OF GOVERNMENT AND BOUNDARIES

SEC. 1.01 INCORPORATION.

The residents of the City of Sinton in San Patricio County, Texas within the corporate limits now established and as hereafter altered, shall continue to be and are hereby constituted a municipal body politic and corporate, in perpetuity, under the name of the City of Sinton, hereinafter referred to as the city, and having such powers, privileges, rights, duties, and immunities as are herein provided.

SEC. 1.02 FORM OF GOVERNMENT.

The municipal government provided by this charter shall be known as the council-manager government. Pursuant to its provisions and subject only to the limitations imposed by the state constitution, the statutes of the state and by this charter, all powers of the city shall be vested in an elective council, hereinafter referred to as the council, which shall enact local legislation, adopt budgets, determine policies and appoint the city manager, who shall execute the laws and administer the government of the city. All powers of the city shall be exercised in the manner prescribed by this charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

SEC. 1.03 BOUNDARIES.

The boundaries of the City of Sinton shall be the same as have heretofore been established, and as of this date, which boundaries are more fully set out on an official map recorded in Volume Eight, Page 180, of the Minutes of the City of Sinton, here referred to for more complete description.

The boundaries of the city may be altered by extension or contraction through annexation or detachment of territory by any legal method approved by the State of Texas under Chapter 43 of the Local Government Code.

(Ord. No. 1971-10, § 1, 7-6-71; Ord. No. 1973-15, §§ 1, 2, 9-18-73; Amendment adopted by electorate, 5-6-95)

SEC. 1.04 GENERAL POWERS OF THE CITY.

The city shall be a home rule city, with full power of local self-government, including the right to amend this charter, as provided by the constitution and laws of this state. It shall have all the powers granted to cities by the constitution and laws of the State of Texas, together with all the implied powers necessary to carry into execution such granted powers. It may use a corporate seal; may sue and be sued; may contract and may be contracted with; may cooperate with the government of the State of Texas, or any agency or political subdivision thereof, or the federal government or its agencies, to accomplish any lawful purpose for the advancement of the interest, welfare, health, morals, comfort, safety, and convenience of the city and its inhabitants; may acquire property within, or without its corporate city limits for any municipal purpose in fee simple, or any lesser interest or estate by purchase, gift, devise, lease, or condemnation, and; subject to the provisions of this charter may sell, lease, mortgage, hold, manage, and control such property as may now or hereafter be owned by it; may pass ordinances and enact such regulations as may be expedient for the maintenance of the good government order, peace of the city and the welfare, health, morals, comfort, safety, and convenience of its inhabitants, and shall

have and may exercise all municipal powers, functions, rights, privileges, and immunities of every kind and nature whatsoever, subject only to the limitations imposed by the state constitution, state laws and this charter.

The enumeration of particular powers by this charter shall not be judged to be exclusive, and, in addition to the powers enumerated or implied herein, it is intended that the city shall have and may exercise all the powers which, under the constitution and laws of this state, it would be competent for this charter to enumerate specifically.

Statutory reference:

Enumeration of powers of home rule charter cities, TEX. REV. CIV. STAT. Art. 1175 and 1175e, and TEX. LOC. GOV'T CODE, §§ 51.071 through 51.079

SEC. 1.05 STREETS AND PUBLIC PROPERTY.

The city shall have exclusive dominion, control and jurisdiction in, upon, over, and under the public streets, sidewalks, alleys, highways, public squares, public ways and public parks within and without the corporate limits of the city, and in, upon, over, and under all public property of the city. With respect to each and every public street, sidewalk, alley, highway, public square, public park, or other public way within or without the corporate limits of the city, the city shall have the power to establish, maintain, improve, alter, abandon, or vacate the same; to regulate, establish or change the grade thereof; to police, control, and regulate the use thereof, and to abate and remove in a summary manner any encroachment thereon.

ARTICLE II. THE COUNCIL

SEC. 2.01 NUMBER AND TERMS OF OFFICE.

The legislative and governing body of the city shall consist of five (5) members elected by plurality from the city at large for two (2) year terms and shall be known as the City Council of the City of Sinton. Three (3) Councilmembers shall be elected in even numbered years and two (2) Councilmembers shall be elected in odd numbered years. This amendment shall not reduce the current term of any incumbent Councilmember. (Ord. No. 1997-04 of 05-06-97)

SEC. 2.02 QUALIFICATIONS.

Each member of the council shall have been a resident citizen of the city for a period of not less than six (6) months immediately preceding his or her election, and shall be a qualified voter of the State of Texas on the date of filing. No member of the council shall be a candidate for, nor hold any other elective office, appointive city office, or be a paid employee of the city.

Any citizen with all the above qualifications except as to residence, but who shall have been a resident of any territory that is annexed under the provisions of this charter for a period of not less than six months immediately preceding his or her election shall be eligible to serve on the council.

If any member of the council shall cease to possess any of the above qualifications or be convicted of a misdemeanor by theft or any felony, his office shall immediately become vacant. If any member is absent from three (3) consecutive regular meetings without explanation acceptable to a majority of the

other members, or is absent from three (3) consecutive regular meetings with or without cause, his office shall be declared vacant at the next regular meeting of the council. A Council member who does not attend a meeting while on official City business shall not be considered absent from the meeting.

No person related within the second degree by affinity or the third degree by consanguinity to a member of the Council or to a person employed by the City as City Manager, Department Head, or Supervisor may be a candidate for the Council.

No member of the Council who shall have been elected to any three (3) consecutive two year terms shall be a candidate for the Council at any election held during the second year of any third consecutive two year term. (Ord. No. 1997-04 of 05-06-97; Amendment adopted by electorate 05-09-2015, Ord. No. 2015-05).

SEC. 2.03 COMPENSATION.

The Mayor shall receive the sum of one hundred seventy-five dollars (\$175.00) per month and Council members shall receive the sum of one hundred twenty-five dollars (\$125.00) per month. If the Mayor or Council member does not attend a meeting while on Official City business, he or she shall not be considered absent from the meeting. No compensation shall be allowed for not attending each regular meeting. (Amend. Ado Amend. Adopted by electorate, 5-7-2005)

SEC. 2.04 MAYOR AND MAYOR PRO TEMPORE.

The newly elected council members shall take office at the first meeting following the election. However, should a run-off be necessary under section 3.04, the newly elected council members shall take office at the first meeting following the run-off election. At the meeting at which the newly-elected council members take office, the council shall elect from its membership a mayor and mayor pro tempore. The mayor and mayor pro tempore shall serve for one year or until their successors have been duly elected and qualified. The mayor shall preside at meetings of the council and shall be recognized as head of the city government for all ceremonial purposes and for receiving service of civil process, and by the governor for purposes of military law; he shall sign all contracts, conveyances, and bonds authorized by the council, but shall have no administrative duties. The mayor shall be entitled to vote upon matters considered by the council but shall have no veto power. The mayor pro tempore shall perform all duties of the mayor in the absence or disability of the mayor. (Amend. No. 2 of 4-4-81; Ord. No. 1987, §1, 2-17-87)

SEC. 2.05 VACANCIES.

When a vacancy occurs, for any reason, in the council, the remaining members shall, within thirty (30) days, appoint a qualified person to serve until the next general city election, when it shall be filled for the unexpired term, if any, by the regular election procedure. (Amend. No. 2 of 8-11-79)

SEC. 2.06 POWERS OF THE COUNCIL.

All powers and authority which are expressly or impliedly conferred on or possessed by the city shall be vested in and exercised by the council; provided, however, the council shall not exercise those powers which are expressly conferred upon other city officers by this charter.

SEC. 2.07 PROHIBITIONS.

No councilman shall hold any other elective office or any other city office or city employment during the term for which he was elected to the Council, and no former Councilman shall hold any compensated appointive city office or employment until one (1) year after the expiration of the term for which he was elected to the council.

Neither the council nor any of its other members shall dictate the appointment or removal of any administrative officers or employees who the manager or any of his subordinates are empowered to appoint, but the council may express its views and discuss with the manager anything pertaining to appointment or removal of such officers and employees.

Except for purpose of inquiries and investigations under section 2.08, the council and its members shall deal with city officers and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately. (Amendment adopted by electorate, 5-1-99)

The City shall not lend its credit, make loans, grant public money, nor provide personnel or services of the City to any individual or business entity for economic development. (Added paragraph by electorate 5-05-2001)

SEC. 2.08 INVESTIGATIVE POWERS.

The Council shall have the authority to investigate the affairs of the City and the conduct of any City Department, office or agency, and, for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of any records or other evidence material to the investigation. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the council shall be guilty of a misdemeanor and punishable by a fine of not more than one hundred dollars (\$100). (Amendment adopted by electorate, 5-1-99)

SEC. 2.09 JUDGE OF QUALIFICATIONS.

The council shall be the judge of the qualification and election of its own members and shall, on the next regular meeting after each regular and special election, canvass the returns and declare the results of each election.

SEC. 2.10 MEETING OF THE COUNCIL.

The council shall hold one (1) regular meeting in each month at a time to be fixed by it for such regular meetings and may hold as many additional meetings during the month as may be necessary for the transaction of the business of the City and its citizens. All council meetings shall be at the City Hall except that the council may designate another place for such meetings after due notice. The mayor, the city manager or any three (3) members of the council may call a special meeting of the council. Notice of all meetings and conduct of all meetings shall be in accordance with applicable state law. (Amend. No. 5 of 4-4-81; Ord. No. 1993-4, § 3, 3-2-93; Amend. By electorate 5-7-2005)

SEC. 2.11 PROCEDURE.

The council shall determine its own rules of procedure and order of business. Three members shall constitute a quorum to do business but the affirmative vote of a majority of the entire membership shall be necessary for the adoption of any ordinance or resolution. Minutes of all proceedings shall be kept and shall constitute one of the archives of the city to which any citizen may access at all reasonable times. The vote upon the passage of every ordinance or resolution shall be by a show of hands and entered upon the minutes, and every ordinance or resolution, upon its final passage, shall be recorded in a book kept for that purpose and shall be authenticated by the signature of the mayor and of the person performing the duties of city secretary.

SEC. 2.12 CITY SECRETARY.

The City Secretary shall be appointed by the City Manager and shall meet or exceed all qualifications in the job description. The City Secretary or his/her deputy shall give notice of Council meetings, keep the minutes of its proceedings, shall authenticate by his/her signature and record in full all ordinances and resolutions in a book kept and indexed for the purpose, and shall perform such other duties as the City Manager shall assign to him/her and those elsewhere provided in this charter. (Amendment adopted by electorate, 5-1-99, Amendment adopted by electorate, 5-09-2015, Ord. 2015-05)

SEC. 2.13 CITY ATTORNEY.

The council shall appoint a competent and duly licensed attorney practicing law in the City of Sinton who shall be the city attorney. Practicing law in the City of Sinton shall be established by having an office in the City of Sinton a minimum of two (2) years prior to appointment. He shall receive such compensation as may be fixed by the council and shall hold his office at the pleasure of the council. He shall be the legal advisor, attorney and counselor for the city, its officers and departments. The council shall, when it deems necessary, appoint one or more assistants to the city attorney and set their compensation. The city attorney and his assistants shall represent the city in all litigation, but at the council's discretion may or may not participate in litigation for the collection of delinquent taxes. Special attorneys may be employed under contract for the collection of delinquent taxes and for any other purposes at such fees and for such length of time as the council may prescribe. (Amendment adopted by electorate 05-09-2015, Ord. 2015-05)

SEC. 2.14 PROCEDURE TO ENACT LEGISLATION.

The council shall legislate by ordinance only, and the enacting clause of every ordinance shall be "Be it ordained by the City Council of the City of Sinton." All ordinances, unless otherwise provided by the charter or by the terms of such ordinance, shall take effect immediately upon passage.

Every proposed ordinance shall be introduced in written or printed form and subject matter shall be clearly expressed in its title. Except as otherwise provided by the charter, it shall not be necessary to the validity of any ordinance that it to be read at more than one time or considered at more than one session of the council.

The descriptive caption and penalty, fine or forfeiture section of every ordinance imposing any penalty, fine or forfeiture for any violation of its provisions shall be published in one issue of the official newspaper of the City of Sinton with a statement of places where copies have been filed for public inspection, and every such ordinance shall not take effect until after the date of the publication. The city secretary shall note on every ordinance whose caption and penalty clauses are required to be published, and on the record thereof, the date of publication which shall be prima facie evidence of the legal publication.

Every ordinance shall be authenticated by the signature of the mayor and city secretary and shall be systematically recorded and indexed in an ordinance book in a manner approved by the council. It shall only be necessary to record the caption or title of ordinances in the minutes or journal of the council meetings.

SEC. 2.15 CODIFICATION OF ORDINANCES.

The council shall have the authority to cause the ordinances of the city to be corrected, amended, revised, codified and printed in code form as often as the council deems advisable, and such printed code, when adopted by the council, shall be in full force and effect without the necessity of publishing the same or any part thereof in a newspaper. Such printed code shall be admitted in evidence in all courts without further proof.

SEC. 2.16 RESERVED.

Editor's note:

Ord. No. 1985-3 (Amend No. 1), adopted Feb. 5, 1985, and approved by the voters on Apr. 6, 1985, provided that § 2.16, Administrative departments, be deleted from the charter.

SEC. 2.17 PARKS ADVISORY BOARD.

The council shall appoint a parks advisory board of five (5) members who shall be qualified voters of the State of Texas, and have an interest in service to the public through the parks of the City of Sinton. They shall work in an advisory capacity to the council in planning, development and regulation of use of park facilities. Members of this board shall be appointed for two-year terms, shall elect a chairman from their membership and shall meet at the call of the chairman or at the request of the council. Any member who is absent from three (3) consecutive meetings without being excused by all of those present, shall be dropped from the board, and notice of such dropping given to the mayor, and the council shall fill the vacancy within thirty (30) days from receipt of such notice.

(Amend. No. 3 of 8-11-79)

ARTICLE III. ELECTIONS

SEC. 3.01 ORDER AND REGULATION OF ELECTIONS.

The general city election shall be held annually on the first Saturday in May, at which time council members will be elected to fill those places which become vacant that year, whether by the normal expiration of terms, or by operation of section 2.05 of this charter. The election shall be ordered by the mayor on resolution of the council. Any special election of whatever nature shall be ordered by the

mayor on resolution of the council and shall be held on such dates as are authorized by the laws of the State of Texas then current at the time of the resolution ordering such election. Notice of elections shall be published as required by applicable state law.

The council shall appoint the election judges and other officials, shall set the hours and place for holding each election and shall make all regulations it considers necessary or desirable, not inconsistent with this charter of the laws of the state governing elections, for the prevention of fraud and for the recount of ballots in case of doubt or fraud.

(Amend. No. 4 of 8-11-79; Amend. No 2 of 4-4-81; Ord. No. 1987-3, § 2, 2-17-87; Ord. No. 1993-4, § 4, 3-2-93)

Statutory reference: Establishing precincts required, TEX. ELECTION CODE, §§ 42.061 and 43.004
Appointing election officers, TEX. ELECTION CODE, §§ 32.005, 32.011, and 32.035 Voter qualifications, TEX. ELECTION CODE, §§ 11.001 through 11.005 and § 31.005

SEC. 3.02 FILING AS A CANDIDATE.

Any person qualified under section 2.02 who desires to become a candidate for the council and to have his name appear on the ballot, shall file an application meeting the requirements of applicable state law with the city secretary within the time required by applicable state laws. Each candidate shall clearly designate in the application to have such candidate's name appear on the ballot, the number of the place on the city council to which such candidates seeks election. (Amend. No. 1 of 4-4-81; Amend. No. 6 of 4-6-85; Ord. No. 1993-4, §5, 3-2-93)

SEC. 3.03 THE OFFICIAL BALLOT.

The name of each candidate shall be placed on the ballot under the designated place for which such candidates shall have filed, and in such manner that the names of the candidate for each place shall be clearly separate and distinguishable from the names of the candidate for every other council place. In the event more than one (1) candidate files for any place on the council, the city secretary shall notify all the candidates for such place of the time and place of a drawing by lots to be conducted by the city secretary to determine the order in which the names of such candidates shall appear on the ballot, which notice shall be given to the candidates at least twenty-four (24) hours prior to the drawing and each candidate, or a representative named by such candidate, may attend. If two(2) candidates have the same surname, or have names so similar that confusion of identity is likely, the address of their place of residence shall be placed on the ballot with their name.

All official ballots shall be printed at least twenty (20) days prior to the date of the election and absentee voting shall be governed by the general election rules of this state. The time limits specified above shall not apply to runoff elections.

(Amend. No. 6 of 4-6-85)

SEC. 3.04 ELECTION BY PLURALITY.

At each regular election, election to each place on the council [shall] be by plurality of all votes cast for each candidate place to be filled. In the event a tie vote makes it impossible to determine the winning

candidate, the council shall order a runoff election between the tied candidates on the third (3rd) Saturday following the election where the tie occurred.

(Amend. No. 6 of 4-6-85)

SEC. 4.01 INITIATIVE AND REFERENDUM.

The electors of the city shall have the power of direct legislation by initiative, and in the exercise of such power may propose any ordinance except one appropriating money or authorizing the levy of taxes and to adopt or reject the same at the polls.

SEC. 4.02 REFERENDUM.

The electors of the city shall have the power to reject in a referendum election any ordinance adopted by the council except one appropriating money, authorizing the levy of taxes or authorizing the issuance and servicing of tax or revenue bonds which have been approved by the voters in an election held for that purpose.

SEC. 4.03 REQUIREMENTS FOR INITIATIVE AND REFERENDUM PETITIONS.

Any five residents, qualified voters may commence initiative or referendum proceedings by filing with the city secretary an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form.

Initiative and referendum petitions must be signed by qualified voters of the city equal in number to twenty-five percent of the total number of votes cast at the last regular city election, or two hundred, whichever is greater.

All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be repealed.

Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator stating he personally circulated the paper, the number of signatures thereon, that all signatures were affixed in his presence, that he believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be repealed.

Initiative petitions may be filed at any time but referendum petitions must be filed within thirty days after adoption by the council of the ordinance sought to be repealed.

SEC. 4.04 FILING, EXAMINATION, AND CERTIFICATION OF PETITIONS.

The petition for initiative or referendum shall be filed with the city secretary who shall, within twenty days thereafter, determine whether the petition is sufficient in form and has been signed by the requisite number of voters. The city secretary shall promptly notify each member of the petitioners' committee by certified mail of his finding. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of

intention to amend with the city secretary within four days after notice of insufficiency has been mailed and files a supplementary petition within fourteen days after notice has been mailed.

SEC. 4.05 SUSPENSION OF EFFECT OF ORDINANCE BY PETITION.

When a referendum petition is filed with the city secretary, the ordinance sought to be repealed shall be suspended from taking effect. Such suspension shall terminate when there is a final determination of insufficiency of the petition, the council repeals the ordinance, or after canvass of votes of the referendum election.

SEC. 4.06 ACTION BY THE COUNCIL.

When a petition as originally filed, or amended, is found to be sufficient, the city secretary shall so certify to the council at its next regular meeting. If the council fails to adopt an ordinance proposed by initiative without change in substance or fails to repeal the referred ordinance within thirty (30) days after the petition was certified as sufficient, it shall submit the proposed ordinance or the referred ordinance to the qualified electors of the city for approval or rejection at the earliest uniform election date it may be submitted to the voters.

(Ord. No. 1993-4, § 6, 3-2-93)

SEC 4.07 BALLOT FOR INITIATED OR REFERRED ORDINANCES.

Ordinances submitted to a vote of the electors under provision of this article shall be submitted by ballot title, prepared in all cases by the city attorney. The ballot title may be different from the legal title and shall be a clear, concise statement, descriptive of the substance of such ordinance. Immediately below the ballot title, the ballot shall contain the following propositions 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.

Sec. 4.08 RESULTS OF ELECTION.

If a majority of the electors voting on a purposed initiative ordinance shall vote in favor thereof it shall become effective upon canvass of the vote of the election. A referred ordinance which is not approved by a majority of the electors voting thereupon shall be deemed repealed.

No ordinance which has been initiated by petition and adopted at an election by the qualified voters shall be repealed by the Council within two (2) years thereafter, and no ordinance enacted by the Council and thereafter rejected by the qualified voters in an election held on petition for referendum shall be reenacted by the council within two (2) years thereafter. (Amendment adopted by electorate, 5-1-99)

SEC. 4.09 RECALL OF ELECTED OFFICIALS.

The citizens of the city shall have the power to remove any member or members of the council from office by recall, and may exercise this power by filing with the city secretary a petition signed by

qualified voters of the city equal in number to fifty percent of the total number of votes cast at the last regular city election, or five hundred, whichever is greater. The recall petition shall be initiated, signed, verified and filed in the same manner as initiative and referendum petitions. The petition must distinctly and specifically point out the grounds upon which the recall is predicated.

SEC. 4.10 RECALL ELECTION.

Immediately after a recall petition has been filed, the city secretary shall examine it, and if the city secretary finds it sufficient the city secretary shall submit it to the council with the city secretary's certificate of sufficiency within five (5) days and notify the councilperson or councilpersons sought to be recalled of the city secretary's action. If the councilperson or councilpersons sought to be recalled does not resign within five (5) days after such notice, the council shall order a recall election to be held at the earliest uniform election it may be submitted to the voters.

Ballots used in a recall election shall submit with respect to each person whose removal is sought the question, "Shall (name of person) be removed from the office of the councilperson by recall?" Immediately below each such question the two following propositions shall be listed, one above the other in the order indicated:

"For the removal of (name of person)."

"Against the removal of (name of person)."

(Ord. No. 1993-4, § 7, 3-2-93)

SEC. 4.11 RESULTS OF RECALL ELECTION.

When a majority of the votes cast at a recall election shall be against the recall of a councilman he shall continue in office for the remainder of his term. If a majority of the votes cast at such an election be for the recall of a councilman, he shall be deemed removed from office regardless of any technical defects in the recall petition and the vacancy shall be filled as provided in section 2.05. A councilman removed from office by recall shall not be eligible to succeed himself.

SEC. 4.12 LIMITATION ON RECALL.

No councilman shall be subject to recall within six months of his first election to office and no councilman shall be subjected to more than one recall election during any two-year term in office. A recall election need not be ordered by the council against any councilman on whom a petition is filed if his term of office is to expire within ninety days after the petition is filed with the city secretary.

SEC. 4.13 DISTRICT JUDGE MAY ORDER ELECTION.

Should the council refuse or fail to order any election provided for in this article when all the requirements have been met by the petitioners' committee, it shall then be the duty of the presiding judge of the judicial district of San Patricio County, upon application by the petitioners' committee, to order such elections and to enforce carrying into effect the provisions of this article.

ARTICLE V. MUNICIPAL COURT

SEC. 5.01 MUNICIPAL COURT.

A municipal court of the City of Sinton shall be created and maintained for the trial and disposition of misdemeanor offenses with the powers and duties as are now and may hereafter be prescribed by the constitution and statutes of the State of Texas.

(Ord. No. 1987-3, § 3, 2-17-87)

SEC. 5.02 JUDGE OF THE MUNICIPAL COURT.

The judge of the court shall be qualified voter and resident of the city. He shall be appointed by the council to serve at the pleasure of the council and at such salary as may be fixed by the council.

When the judge is absent, disabled or unable to perform his duties for any cause, or his office becomes vacant by reason of death, removal or resignation, the mayor or mayor pro tempore shall be the judge of said court, or the council may appoint a special judge of said court who shall serve until the judge of said court returns to his duties or a successor is appointed and qualified. The person so appointed shall meet the qualifications for the position as mandated by state law.

(Amend. No. 3 of 4-6-85; Ord. No. 1987-3, §3, 2-17-87)

SEC. 5.03 CLERK OF MUNICIPAL COURT.

The city council may appoint a municipal court clerk who shall have the power to administer oaths and affidavits, make certificates, affix the court's seal, and to do and perform all acts and duties permitted and required of clerks of the court of Texas in issuing process and conducting the business of said court.

(Amend. No. 4 of 4-6-85; Ord. No. 1987-3, 2-17-87)

ARTICLE VI. THE CITY MANAGER

SEC. 6.01 APPOINTMENT AND QUALIFICATIONS.

The council shall appoint a city manager who shall be the chief administrative and executive officer of the city and shall be responsible to the council for the efficient administration of all the affairs of the city. He shall be chosen by the council solely on the basis of his executive and administrative training, experience and ability, and need not, when appointed, be a resident of the city. He must, however, reside in the city during his tenure in office.

SEC. 6.02 TERM AND SALARY.

The City Manager shall not be appointed for a definite term but may be removed at the will and pleasure of the City Council by a four-fifths (4/5) vote of the entire Council. The action of the Council in suspending or removing the City Manager shall be final, it being the intention of this charter to vest all authority and fix all responsibility for such suspension or removal in the Council. In case of the absence or disability of the City Manager, the Council may designate some qualified person to perform the duties of the office during such absence or disability. The City Manager shall receive such compensation as may be fixed by the City Council. (Amendment adopted by electorate 05-09/2015 Ord. 2015-05)

SEC. 6.03 POWERS AND DUTIES OF THE CITY MANAGER.

The city manager shall have the power and the duty to:

- (a) Appoint, and remove any officer or employee of the city except those officers appointed by the council and except as otherwise provided by this charter;
- (b) Prepare and submit the annual budget to the council and be responsible for its administration after adoption;
- (c) Prepare and submit to the council as of the end of the fiscal year a complete report of the finances and administrative activities of the city for the preceding year;
- (d) Keep the council advised of the financial condition and future needs of the city and make such recommendations as may seem desirable;
- (e) Attend all meetings of the council with the right to take part in all discussions but the city manager shall have no vote;
- (f) Perform such other duties as may be prescribed by this charter or required of him by the council, not inconsistent with this charter.

ARTICLE VII. POLICE DEPARTMENT

SEC. 7.01 ESTABLISHMENT.

There shall be established and maintained a police department to preserve order within the city and to secure the residents of said city from violence and the property therein from injury or loss.

SEC. 7.02 CHIEF OF POLICE.

The chief of police shall be the chief executive officer of the police department, appointed by the city manager for an indeterminate term at a salary to be set by the council.

SEC. 7.03 APPOINTMENT OF SUBORDINATES.

The Chief of Police shall have the power to appoint, discharge, and remove all subordinate personnel of the Police Department, subject to the approval of the City Manager, and shall have the power to suspend, with or without pay, any subordinate personnel for not more than five (5) days with prior approval of the City Manager.

(Amendment adopted by electorate, 5-1-99)

ARTICLE VIII. THE BUDGET

SEC. 8.01 FISCAL YEAR.

The fiscal year of the city shall begin on the first day of October and shall end on the last day of September of the succeeding calendar year. Such fiscal year shall also constitute the budget and accounting year. As used in this charter, the term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

SEC. 8.02 PREPARATION AND SUBMISSION OF BUDGET.

The city manager shall, at least sixty days prior to the beginning of each budget year, submit to the council a proposed budget and an explanatory budget message in the form and with the contents provided by sections 8.11 and 8.13. For such purpose, at such date as he shall determine, he, or an officer designated by him shall obtain from the head of each office, department, or agency estimates of revenue and expenditure of that office, department, or agency detailed by organization units and character and object expenditure, and such other supporting data as he may request. In preparing the budget, the city manager shall review the estimates, shall hold hearings thereon and may revise the estimates, as he may deem advisable.

SEC. 8.03 BUDGET A PUBLIC RECORD.

The budget and budget message and all supporting schedules shall be a public record in the office of the city secretary open to public inspection during normal office hours. The city manager shall have sufficient copies of the budget and budget message prepared for distribution to interested persons.

SEC. 8.04 PUBLICATION OF NOTICE OF PUBLIC HEARING.

At the meeting of the council at which the budget and budget message are submitted, the council shall set the place and time of the public hearing on the budget and give notice of the public hearing as required by applicable state law.

(Ord. No. 1993-4, §8, 3-2-93)

SEC. 8.05 PUBLIC HEARING ON BUDGET.

At the time and place so advertised, or at any time and place to which such public hearing shall from time to time be adjourned, the council shall hold a public hearing on the budget as submitted, at which all interested persons shall be given an opportunity to be heard, for or against the estimates or any item thereof.

SEC. 8.06 VOTE REQUIRED FOR ADOPTION.

The budget shall be adopted by the favorable vote of at least a majority of all members of the whole council.

SEC. 8.07 DATE OF FINAL ADOPTION; FAILURE TO ADOPT.

The budget for the ensuing fiscal year shall be finally adopted, with or without amendment, not later than the first regular Council meeting in September of the then current fiscal year. Should the council take no final action on or prior to such day, the budget as submitted by the city manager, shall be deemed to have been adopted by the council. In amending the budget, the council may add or increase programs or amounts and may delete or decrease any program or amounts, except estimated cash deficit, provided that no amendment to the budget at time of adoption or later shall increase the authorized expenditures to an amount greater than the total funds available.

(Amendment adopted by the electorate, 5-6-95)

SEC. 8.08 EFFECTIVE DATE BUDGET; CERTIFICATION; COPIES MADE AVAILABLE.

Upon final adoption, the budget shall be in effect for the budget year. A copy of the budget as adopted, shall be filed with the city clerk, the county clerk of San Patricio County, and the state comptroller of public accounts in Austin. The adopted budget shall be printed, mimeographed, or otherwise reproduced and sufficient copies shall be made available for the use of all offices, departments, and agencies, and for the use of interested persons and civic organizations.

SEC. 8.09 BUDGET ESTABLISHES APPROPRIATIONS.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named.

SEC. 8.10 BUDGET ESTABLISHES AMOUNT TO BE RAISED BY PROPERTY TAX.

From effective date of the budget, the amount stated therein as the amount to be raised by property tax shall constitute a determination of the amount of the levy for the purposes of the city, in the corresponding tax year.

SEC. 8.11 BUDGET MESSAGE.

The budget message submitted by the city manager to the council shall be explanatory of the budget, shall contain an outline of the proposed financial policies of the city for the budget year and shall describe in connection therewith the important features of the budget plan. It shall set forth the reasons for salient changes from the previous year in expenditure and revenue items and shall explain any major changes in financial policy.

SEC. 8.12 SUPPORTING SCHEDULES.

Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material, in respect to both current operations and capital outlays, as the city manager shall believe useful to the council.

SEC. 8.13 BUDGET CONTENTS

The budget shall provide a complete financial plan for the fiscal year. It shall contain the following:

- (a) A budget message;
- (b) A consolidated statement of receipts and expenditures for all funds;
- (c) An analysis of property valuations;
- (d) An analysis of tax rate;
- (e) Tax levies and tax collections by years for the preceding five years
- (f) General fund resources and all other fund resources in detail;
- (g) Summary of proposed expenditures by function, department, and activity;
- (h) Summary of purposed expenditures by character and object;
- (i) Detailed estimates of expenditures shown separately for each activity to support the summaries mentioned in (g) and (h) above. Such estimates of expenditures are to include an itemization of positions showing the number of persons having each title and the rate of pay;
- (j) A revenue and expense statement for all types of bonds;

- (k) A description of all bond issues outstanding, showing rate of interest, date of issue, maturity date, call date, if any, amount authorized, amount issued, and amount outstanding;
- (l) A schedule of requirements for the principal and interest on each issue of bonds;
- (m) A special funds section;
- (n) The appropriation ordinance.

The total estimated expenditures of each fund shall not exceed the total estimated resources of each fund (prospective income plus cash on hand) – The classification of revenue and expenditure accounts shall conform as nearly as local conditions will permit to the uniform classification as promulgated by the national committee on municipal accounting or some other nationally accepted classification.

SEC. 8.14 ANTICIPATED REVENUES; COMPARISON WITH OTHER YEARS.

In parallel columns opposite the several items of revenue there shall be placed the actual amount of such item for the last completed fiscal year, the estimated amount for the current fiscal year, and the proposed amount for the ensuing budget year.

SEC. 8.15 PROPOSED EXPENDITURES; COMPARISON WITH OTHER YEARS.

The proposed expenditures for the administration, operation, maintenance, and capital outlay of each office, department, or agency of the city shall be itemized by character and object. In parallel columns opposite the various items of expenditures, there shall be placed the actual amount of such items of expenditure for the last completed fiscal year, the estimated amount for the current fiscal year and the proposed amount for the ensuing budget year.

SEC. 8.16 EMERGENCY APPROPRIATIONS.

To meet a public emergency affecting life, health, property, or public peace, the council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provision of section 2.14. To the extent that there are no available unappropriated revenues to meet such appropriations, the council may by such emergency ordinance authorize the issuance of emergency notes or time warrants at the lowest rate of interest obtainable, as determined by the city manager with the approval of the council, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which emergency appropriation was made.

SEC. 8.17 REDUCTION OF APPROPRIATIONS.

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

ARTICLE IX. FINANCE ADMINISTRATION

SEC. 9.01 DIRECTOR OF FINANCE; SURETY BOND.

There shall be a department of finance, the head of which shall be the city manager who shall provide a bond with such surety and amount as the council may require, except that such bond shall be in an amount of not less than twenty thousand dollars, the cost to be borne by the city.

SEC. 9.02 DIRECTOR OF FINANCE; POWER AND DUTIES.

The city manager shall have charge of the administration of the financial affairs of the city and to that end he shall have authority and shall be required to:

- (a) Compile the estimates of revenues and expenditures for the budget;
- (b) Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to ensure that budget appropriations are not exceeded;
- (c) Maintain a general accounting system for the city and each of its offices, departments, and agencies; keep books for and exercise financial budgetary control over each office, department and agency; keep separate accounts for the items of appropriation contained in the city budget, each of which accounts shall show the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance, require reports of receipts and disbursements from each receiving and spending agency of the city to be made daily or at such intervals as he may deem expedient;
- (d) Submit to the council a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the city;
- (e) Prepare, as of the end of each fiscal year, a complete financial statement and report;
- (f) Supervise and be responsible for the assessment of all property within the corporate limits of the city for taxation, make all special assessments for the city, prepare tax maps and give such notice of taxes and special assessments as may be required by law;
- (g) Supervise and be responsible for the collection of all taxes, special assessments, license fees and other revenues of the city or for whose collection the city is responsible and receive all money receivable by the city from the state or federal government, or from any court, or from any office, department, or agency of the city;
- (h) Serve as ex officio city treasurer and have custody of all public funds belonging to or under the control of the city, or any office, department or agency of the city, and have deposited daily all funds coming into his hands in such depository(s) as may be designated by resolution of the council as determined by subsection (l) below;
- (i) Have custody of all investments and invested funds of the city, or in possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the city and the receipt and delivery of city bonds and notes for transfer, registration or exchange;
- (j) Supervise and be responsible for the purchase, storage and distribution of all supplies, material, equipment and other articles used by any office, department or agency of the city;
- (k) Approve all proposed expenditures. No appropriation shall be encumbered and no expenditure shall be made unless he shall certify that there is an unencumbered balance of appropriation and available funds;
- (l) Reserved. (Ord. No. 1993-4, § 9, 3-2-93)

SEC. 9.03 TRANSFER OF APPROPRIATIONS.

The city manager may at any time with the approval of the council transfer any unencumbered appropriation balance or portion thereof between general classifications of expenditures within an office, department, or agency. At the request of the city manager and within the last three months of the budget year, the council may by resolution transfer any unencumbered appropriation balance or portion thereof from one office, department or agency to another.

SEC. 9.04 ACCOUNTING SUPERVISION AND CONTROL.

The city manager shall have power and shall be required to:

- (a) Prescribe the forms of receipts, vouchers, bills, or claims to be used by all the offices, departments and agencies of the city;
- (b) Examine and approve all contracts, orders and other documents by which the city incurs financial obligations, having previously ascertained that moneys have been appropriated and allotted and will be available when the obligations shall become due and payable;
- (c) Audit and approve before payment all bills, invoices, payrolls, and other evidence of claims, demands or charges against the city and with the advice of the city attorney determine the regularity, legality and correctness of such claims, demands, or charges;
- (d) Inspect and audit any accounts or records of financial transactions which may be maintained in any office, department or agency of the city apart from or subsidiary to the accounts kept in his office.
- (e) Request and receive proposals for providing auditing services for the City from capable public accounting firms. Contract awarded shall be for three (3) consecutive years with an option for a year to year extension for no more than three (3) years. (Amendment adopted by electorate, 5-7-2005)

SEC. 9.05 APPROPRIATIONS LAPSE AT END OF YEAR.

All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered.

SEC. 9.06 FEES SHALL BE PAID TO CITY.

All fees and charges for city service received by any officer or employee shall belong to the city and shall be paid to the department of finance at such times as required by the city manager.

SEC. 9.07 DIVISION OF PURCHASES.

There shall be established in the department of finance, a division of purchases. The division of purchases, pursuant to rules and regulations established by ordinance, shall contract to purchase, store and distribute all supplies, materials and equipment required by any office, department, or agency of the city.

The division of purchases shall also have power and shall be required to:

- (a) Establish and enforce specifications with respect to supplies, materials, and equipment required by the city;

- (b) Inspect or supervise the inspection of all deliveries of supplies, materials and equipment, and determine their quality, quantity, and conformance with specifications;
- (c) Have charge of such general storerooms and warehouses as the council may provide by ordinance;
- (d) Transfer to or between offices, departments or agencies, or with the approval of the council sell surplus, obsolete, or unused supplies, materials and equipment.

SEC. 9.08 SALE OF CITY PROPERTY; PROCEDURE.

The sale of surplus, obsolete or unused personal property will be done in any manner prescribed by the City Council, and all such sales will be open to competition. Surplus, obsolete or unused personal property of a probable value in excess of one thousand dollars (\$1,000) shall be sold only after it has been advertised, in at least three (3) metropolitan newspapers and the local paper, for sealed bids or public auction for a minimum of two (2) consecutive weekends (Friday, Saturday, and Sunday).

(Amendment adopted by electorate, 5-1-99)

SEC. 9.09 PURCHASING PROCEDURE.

Before the city makes any purchase or contracts for supplies, materials, equipment or contractual services, opportunity shall be given to assure competition. The city manager shall have authority to make expenditures without specific prior approval of the city council, for all budgeted items, not exceeding an amount set annually by a resolution of the city council, but in no event shall this amount exceed the authority mandated by law. Where an expenditure of more than the amount set by such resolution is involved, notice of the time and place, when and where such contract shall be let shall be published in a newspaper of the city one (1) time a week for two (2) consecutive weeks prior to the time of the closing of receiving of bids. Council shall not be obligated to make any award at the time of bid opening, but shall be afforded such time to study all bids as it deems necessary. The first publication for bids shall be not less than fourteen (14) days from the date of closing. Council shall retain the right to reject any or all bids. Nothing herein shall apply to contracts for professional services, nor to work done by the city and paid for by the day as such work progresses. Nothing in this section shall prohibit the city council from making emergency purchases in any amount without the necessity of taking bids when such purchase is necessary to protect public health or safety and that the taking of bids would unnecessarily delay necessary action.

(Amend. No. 5 of 8-11-79; Amend No. 6 of 4-4-81; Amend. No. 5 of 4-6-85)

SEC. 9.10 CONTRACTS FOR CITY IMPROVEMENTS.

All contracts for city improvements shall conform to applicable state law.

(Amend. No. 7 of 4-4-81; Ord. No. 1993-4, §10, 3-2-93)

SEC. 9.11 ACCOUNTING CONTROL OF PURCHASES.

All purchases made and contracts executed by the division of purchases shall be pursuant to a written requisition from the head of the office, department or agency whose appropriation will be charged. All written requisitions shall be approved by the City Manager or his authorized representative.

SEC. 9.12 DISBURSEMENT OF FUNDS.

All checks or vouchers for the withdrawal of money from the City depository (excepting Payroll checks for regular City employees) shall be signed by the City Manager and the City Secretary and countersigned by the Mayor or Mayor Pro Tem. In the absence of the City Manager or the City Secretary, checks may be countersigned by some other officer designated by the Council by resolution. Payments that in normal payment practices would be paid in one (1) check or voucher may not be paid in multiple checks or vouchers.

(Amend. Ord. No. 1997-04; 5-6-97)

SEC. 9.13 BORROWING IN ANTICIPATION FOR REVENUES OTHER THAN TAXES.

In any budget year, in anticipation of the collection or receipt of revenues other than taxes of that budget year, the council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the city, each of which shall be designated "special revenue note for the year 19__ (stating the budget year)." Such notes may be renewed from time to time, but all such notes, together with the renewals, shall mature and be payable not later than the end of the fiscal year in which the original notes have been issued.

SEC. 9.14 SALE OF NOTES; REPORT OF SALE.

All notes issued pursuant to this article may be sold at not less than par and accrued interest at private sale by the city manager without previous advertisement, but such sale shall be authorized by the council as provided in section 8.16.

ARTICLE X. RESERVED

SEC. 10.01 – 10.10 RESERVED.

ARTICLE XI. ISSUANCE AND SALE OF BONDS

SEC. 11.01 POWER TO BORROW.

The city shall have the right and power to borrow money on the credit of the city as permitted by the constitution and laws of the State of Texas.

(Ord. No. 1993-4, §12, 3-2-93)

SEC. 11.02 – 11.05 RESERVED.

Editor's note:

Ord. No. 1993-4, § 13, adopted March 2, 1993, amended the Charter by deleting provisions contained in Art. XI, §§ 11.02-11.05. Said provisions pertained to bond ordinance and election, issuance of bonds, advertising and sale of bonds, and creation of sinking fund and investments, and carried no history note.

ARTICLE XII FRANCHISES AND PUBLIC UTILITIES

SEC. 12.01 POWER OF THE CITY

In addition to the city's power to buy, construct, lease, maintain, operate, and regulate public utilities, and to manufacture, distribute and sell the output of such utility operations, the city shall have such further powers as may now or hereafter be granted under the constitution and laws of the State of Texas.

SEC. 12.02 POWER TO GRANT FRANCHISE.

The council shall have the power by ordinance to grant, renew, extend, and amend, by mutual agreement, all franchises of all public utilities of every character operating within the city. No franchise shall be for an indeterminate period and no franchise shall be granted for a term of more than thirty years from the date of the grant and no franchise shall be exclusive.

SEC. 12.03 ORDINANCE GRANTING FRANCHISE.

All ordinances granting, renewing, extending, or amending a public utility franchise shall be read at two separate regular meetings of the council, and shall not be finally passed until thirty days after the first reading. No such ordinance shall take effect until thirty days after its final passage, and, pending such time, the full text of such ordinance shall be published once each week for two consecutive weeks in the official newspaper of the city, the cost of publication to be borne by the proponent of the franchise.

SEC. 12.04 TRANSFER OF FRANCHISE.

No public utility franchise shall be transferable except with the approval of the council expressed by ordinance. The term "transferable" as used herein shall not be construed in such a manner as to prevent the franchise holder from pledging said franchise as security for a valid debt or mortgage.

SEC. 12.05 FRANCHISE VALUE NOT TO BE ALLOWED.

No values shall be assigned to any franchise granted by the city in fixing reasonable rates and charges for utility service within the city and in determining the just compensation to be paid by the city for public utility property which it may acquire by condemnation or otherwise.

SEC. 12.06 RIGHT OF REGULATION.

Each grant, renewal, extension, or amendment of a public utility franchise, whether so provided in the ordinance or not, shall be subject to the right of the council:

- (a) To forfeit by ordinance at any time any franchise for the failure of the holder to comply with all terms of the franchise, such power to be exercised only after notice and hearing, and a reasonable opportunity to correct the default;
- (b) To require such expansion and extension of plant and facilities as are reasonably necessary to provide adequate service to the public;
- (c) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates;

- (d) To impose reasonable regulations to insure safe, efficient and continuous service to the public;
- (e) To examine and audit at any time during regular business hours the records and accounts of any such utility which are relevant to the city's right of regulation, and to require and prescribe annual and other reports, including reports of operation within the city;
- (f) To require such compensation and rental as may be permitted by the laws of the State of Texas, including the right to establish minimum annual fees to maintain the franchise in force;
- (g) To prescribe the form of accounts kept by each utility; provided, however, that any utility which shall keep its accounts in accordance with the uniform system of accounts for said utility prescribed by the National Association of Railroad and Public Utility Commissioners, the Federal Power Commission, the Federal Communications Commission, the Railroad Commission of Texas, their successor and successors, shall be deemed in sufficient compliance with this paragraph.

SEC. 12.07 CONSENT OF PROPERTY OWNERS.

The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance or operation of any public utility; however, nothing in this charter or in any franchise granted thereunder shall ever be construed to deprive any such property owner of any right of action for damage or injury to his property as in now or may hereafter be provided by law.

SEC. 12.08 EXTENSIONS.

All extensions of public utilities within the city shall become a part of the aggregate property of the public utility, shall be operated as such, and shall be subject to all the obligations and reserved rights contained in this charter and in any original grant hereafter made. The right to use and maintain any extension shall terminate with the original grant and shall be terminable at the same time and under the same conditions as the original grant.

SEC. 12.09 RIGHTS OF PRIOR GRANTS.

All franchises heretofore granted are recognized as contracts between the city and the grantee, and the contractual right as contained in any such franchises shall not be impaired by the provisions of this charter, except the power of the city to exercise the right of eminent domain in the acquisition of utility property is in all things reserved, and except the general power of the city heretofore existing and herein provided for to regulate rates and services of a grantee, which shall include the right to require proper and adequate extension of plant and service and the maintenance of the plant and fixtures at the highest reasonable standard of efficiency. Every grant, renewal or extension of a franchise hereafter shall be subject to all the terms and conditions contained in this article whether or not they are listed or referred to in the grant, extension or renewal. Nothing in this article shall operate to limit in any way the discretion of the council or the electors of the city in imposing terms and conditions as may be reasonable in connection with any franchise grant.

SEC. 12.10 ACCOUNTS OF MUNICIPALLY OWNED UTILITIES.

Accounts for each public utility owned or operated by the city shall be kept in such manner to show the true and complete financial results of such city ownership and operation, including all assets and all liabilities appropriately subdivided by classes, depreciation reserve, other reserves and surplus; also revenues, operating expenses including depreciation, interest payments, rental and other disposition of

annual income. The accounts shall show as nearly as possible the cost of any service furnished to or rendered by such utility to any city department. The council shall have an annual report made by a certified public accountant and shall publish such report showing the financial results of city ownership and operation, giving the information specified in this section and such data as the council may require.

SEC. 12.11 REGULATION OF RATES.

The council shall have full power to regulate by ordinance, after notice and hearing, the rates of every public utility operating in the city and shall have the right to employ expert advice and assistance in determining a reasonable rate and equitable profit to the public utility. Notice of any proposed increase in utility rates and service costs shall be given through publication of the proposal in one issue of the official newspaper of the city at least ten days prior to the date of the public hearing on such proposal. The notice shall state the time and place of the hearing, the name of the proponent and comparison of the existing schedule of rates and charges with the proposed schedule, the cost of the notice to be paid by the proponent. The council shall have the power to require within the franchise grant, or any extension or renewal thereof, or as condition precedent to any hearing concerning rates and services of any public utility operating within the city, that the proponent seeking the rate or service change pay the reasonable cost of the service of a rate consultant chosen by the council. No notice need to be given nor public hearing held where the change in rates or service charges is solely one of reduction.

SEC. 12.12 SERVICE BEYOND THE CITY LIMITS.

The council shall have the authority to sell and distribute water and to sell and provide for sewer services and any other utilities and services to customers outside the limits of the City of Sinton under such terms, conditions and charges as determined by the council.

ARTICLE XIII. MUNICIPAL PLANNING AND ZONING

SEC. 13.01 PLATTING OF PROPERTY.

Hereafter, every owner of any tract of land situated within the corporate limits of the city, or within any area over which the city may have jurisdiction under state law, who may divide the same into two (2) or more parts for the purpose of laying out any subdivision or any addition to the city shall comply with platting requirements of applicable state law.

(Ord. No. 1993-4, § 14, 3-2-93)

SEC.13.02 DEVELOPMENT OF PROPERTY.

No expenditure of public funds shall be authorized by the council for privately owned subdivisions situated within or beyond the limits of the city except for the extension of utilities or services provided by the city to such areas.

SEC. 13.03 PLANNING AND ZONING COMMISSION.

The council shall appoint a city planning and zoning commission consisting of six (6) members who shall be residents of and own real property in the city and who shall serve without compensation. Members shall be appointed at the first regular meeting in November of each year for a two-year term with one-half to be appointed each year on a continuing basis.

SEC. 13.04 VACANCIES ON THE COMMISSION.

Vacancies occurring on the commission shall be filled by the council for the remainder of the term within thirty (30) days after the vacancy occurs. Membership shall be accompanied by active participation in the work of the commission and any member who is absent from three (3) consecutive regular meetings shall be dropped automatically and the commission chairman shall notify the council immediately that a vacancy exists.

SEC. 13.05 ORGANIZATION OF THE COMMISSION.

At its first meeting following the annual appointment of members by the council, the commission shall elect one (1) of its members as chairman. The commission shall establish its own rules of procedure which shall include the following:

- (a) A quorum shall consist of a majority of the membership and an affirmative vote of a majority of those present shall be necessary to pass on pending question;
- (b) The chairman shall be entitled to vote upon any question;
- (c) All meetings shall be open to the public and minutes of the proceedings shall be kept and shall be a public record;
- (d) The city manager shall be ex officio secretary to the commission.

SEC. 13.06 POWERS AND DUTIES OF THE COMMISSION.

The commission shall have the power and be required to:

- (a) Be responsible to and act as an advisory body to the council;
- (b) Make, amend, extend, and add to a master plan for the physical development of the city;
- (c) Review all plans for platting or subdividing of land within the city and within adjacent areas as permitted by law and submit findings and recommendations to the council;
- (d) Make and recommend to the council for adoption, a zoning plan and amendments thereto;
- (e) Meet not less than once each month with all meetings to be at the city hall unless prior notice of a change in meeting place has been given in a newspaper of general circulation in the city;
- (f) Perform such other duties and be vested with such other powers as the council may prescribe in accordance with the laws of the State of Texas.

SEC. 13.07 BOARD OF ADJUSTMENT.

Members of the board of adjustment shall be appointed by the city council. The city council shall appoint four (4) alternative members of the board of adjustment who shall serve in the absence of one (1) or more of the regular members in accordance with applicable state law.

(Ord. No 1987-3, §4, 2-17-87; Ord. No. 1993-4, §15, 3-2-93)

ARTICLE XIV. GENERAL PROVISIONS

SEC. 14.01 OATH OF OFFICE.

All officers of the city shall, before entering upon the duties of their respective offices, take and subscribe to the official oath prescribed in the constitution of the State of Texas.

SEC. 14.02 PUBLICITY OF RECORDS.

All records and accounts of every office, department or agency of the city shall be open to inspection by any citizen or any representative of the press during regular business hours.

SEC. 14.03 OFFICIAL NEWSPAPER.

The council shall have the power to contract annually with, and by resolution designate, a public newspaper of general circulation in the city as official organ thereof, and to continue as such until another is designated, and shall cause to be published therein all ordinances, notices and other matter required to be published by this charter, by the ordinances of the city, or by the constitution and laws of the State of Texas.

SEC. 14.04 NOTICE OF CLAIM.

Before the city shall be liable to damage claim, or suit for personal injury, or damage to property, the person who is injured or whose property has been damaged or someone in his or her behalf shall give the city manager or the city secretary notice in writing duly verified within six (6) months after the date of the alleged damage or injury stating specifically in such notice when, where and how the injury or damage was sustained setting forth the extent of the injury or damage as accurately as possible, and giving the names and addresses of all witnesses known to claimant upon whose testimony claimant is relying to establish the injury or damage. In case of injuries resulting in death, the person or persons claiming damage shall within six (6) months after the death of the injured person give notice as required above. Provided that nothing herein contained shall be construed to mean the city waives any rights, privileges, defenses or immunities in tort actions which are provided under the common law, the constitution and laws of the State of Texas. (Ord. No. 1993-4, § 16, 3-2-93)

SEC. 14.05 ASSIGNMENT, EXECUTION AND GARNISHMENT.

The real and personal property belonging to the city shall not be liable for sale or appropriation under any writ of execution or cost bill. The 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 on account of any debit it may owe or funds or property it may have on hand or owing to any person. Neither the city nor any of its officers or agents shall be required to answer any such writ of garnishment on any account whatever. The city shall not be obligated to recognize any assignment of wages or funds by its employees, agents, or contractors.

SEC. 14.06 SECURITY OR BOND.

It shall not be necessary in any action, suit or proceeding in which the duty is a party for any bond, undertaking or security to be executed in behalf of the city, but all actions suits and proceedings shall be conducted in the same manner as if such bond, undertaking or security had been given and the city shall

be liable in the same manner and to the same extent as if the bond, undertaking or security required in ordinary cases had been given and executed.

SEC. 14.07 PERSONAL INTEREST.

Any member of the council, officer, or employee of the city who has a substantial financial interest, direct or indirect or by any reason of ownership of stock in any corporation, in any contract with the city or in the sale of any land, material, supplies or services to the city or to a contractor supplying the city shall make known that interest to the council and shall refrain from voting upon or otherwise participating in his capacity as an officer or employee in the making of such sale or in the awarding or performance of such contract. Any officer or employee who violates the requirements of this section shall be guilty of malfeasance and shall forfeit his office or position. Violation of this section with the knowledge, expressed or implied, of the person or corporation contracting with or making a sale to the city shall render the contract or sale voidable by the city manager or the council.

SEC. 14.08 NEPOTISM.

No person related within the second degree by affinity or the third degree by consanguinity to any member of the Council or to the City Manager shall be appointed to any office, position, clerkship, or other service of the city. No person shall be employed by the City in a position that is supervised by a supervisor who is related to the person within the second degree by affinity or by third degree by consanguinity nor in a department which is headed by a department head who is related to the person within the second degree by affinity or the third degree by consanguinity. These prohibitions shall not apply to any person who shall have been continuously employed in such office, position, clerkship, or other service of the city for a period of six (6) months prior to the election of the member of the Council related to such employee in the prohibited degree nor more than thirty (30) days prior to the appointment of the member of the Council, City Manager, Department Head, or Supervisor related to such employee in the prohibited degree. The prohibited degrees of relationship are shown by these charts:

(Amend Ord. No. 1997-04 of 05-06-97)

SEC. 14.10 POWER TO SETTLE CLAIMS.

The council shall have the authority to compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the city except suits by the city to recover delinquent taxes.

SEC. 14.11 JUDICIAL NOTE.

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

SEC. 14.12 EFFECT OF CHARTER ON EXISTING LAW.

All city ordinances, resolutions, rules, and regulations in force on the effective date of this charter and not in conflict with this charter shall remain in force until altered, amended or repealed by the council, and all rights of the city under existing franchises and contracts are preserved in full force and effect.

SEC. 14.13 INTERIM MUNICIPAL GOVERNMENT.

Upon adoption of the charter amendment which changes the election date to the third (3rd) Saturday in May each year, the election of places 1, 2, and 3 will be held on the third (3rd) Saturday in May of 1988, and the election of places 4 and 5 will be held on the third (3rd) Saturday in May of 1989. Thereafter the election of places 1, 2, and 3 will be held on the third (3rd) Saturday in May of each even-numbered year and the election of places 4 and 5 will be held on the third (3rd) Saturday in May of each odd-numbered year.

(Amend. No. 2 of 4-4-81; Amend. No. 6 of 4-6-85; Ord. No. 1987-3, §5, 2-17-87)

SEC. 14.14 TERMINATION OF CURRENT YEAR BUDGET; PREPARATION AND ADOPTION OF INTERIM BUDGET.

During the period of time between the date that the qualified voters determine that this charter shall be adopted for the City of Sinton, Texas, and the time that a new budget can be prepared and adopted as provided above, the council (with the assistance of the city manager, if there be one) shall amend the current city budget as they deem proper to terminate the operations of the city as a general law city; and within thirty days prepare and adopt a short year budget to provide for the operations of the city until the first full year budget can be prepared as provided in section 8.07, and the other applicable sections listed above. The initial short year budget, if there be one, shall be prepared, adopted, amended if necessary, and administered in all respects under the laws and requirements of a general law city.

SEC. 14.15 INVENTORY OF PROPERTY.

The city manager shall keep a written inventory of all real property and all permanent equipment belonging to the city. Inventory of expendable items shall be kept of unbroken packages.

SEC. 14.16 SEPARABILITY CLAUSE.

If any section or part of a section of this charter is held to be invalid or unconstitutional 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 a section of this charter.

SEC. 14.17 AMENDING THE CHARTER.

Amendments to this charter shall be in accordance with applicable state law.

(Amend. No. 3 of 4-4-81; Ord. No. 1993-4, §19, 3-2-93)

SEC. 14.18 CHARTER REVIEW COMMISSION.

At its first regular meeting in October of each even-numbered year the council shall appoint a charter review commission of five (5) citizens of the city. It shall be the duty of the commission to:

- (a) Inquire into the operation of the city government under the charter provisions and determine whether any such provisions require revision and to this end, public hearings may be held and the commission shall have the power to compel the attendance of any officer or employee of the city to require the submission of any of the city records which it may consider necessary to the conduct of such hearing;
- (b) Make any recommendations it considers desirable to insure compliance with the provisions of this charter by the several departments of the city;
- (c) Propose amendments to this charter to improve its effective application to current conditions;
- (d) Report its findings and present its proposed amendments, if any, to the council.

The council shall receive and have published in the official newspaper of the city any report submitted by the charter review commission, shall consider any recommendations made, and, if any amendment or amendments be presented as a part of such report, may order such to be submitted to the electors of the city in the manner provided in section 14.17.

The term of office of the charter review commission shall be three (3) months, and, if during this term no report is presented to the council, then all records of the proceedings of the commission shall be filed with the city manager and shall be a public record.

(Ord. No. 1993-4, § 20, 3-2-93)

SEC. 14.19 SUBMISSION OF CHARTER TO ELECTORS.

The charter commission finds and declares that this charter is so constructed that in order for it to function efficiently it must be adopted in its entirety. For this reason, the commission finds it would be impracticable to segregate each subject for a separate vote thereon, and therefore directs it to be voted on as a whole, and that it be submitted to the qualified electors of the city at an election to be held for that purpose on November 19, 1966. In not less than thirty (30) days prior to the election for the adoption of this charter, the city secretary shall mail a copy of this charter to each qualified elector of the city as appears from the tax collector's latest tax roll.

If said charter is approved by a majority of the electors voting at said election, it shall become the charter of the City of Sinton upon the entering in the city records of the council of an official order declaring the adoption of the charter. A copy of the adopted charter, authenticated and certified by the city secretary and the seal of the city, shall be forwarded to the secretary of state of the State of Texas.

SEC. 14.20 SPECIAL COUNCIL ELECTION.

In not more than ten (10) days after adoption of this charter, the council shall order a special election as provided in section 3.01 for the election of two councilmen to complete membership on the council as required by section 2.01.

SEC. 14.21 WORDING INTERPRETATION

SINTON CHARTER

The gender of the wording throughout this Charter shall always be interpreted to mean either gender. All singular words shall include the plural and all plural words shall include the singular. All references to law, 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 superseded.” The use of the word City in this Charter shall mean the City of Sinton, Texas, and the use of the word Charter shall mean the Home Rule Charter (Amendment adopted by electorate, 5-09-2015, Ord. 2015-05)

WE, the members of the City of Sinton charter commission elected by the citizens of Sinton to frame a home rule charter for the city, do hereby certify that this is a true and correct copy of the charter prepared by this commission.

THOMAS M. HOUSER, Vice Chairman

TRAVIS MOORMAN, Chairman

RALPH BARKHURST

CHARLES H. BOYER, Secretary

ODELL BURCH

JOHN HALL

HARRY D. COIN

D. S. HITT, JR.

HARRELL CURLEE

DOYLE JONES

CASPER GERDES, JR.

ROBERT L. JOSEPH

REGINO RIOS