

CITY OF INGLESIDE
REGULAR CHARTER REVIEW COMMISSION MEETING
AGENDA
JULY 31, 2024
6:00 PM

Notice is hereby given that the Ingleside Charter Review Commission will hold a Regular Charter Review Meeting on July 31, 2024, at 6:00 PM. The Meeting will be held in person at Humble Station Community Center, 2821 Main Street, Ingleside, Texas. Members of the public can view the meeting via live stream at <https://inglesidetx.gov/>.

Opening Agenda

1. Call Meeting to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Citizen Comments.

Regular Agenda

5. Administration of Statement of Officer and Oath of Office to newly appointed Charter Review Commission members.
6. Deliberate and take appropriate action on the appointment of a Chair, Co-Chair and Secretary for the Charter Review Commission.
7. Deliberate and take appropriate action on establishing a schedule for future meetings.
8. Deliberate on Section 11.12. Charter review commission duties and procedures.
9. City of Ingleside Home Rule Charter presentation by City Attorney.
10. Discuss process to review the following Articles in the City of Ingleside Home Rule Charter.
 1. ARTICLE I. Form of Government and Boundaries
 2. ARTICLE II. Powers of the City
 3. ARTICLE III. City Council
 4. ARTICLE IV. Administrative Services
 5. ARTICLE V. Elections
 6. ARTICLE VI. Initiative, Referendum and Recall
 7. ARTICLE VII. Municipal Finance
 8. ARTICLE VIII. Tax Administration
 9. ARTICLE IX. Public Utilities and Franchises
 10. ARTICLE X. Planning and Zoning

11. ARTICLE XI. General Provisions
12. ARTICLE XII. Transitional Provisions

Closing Agenda

11. Charter Review Commission comments and items for future consideration.

12. Adjourn.

Special Accommodations

This facility is wheelchair accessible and there are special parking spaces near the main entrance. Request for accommodations or special services must be made 48 hours prior to this meeting. Please contact City Secretary's Office at (361) 776-2517 or Fax (361) 776-1027 or email citysecretary@inglesidetx.gov for further information.

Certification

I, Ruby Beaven, certify that the above notice of this Regular Meeting of the Charter Review Commission was posted on the City Hall bulletin board at 2671 San Angelo Street, Ingleside, Texas on July 26, 2024 by 4:30 p.m.



Ruby Beaven, City Secretary

This public notice was removed from the official posting board at the Ingleside City Hall on the following:

Date: _____

Time: _____

By: _____

City Secretary's Office
City of Ingleside, Texas

CHARTER REVIEW COMMISSION AGENDA

Regular Meeting: July 31, 2024

AGENDA ITEM: 5

Administration of Statement of Officer and Oath of Office to newly appointed Charter Review Commission members.

SUBMITTED BY: Ruby Beaven, Director of Administrative Services/City Secretary

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

Article XVI, section 1 of the Texas Constitution, the Oath of Office may not be taken until a Statement of Officer has been subscribed to.

Article XVI, section 1 of the Texas Constitution prescribes an oath that all officers must take before they enter upon the duties of their offices.

City Secretary Beaven will administer the Statement of Officer and Oath of Office to newly appointed members:

1. Tom Bell
2. Amanda Torres
3. Ricardo Trevino
4. Robert Vana
5. Courtney Shane

Alternate: Cindy Wilson

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

Recommend the Statement of Officer and Oath of Office be administered.

ATTACHMENTS:

None

CHARTER REVIEW COMMISSION AGENDA
Regular Meeting: July 31, 2024

AGENDA ITEM: 6

Deliberate and take appropriate action on the appointment of a Chair, Co-Chair and Secretary for the Charter Review Commission.

SUBMITTED BY: Ruby Beaven, Director of Administrative Services/City Secretary

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

To appoint a Charter Review Commission Chair, Co-Chair and Secretary.

ATTACHMENTS:

None

CHARTER REVIEW COMMISSION AGENDA
Regular Meeting: July 31, 2024

AGENDA ITEM: 7

Deliberate and take appropriate action on establishing a schedule for future meetings.

SUBMITTED BY: Ruby Beaven, Director of Administrative Services/City Secretary

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

To establish a meeting schedule.

ATTACHMENTS:

None

CHARTER REVIEW COMMISSION AGENDA

Regular Meeting: July 31, 2024

AGENDA ITEM: 8

Deliberate on Section 11.12. Charter review commission duties and procedures.

SUBMITTED BY: Ruby Beaven, Director of Administrative Services/City Secretary

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

Section 11.12. Charter review commission.

The City Council shall appoint at its first regular meeting in July of every fourth year after approval of this Charter, a Charter Review Commission of five citizens of the City.

A. *Duties of the Commission:*

1. Inquire into the operation of the City Government under the Charter provisions and determine whether any such provisions require revision. 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 and require the submission of any of the City records which it may deem necessary to the conduct of such hearing.
2. Propose any recommendations it may deem desirable to insure compliance with the provisions of the Charter by the several departments of the City government.
3. Propose, if it deems desirable, amendments to this Charter to improve the effective application of the Charter to current conditions.
4. Report its finding and present its proposed amendments, if any, to the City Council.

B. *Action by the City Council:* The City Council shall receive and have published in the designated official public newspaper of the City any report presented by the Charter Review Commission; shall consider any recommendation made, and if any amendments be presented as part of such report, may order such amendment or amendments to be submitted to the voters of the City in the manner provided by State law.

C. *Term of Office:* The term of office of such Charter Review Commission shall be six months, and at the completion of such term a report shall be presented to the City Council, and all records of the proceedings of such commission shall be filed with the City Secretary and shall become a public record.

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

Discussion only on Charter Review Commission duties and procedures.

ATTACHMENTS:

None

CHARTER REVIEW COMMISSION AGENDA
Regular Meeting: July 31, 2024

AGENDA ITEM: 9

City of Ingleside Home Rule Charter presentation by City Attorney.

SUBMITTED BY: Ruby Beaven, Director of Administrative Services/City Secretary

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

Presentation by City Attorney on the Charter.

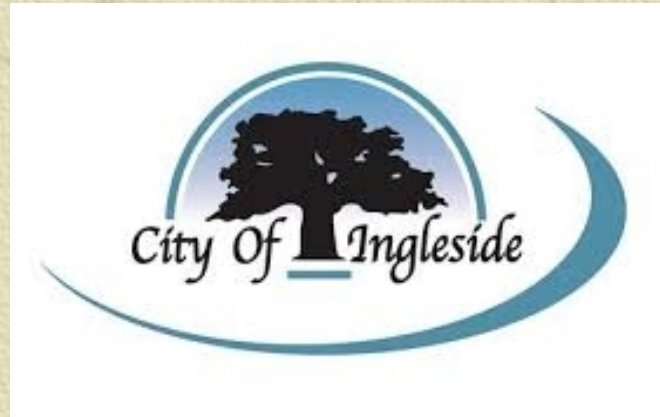
FISCAL ANALYSIS:

N/A

RECOMMENDATION:

ATTACHMENTS:

1. DOCS1-#261701-v4-Charter_Review_Process



CITY OF INGLESIDE HOME RULE CHARTER

AUGUST 2024

**Frank J. Garza & Michale McCann
Davidson, Troilo, Ream & Garza**

HOME RULE CITY

Self-Government

✦ Cities that amend a Charter, may adopt any amendment as long as not contrary to:

- STATE LAW
- STATE CONSTITUTION

✦ Other type of cities must get their authority from state laws

HISTORY OF CHARTER

- ✦ Charter adopted in Nov 1979 which enabled city to become Home Rule & establish its current form of government
- ✦ Charter last amended in May 2021, (23 of 24 amendments adopted).
 - ◆ Pay for council \$50/per meeting
 - ◆ Required residency throughout term
 - ◆ 3 councilmembers may call special meeting
 - ◆ Ordinance review (Sunset) and codification
 - ◆ Nepotism provision
- ✦ Texas Constitution allows for a Charter to be amended by the voters **no more than once every 2 years.**

Charter Amendment

Texas Local Govt. Code 9.004

- ✦ Registered voters of city can also amend the Charter by gathering signatures on a petition.
- ✦ TLGC requires 5% of eligible voters in the city or 20,000 signatures, ***whichever is less.***
- ✦ Seldom done for complete charter overhaul, usually when voters want one specific charter amendment.

CHARTER REVIEW

- ✦ Deadline to call election for November 2024 is August 16, 2024.
- ✦ Deadline to call election for May 3, 2025 is February 14, 2025.
- ✦ Ingleside Charter Commission appointed in July 2024.
- ✦ Commission must complete work 6 months from appointment. Sec. 11.12 (C).

CHARTER REVIEW

- ✦ Duty: Determine if any charter provision requires revision.
- ✦ Charter recommendations should fall under two categories.
 - ✦ **Technical**
 - ◆ References to laws that have been eliminated or codified in Local Government Code.
 - ◆ Charter provisions that are contrary to state law. **Section 4.08 C Residency – state law prohibits residency of city employees unless appointed by governing body (Council)**

CHARTER REVIEW

- ✦ State law requires that Charter Amendments not have more than one subject per ballot proposition.
- ✦ All technical changes can be approved in one ballot proposition.

“Shall Sections _____ of the City Charter be amended to eliminate provisions which have become inoperative because they have been superseded by state law; to replace citations to obsolete statutory references; to update terminology to current legal usage, and to eliminate the obsolete transitional provisions which no longer have any effect?”

CHARTER REVIEW

- ✦ **Substantive** – These changes could be major modifications to the Charter that affect how the City governs itself.
- ✦ Substantive amendments would have to be voted by separate ballot propositions.
- ✦ The more propositions, the harder it is to get them approved.
- ✦ November election will be packed with many other items.



Charter Review

✦ Substantive examples:

- ✦ Form of Government
- ✦ Powers of the Mayor
- ✦ Powers of City Council
- ✦ Powers of the City Manager
- ✦ Authority of the City Secretary
- ✦ Term Limit amendments
- ✦ Mayor/Council compensation
- ✦ Number of Council members
- ✦ Removal of Council members
- ✦ Filling vacancies on Council
- ✦ Referendum, Initiative and Recall



Next Steps

- ✦ Commission meets to review and make recommendations for amendments to Charter.
- ✦ Recommend at least 1 public hearing to get input from public as to what Charter amendments they request.
- ✦ Request input from City staff on any recommended amendments.
- ✦ Report its finding and recommendations to City Council in December 2024
- ✦ Council has option to call for election in February 2025.



QUESTIONS

CHARTER REVIEW COMMISSION AGENDA

Regular Meeting: July 31, 2024

AGENDA ITEM: 10

Discuss process to review the following Articles in the City of Ingleside Home Rule Charter.

1. ARTICLE I. Form of Government and Boundaries
2. ARTICLE II. Powers of the City
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5. ARTICLE V. Elections
6. ARTICLE VI. Initiative, Referendum and Recall
7. ARTICLE VII. Municipal Finance
8. ARTICLE VIII. Tax Administration
9. ARTICLE IX. Public Utilities and Franchises
10. ARTICLE X. Planning and Zoning
11. ARTICLE XI. General Provisions
12. ARTICLE XII. Transitional Provisions

SUBMITTED BY: Ruby Beaven, Director of Administrative Services/City Secretary

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

To review and make recommendations to the Articles of the City of Ingleside Home Rule Charter.

ATTACHMENTS:

1. Charter: Article I through Article XII

PART I CHARTER¹

PREAMBLE

Effective government that protects individual freedom can best be achieved by encouraging and soliciting interest and participation by the citizens, by regulation and control of those functions essential to the general welfare, and by rejecting rules and regulations not consistent with the primary goals of the City. Accordingly, we the people of Ingleside, Texas establish this Charter as the basic law of our City to provide for effective government, with latitude for our elected officials, and with safeguards to ensure the rights and general welfare of the people.

ARTICLE I. FORM OF GOVERNMENT AND BOUNDARIES

Section 1.01. Form of government.

The municipal government provided by this Charter shall be of the Council-Manager form. The City Council, consisting of the Mayor and Councilmembers elected by and responsible to the people, shall appoint a City Manager who shall be responsible to the City Council for the proper administration of the affairs of the City.

Section 1.02. Boundaries of the city.

The boundaries of the City of Ingleside, Texas are those heretofore established and now existing or those boundaries as may be changed by ordinances and proceedings of the City enacted in accordance with this Charter.

Section 1.03. City defined.

Use of the word "City" in this Charter shall mean the City of Ingleside, San Patricio County, Texas.
(Ord. No. 785, § 1, Prop. C, 2-13-01)

ARTICLE II. POWERS OF THE CITY

¹Editor's note(s)—Printed herein is Charter of the City of Ingleside, Texas, as adopted by referendum on November 6, 1979, and effective on November 7, 1979. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

Section 2.01. Powers of the city.

The city shall have all powers and rights of self-government and home rule that exist now or may be granted to municipalities by the constitution and laws of the State of Texas. These powers and rights, whether expressed or implied, shall be exercised, administered and enforced in the interest and welfare of individuals and corporations residing in or owning property within the boundaries of the City as prescribed by this Charter, or in such manner as may be provided by resolution or ordinance of the City Council.

The powers hereby conferred upon the City shall include, but not be restricted to the powers expressly conferred and permitted by State Law all as now or hereafter amended, all of which are adopted hereby, unless restricted elsewhere within this Charter.

As provided for by the Constitution and laws of the State of Texas, the City shall have the power:

- A. To fix its boundaries, to annex adjoining territory with or without the consent of the inhabitants or owners of the territory to be annexed, to acquire and own property within or outside its corporate boundaries and to exercise the right of eminent domain when necessary to carry out powers conferred upon it by this Charter.
- B. To cooperate with the government of the United States, or any agency thereof, the government of Texas or any agency thereof, or with the government of any county, city or political subdivision for any lawful purpose for the advancement of the interests, safety, convenience, and welfare of its inhabitants.
- C. To contract and be contracted with, to sue and be sued, to buy, sell, lease, mortgage, hold, manage, and control such property as its interests require.
- D. To lay out, open, close, establish, alter, widen, lower, extend, grade, supervise, maintain, and improve streets, alleyways, sidewalks, parks, squares, public places, water mains, waterways, bridges, wharves, docks and regulate the use thereof, and require removal of all obstructions or encroachments of every nature and character upon said public streets, sidewalks or other public property.

(Amd. of 5-4-96)

Section 2.02. Cost of improvements.

The cost of development or improvement of streets or water and sewer lines and other improvements as appropriate may be paid partly by assessments levied as a lien against property abutting thereon and against the owners thereof, and such assessments may be levied in any amount and under any procedure not prohibited by State law.

Section 2.03. Contraction of boundaries.

The city shall have the power and authority to de-annex property under such circumstances and pursuant to such procedures as may be provided by State law or City ordinance.

(Amd. of 5-4-96)

ARTICLE III. CITY COUNCIL

Section 3.01. Selection and term of office.

The legislative and governing body of the City shall be the Council of the City of Ingleside and shall consist of a Mayor and six Councilmembers. The Mayor is a member and part of the City Council and a Councilmember. Unless required otherwise by the context, a reference to "Councilmember" includes the Mayor.

- A. The Mayor and Councilmembers shall be elected by the qualified voters of the City at large each of whom, unless sooner removed by the provisions of this Charter, shall serve for a two-year term.
- B. Each Councilmember shall occupy a position on the City Council, such positions being numbered 1 through 6, consecutively. All members of the City Council, other than the mayor, shall be elected under the place system. In each odd-numbered year these Councilmembers shall be elected to positions number 1, 3, and 5, and in each even-numbered year, the mayor and three (3) Councilmembers shall be elected, said Councilmembers filling positions 2, 4, and 6. Odd-numbered positions begin and expire in odd-numbered years. Even-numbered positions begin and expire in even-numbered years.
- C. No person shall serve more than three (3) consecutive terms, whether partial or complete terms, whether elected or appointed.

(Amd. of 5-4-96; Ord. No. 981, § II, Prop. 1, 1-13-09)

Section 3.02. Qualification of members.

The Mayor and each Councilmember shall be a resident of the City of Ingleside, a qualified voter of the State of Texas, and shall have been a resident of the City of Ingleside for at least a year immediately preceding his/her election, and must maintain residency in the City of Ingleside during term of office.

(Ord. No. 785, § 1, Prop. N, 2-13-01; Res. No. 2021-23 , amd. B, elec. of 5-1-21)

Section 3.03. Council to be judge of election and qualifications.

The City Council shall be the judge of the election and qualifications of its own members.

Section 3.04. Remuneration.

Members of the City Council shall be compensated at a rate of fifty dollars per meeting attended with a maximum payment of one hundred dollars per month. Expenses incurred in the performance of their official City Council duties may be paid upon approval of said expenses by the City Council.

(Ord. No. 786, § II, Prop. 1, 2-13-01; Res. No. 2021-23 , Amd. C, elec. of 5-1-21)

Section 3.05. Mayor and pro-tem.

The Mayor shall be the official head of the City government. He/she shall preside at all meetings of the City Council, shall have a vote on all City Council actions, and shall, when authorized by the City Council, sign all official documents such as ordinances, resolutions, conveyances, grant agreements, official plats, contracts, and bonds. He/she shall perform such other duties consistent with this Charter or as may be imposed upon him/her by City Council. He shall not have the power of veto.

The Mayor Pro-Tem shall be a Councilmember elected by the City Council at the first regular City Council meeting following each regular City election. The Mayor Pro-Tem shall act as Mayor during the disability or

absence of the Mayor or when directed by the City Council if the Mayor refuses to act and in this capacity shall have the rights conferred upon the Mayor.

(Ord. No. 785, § 1, Prop. N, 2-13-01; Ord. No. 786, § II, Prop. 2, 2-13-01)

Section 3.06. Vacancies; forfeiture; filling of vacancies.

- A. *Vacancies:* The office of a Councilmember, shall become vacant upon his/her death, acceptance of his/her resignation by City Council and assumption of office by a successor, removal from office in any manner authorized by law, or forfeiture of his/her office.
- B. *Forfeiture of Office:* A Councilmember or the Mayor shall forfeit his/her office if he/she:
 - 1. Fails to possess the qualifications for the office prescribed by this Charter or by law;
 - 2. Violates any express prohibition of this Charter;
 - 3. Fails to attend six regular City Council meetings in an election span, twelve (12) months;
 - 4. Is convicted of a crime involving moral turpitude.
- C. *Filling of Vacancies:* A vacancy in the City Council shall be filled for the remainder of the unexpired term, if any, at the next regular election following not less than sixty days after the occurrence of the vacancy. Until the person elected to serve the remainder of the unexpired term takes office, the City Council by a majority vote of all the remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. If the City Council fails to make such an appointment within thirty days following the occurrence of the vacancy, a special election shall be called to fill the vacancy until the expiration of the regular term, to be held on the earliest available uniform date under the Texas Election Code next following the thirtieth day after the occurrence of the vacancy.

Notwithstanding the requirement in Section 3.10 concerning a quorum of the City Council, if, at any time, the membership of the City Council is reduced to less than four, the remaining members may by majority action appoint additional qualified persons to raise the membership to four. These appointees shall serve until the positions can be filled at the next regular election.

(Amd. of 5-4-96; Ord. No. 785, § 1, Prop. N, 2-13-01; Ord. No. 786, § II, Prop. 3, 2-13-01; Ord. No. 875, § II, Prop. 1, 2-24-04; Ord. No. 981, § II, Prop. 2, 1-13-09; Res. No. 2021-23 , amd. D, elec. of 5-1-21)

Section 3.07. Powers of the city council.

All powers of the City shall be vested in the City Council, except as otherwise provided by laws or this Charter. The City Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed upon the City by law.

Section 3.08. Prohibitions.

- A. *Holding Other Office:* Except where authorized by law, no Mayor or City Councilmember shall hold any other City office or City employment during his/her term as Mayor or Councilmember, and no former Mayor or Councilmember shall hold any compensated appointive City office or City employment until one year after the expiration of his/her term as Mayor or Councilmember.
- B. *Appointments and Removals:* Neither the City Council nor any of its members shall in any manner dictate the appointment or removal of any City administrative officers or employees whom the City Manager or any of his/her subordinates are empowered to appoint, but the City Council may express its views and fully and

freely discuss with the City Manager information pertaining to appointment and removal of such officers and employees.

- C. *Interference with Administration:* Except for the purpose of inquiries and investigations under Section 3.14, the City Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the City Council nor its members, including the Mayor, shall give orders to or reprimand any such officer or employee either publicly or privately.
- D. Persons who are related to one another within the first degree by consanguinity or affinity under the civil law method of determining degree of kinship may not serve on the Council at the same time.

(Ord. No. 785, § 1, Prop. N, 2-13-01; Ord. No. 981, § II, Prop. 3, 1-13-09)

Section 3.09. Meetings of city council.

The City Council shall hold at least two regular meetings each month other than November and December during which there must be at least one regular meeting per month and as many additional meetings as it deems necessary to transact the business of the City and its citizens. The City Council shall fix, by ordinance, the date, time and place of regular meetings.

All meetings shall be open to the public, except for those purposes where the law specifically authorizes executive sessions.

Special meetings of the City Council shall be held on the call of the Mayor or three City Council members and, whenever practicable, upon no less than twelve hours' notice to each member.

(Ord. No. 1069, § II, Prop. 1, 12-11-12; Res. No. 2021-23, amd. E, elec. of 5-1-21)

Section 3.10. Rules of procedure.

The City Council shall, by ordinance, determine its own rules and order of business and the rules shall provide that citizens of the City shall have a reasonable opportunity to be heard at any meeting with regard to any matter under consideration. All meetings shall be held in compliance with Texas Open Meeting Act. The City Council shall provide for minutes being taken and recorded for all meetings, and such minutes shall be a public record and shall be kept and maintained by the City Secretary. Voting, except on procedural motions, shall be by roll call and shall be recorded in the minutes. Four Councilmembers shall constitute a quorum for the purpose of transactions of business. No action of the City Council, except as provided in Sections 3.06 and 3.12, shall be valid or binding unless adopted by an affirmative vote of four or more of the members of the City Council present, except where there is a conflict of interest, the reason for which shall be stated concisely in the records.

The agenda for each regular meeting must be posted in accordance with Texas Open Meeting Act. The Mayor will establish the agenda, except that an item requested by two or more Councilmembers shall be included in the agenda.

(Amd. of 5-4-96)

Section 3.11. Passage of ordinances in general.

- A. *Form:* The City 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 INGLESIDE, STATE OF TEXAS." Each proposed ordinance shall be introduced in the written or printed form required for adoption. No ordinance shall contain more than one subject, which shall be clearly expressed in its title, but 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. Except when an ordinance is repealed in its entirety, the amendatory or repealing ordinance shall set out in full the ordinance sections, or subsections to be amended or repealed, and shall indicate matter to be omitted by striking through it and shall indicate new matter by underscoring.

- B. *Procedure:* Any member of the City Council may offer any ordinance in writing that has been placed on the agenda of a regular City Council meeting. Copies of proposed ordinances, in the form required for adoption, shall be furnished to members of the City Council before first reading. Copies of the proposed ordinances, in the form required for adoption, shall be furnished to members of the City Council before first reading. Copies of the proposed ordinances, 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, before first reading, and, if amended, shall be available and furnished in the amended form for as long as the proposed ordinance is before the City Council.

A proposed ordinance, except an emergency and/or a budget/tax ordinance, shall be read at two City Council meetings, with at least two weeks elapsing between each reading. A proposed ordinance may be amended at any reading, but any ordinance amended in substance shall automatically be placed again on first reading at a subsequent meeting. Amendments involving such items as typographical, grammatical or spelling changes or renumbering of sections shall not be considered substantive. A substantive change is one which changes the general purpose of the ordinance. At any reading of a proposed ordinance persons interested shall have a reasonable opportunity to be heard. Emergency ordinances shall be passed in accordance with Section 3.12 and budget/tax ordinances in accordance with Articles 7 and 8. One reading shall be required for emergency and budget/tax ordinances.

- C. *Effective Date:* Every ordinance shall become effective upon adoption, or at any later time 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 or in caption form once in the official city newspaper.
- D. *Reading:* The reading aloud of the title and caption of the ordinance shall suffice as a reading, provided printed copies of the ordinance, in the form required for adoption, are in front of all members of City Council and a reasonable number of additional copies are available to citizens present at the meeting. If two City Council members request that the ordinance be read in its entirety, it must be read.

(Amd. of 5-4-96; Ord. No. 786, § II, Prop. 4, 2-13-01; Ord. No. 875, § II, Prop. 4, 2-24-04)

Section 3.12. Emergency ordinances.

The City Council may adopt emergency ordinances only to meet public emergencies affecting life, health, property, or the public peace. 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 in Article 7. An emergency ordinance shall be introduced in the form and manner generally prescribed for ordinances, except that it 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 it in clear and specific terms. An emergency ordinance can be adopted with or without amendment or rejected at the meeting at which it is introduced. The affirmative vote of at least two-thirds of the members of the City Council shall be required for adoption. After adoption, the ordinance shall be published as required for other adopted ordinances and shall become effective in the same manner. Every emergency ordinance so adopted, except one authorizing the borrowing of money as described herein, shall automatically stand repealed as of the sixty-first day following the day on which it became effective, but this shall not prevent reenactment of the ordinance.

Section 3.13. Authentication, recording, codification, printing, distribution.

- A. *Authentication and Recording:* The City Secretary shall authenticate by signature and seal in a properly indexed book kept for the purpose, all ordinances and resolutions adopted by the City Council. All ordinances shall be numbered consecutively in the order in which adopted. This record shall be open for public inspection.
- B. *Codification:* Within one year after the adoption of this Charter and at least every 180 days thereafter, the City Council shall provide for the preparation of a codification of all general ordinances of the City, provided, however, that if a codification of all general ordinances of the City has been completed within one year of adoption of this Charter such prior codification shall apply to this Charter.

Every general ordinance enacted subsequent to such codification shall be enacted as an amendment to the code. For the purposes 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.

The codification shall be adopted by the City Council by ordinance and shall be published promptly together with this Charter and any amendment thereto and with appropriate references to State Statutes and Constitution, and such codes of technical regulations and other rules and regulations as the City Council may specify. This compilation shall be known and cited officially as the Ingleside City Code 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 they are published as a code. Copies of the code shall be furnished to City Officers, placed in City offices and a public library designated by the City Council for free reference and made available for purchase by the public at a reasonable price fixed by the City Council.

- C. *Printing of Ordinances and Resolutions:* The City Council shall cause each ordinance and each amendment to this Charter to be printed promptly following its adoption, and the printed ordinances and Charter amendments shall be distributed free or sold to the public at reasonable prices to be fixed by the City Council. Following publication of the first Ingleside City Code and at all times thereafter, the ordinances and Charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. A copy of such ordinance and resolution shall be placed in City offices, public library designated by the City Council and on the City website for free reference.
- D. The City Council shall appoint a Sunset Committee every eight years to review ordinances for continued relevance.

A copy of each ordinance and resolution shall be placed in City offices and a public library designated by the City Council for free reference.

(Res. No. 2021-23 , Amends. F—H, elec. of 5-1-21)

Section 3.14. Investigations by the city council.

Notwithstanding the provisions of Section 3.08.C of this Charter the City Council may make investigations into the affairs of the City and the conduct of any City department, office or agency.

(Ord. No. 981, § II, Prop. 4, 1-13-09)

Section 3.15. Audits and examination of city books and accounts.

The City Council shall cause an independent annual audit to be made of the books and accounts of each and every department of the City. At the close of each fiscal year and at such other times as it may deem necessary, a

complete audit shall be made by a certified public accounting firm who shall have no interest, directly or indirectly, in the financial affairs of the city or any of its offices. The firm shall be selected by the City Council. The City Council shall issue a request for proposals no less than every 3 years. The audit shall include a recapitulation of all audits made during the course of each fiscal year. All audit reports shall be filed with the City Council, shall be available for public inspection, and shall be made a part of the archives of the City. Notification shall be published in the official newspaper that the audit report is available for inspection in the City offices and on the City website.

(Ord. No. 981, § II, Prop. 5, 1-13-09; Res. No. 2021-23 , amd. I, elec. of 5-1-21)

Section 3.16. Bonds for city employees.

The City Council shall require bonds of all municipal officers and employees who receive or pay out any monies of the City. The amount of such bonds shall be determined by the City Council and the cost thereof shall be borne by the City.

ARTICLE IV. ADMINISTRATIVE SERVICES

Section 4.01. City manager.

- A. *Appointment and Qualifications:* Appointment and Qualifications: The City Council shall, by majority vote of the entire City Council, appoint a City Manager who shall be responsible to the City Council for administration of all affairs of the City. The City Manager shall be appointed solely upon the basis of his/her executive and administrative qualifications and need not, when appointed, be a resident of the City. The City Manager shall have the following minimum qualifications: (1) A Bachelor's Degree and at least three (3) years of municipal government managerial experience or (2) a minimum of six (6) years of municipal government managerial experience. Within six months after appointment, the City Manager must reside in the City unless specifically excused by the City Council.
- B. *Compensation:* The City Manager shall receive compensation as may be fixed by the City Council according to his/her qualifications and experience. He/she shall be bonded at City expense in an amount deemed adequate by the City Council.
- C. *Term and Removal:* The City Manager shall not be appointed for a definite term but shall serve at the pleasure of the City Council. The City Council may remove the City Manager from office by majority vote of the entire City Council.
- D. *Interim City Manager:* In the event the City Manager resigns, is terminated, or is unable to fulfill the duties of City Manager, the City Council may appoint an Interim City Manager until the City Manager is able to fulfill his duties or a new City Manager is appointed. No member of the City Council shall serve as Interim City Manager.
- E. *Duties of the City Manager:* The City Manager shall be required to:
 - 1. Appoint, and when he/she deems necessary for the welfare of the City, suspend or remove all City employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law or personnel rules adopted pursuant to this Charter;
 - 2. Direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by this Charter or by law;
 - 3. Assure that all laws, provisions of this Charter, and acts of the City Council, subject to enforcement by him/her or by officers and employees subject to his/her direction or supervision, are faithfully executed;

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4. Attend all City Council meetings and have the right to take part in discussions; however, he/she may not vote;
 5. Prepare and submit to the City Council the annual budget and capital program and administer the budget as adopted by the City Council;
 6. Prepare and submit to the City Council, within 90 days of the end of the fiscal year, an Annual Report on the finances and administrative activities of the City, as of the end of each fiscal year;
 7. Keep the City Council fully advised as to the financial condition and future needs of the City and make such recommendations concerning the affairs of the City as he/she deems desirable or necessary;
 8. Make reports as the City Council may require concerning the operations of the City Departments, offices, or agencies subject to his/her direction or supervision;
 9. Prepare and accept items for inclusion on the agenda of all official meetings; and
 10. Perform such other duties as are specified in this Charter or may be required by the City Council and not inconsistent with this Charter.
 11. When the hiring or firing of a department head is deemed necessary, the City Manager shall inform the City Council prior to the action to be taken.
 12. Sign contracts the Council has approved.

(Amd. of 5-4-96; Ord. No. 785, § 1, Prop. N, 2-13-01; Ord. No. 786, § II, Props. 5, 6, 2-13-01; Ord. No. 875, § II, Props. 2, 3, 2-24-04; Ord. No. 931, § II, Prop. 1, 2-27-07; Ord. No. 981, § II, Prop. 7, 1-13-09; Ord. No. 2017-01, § II, Props. 2, 4, 1-10-17)

Section 4.02. Municipal court.

- A. *Establishment:* The City Council shall establish and cause to be maintained a Municipal Court, for the trial of misdemeanor offenses, with all powers and duties as are now or may be prescribed by the laws of the State of Texas.
- B. *Judge of the Court:* The City Council shall appoint a Judge of the Municipal Court, who shall serve a term of two years and may be appointed to additional consecutive terms upon completion of his/her term of office. The appointment of the Judge may be terminated for just cause by the City Council. The Judge shall receive such compensation as may be determined by the City Council commensurate with the duties performed by the Judge.
- C. *Associate Judge of the Court:* The City Council may appoint an Associate Judge, to assist the Municipal Court, or to serve in the absence or disability of the Municipal Court Judge.
- D. *Clerk of the Court:* The City Manager shall appoint a Clerk and a Relief Clerk of the Municipal Court. The Clerk and the Relief Clerk shall be bonded at City expense, and shall receive such compensation as may be determined by the City Manager.
- E. *Powers of the Clerk:* The Clerk of the Municipal Court shall keep minutes of the proceedings of the court, issue process, and generally perform the duties for the Municipal Court that a County Clerk performs for a County Court.
- F. *Fines and Penalties:* All monies received as court-imposed fines on penalties shall be paid into the General Fund of the City Treasury.

(Ord. No. 785, § 1, Prop. N, 2-13-01; Ord. No. 875, § II, Prop. 8, 2-24-04; Res. No. 2021-23, Amends. J, K, elec. of 5-1-21)

Section 4.03. City secretary.

- A. *Appointment:* The City Manager shall appoint, as provided in Section 4.01E of this Charter, a City Secretary.
- B. *Duties of the City Secretary:* The City Secretary shall be required to:
 - 1. Give notice of, and attend all official public meetings and hearings of the City Council;
 - 2. Keep the minutes of the proceedings of all official public meetings and hearing of the City Council. Be responsible for the electronic taping or recording of the entire proceedings of all the official public meetings and hearings of the City Council. Be responsible for the care, maintenance and filing of such tapes or recordings for a period of not less than two years following each meeting or hearing so taped or recorded;
 - 3. Act as custodian of all official records of the City Council;
 - 4. Hold and maintain the Seal of the City of Ingleside and affix this Seal to all appropriate documents;
 - 5. Authenticate by signature and Seal, and record in a book kept and indexed for the purpose, all ordinances and resolutions of the City; and
 - 6. Perform such other duties as may be required by the City Manager, this Charter, or other laws of the State of Texas and not inconsistent with other provisions of this Charter.

Section 4.04. City attorney.

- A. *Appointment and Qualifications:* The City Council, in consultation with the City Manager, shall appoint a competent, duly qualified, licensed and practicing attorney in the State of Texas who shall serve as the City Attorney.
- B. *Removal:* The City Attorney may be removed by a majority vote of the entire City Council.
- C. *Duties:* The City Attorney shall be required to:
 - 1. Serve as the legal advisor to the City Council and City Manager.
 - 2. Represent the City in litigation and legal proceedings as directed by the City Council and City Manager.
 - 3. Review and provide opinions as requested by the City Council or City Manager on contracts, legal instruments, and ordinances of the City.
- D. *Limitation:* The City Council shall have the right to retain special counsel at any time that it may deem necessary and appropriate.
- E. *[Compensation:]* The City Attorney shall receive compensation as may be determined by the City Council.
- F. *[Selection of Additional Attorneys:]* 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 litigation.
- G. *[City Council May Contract With Attorney:]* The City Council may contract with an attorney or with a firm of attorneys who shall designate one member of said firm to serve as City Attorney.

(Ord. No. 785, § 1, Prop. N, 2-13-01; Ord. No. 786, § II, Prop. 7, 2-13-01)

Section 4.05. Administrative departments, offices and agencies.

- A. *General Provisions:*

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1. The City Council may create or establish 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. The City Council may abolish, redesignate, or combine any of the departments, offices, or agencies it has established.
 3. The City Council shall take none of the foregoing actions until the recommendations of the City Manager shall have been heard by the City Council.
- B. *Direction and Supervision:* Except as provided in Section 4.02 of 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 or more City departments, offices, or agencies, or appoint one person as the head of two or more of them.
- C. *City Assessor-Collector:* The City Manager shall appoint, as proved [provided] in Section 4.01E of this Charter, a person who shall serve as the Assessor-Collector for the City, and whose functions shall be those usual to the office; provided, however, that the City Council may prescribe such additional functions as may be appropriate for the City.

Section 4.06. Boards, commissions and committees.

The City Council shall create, establish, or appoint, as may be required by law, circumstance, or this Charter, those Boards, Commissions and Committees which are deemed necessary to carry out the functions and obligations of the City. The City Council shall prescribe the purpose, composition, function, duties and accountability of such Board, Commission and Committee where such are not prescribed by law or this Charter.

Members of such Boards, Commissions and Committees unless addressed elsewhere shall be appointed each year. They may be reappointed for additional terms of one year each. All members of all boards and commissions, whether created by Charter, the Council or otherwise, must be residents of the City, unless and except to the extent otherwise required by state law.

(Ord. No. 786, § II, Prop. 8, 2-13-01; Ord. No. 875, § II, Prop. 6, 2-24-04; Ord. No. 981, § II, Prop. 8, 1-13-09; Res. No. 2021-23 , amd. L, elec. of 5-1-21)

Section 4.07. Oath of office.

Every appointive officer of the City, and every member appointed to a Board, Commission, or Committee under the provisions of this Charter, before entering upon the duties of the office, shall take and subscribe to the appropriate oath or affirmation prescribed in Article 11 of this Charter. Each such oath or affirmation shall be filed and kept in the office of the City Secretary.

Section 4.08. Personnel system.

- A. *Merit Principle:* Appointments and promotions of all city employees and appointive administrative officers shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.
- B. *Personnel Rules:* Personnel rules shall be prepared by the City Manager and presented to the City Council which may by ordinance adopt them with or without amendment. The adopted rules shall govern the equitable administration of the personnel system of the City and shall provide for the following requirements, among others:

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1. A pay and benefit plan for all City positions. Social Security benefits may be considered a benefit plan under provisions of this Charter.
 2. A plan for working hours, attendance regulation, and provision for sick and vacation leave.
 3. Procedures for the hearing adjudication of grievances; and
 4. Other practices and procedures necessary to the equitable administration of the personnel system of the city.
- C. *Residency:* Except for the City Manager and the Chief of Police, no City employee is required to reside within the City limits. The City Council may prescribe reasonable standards with respect to the time within which City employees who reside outside the City limits must respond to civil emergencies.
- (Ord. No. 786, § II, Prop. 9, 2-13-01; Res. No. 2021-23 , amd. M, elec. of 5-1-21)

ARTICLE V. ELECTIONS

Section 5.01. City elections.

- A. *Regular Elections:* The regular City elections will be held annually during the month of May or if there is no uniform election date in the month of May then on the uniform election date nearest to the first Saturday in May in accordance with State election law. The City Council shall fix the location for holding such an election.
- B. *Special Elections:* The City Council may, by resolution, order a special election for ordinances, bond issues, Charter amendments, filling vacancies in an existing elected office, or any other reason the City Council deems necessary. The City Council will fix the location for holding this type of election and the date shall be at the next uniform election date as is in accordance with Texas State Election Law.
- C. *Publicizing City Elections:* it is the responsibility of the City Council to inform the voters as to the time, location, date, purpose and filing period for the potential candidates, for the upcoming City election, in accordance with State election law. The provisions for absentee balloting shall also be publicized at this time. Sample ballots shall be posted outside the City offices and shall be published in the official city newspaper not less than ten days prior to the election.
- D. *Conduct and Regulations of City Elections:* All city elections shall be governed by the Constitution of the State of Texas, general laws of the state, this Charter, and ordinances of the City, in the order named. Municipal elections shall be conducted by the election officials appointed and approved by the City Council. Sample ballots identical to the voting format for the specific election shall be posted in the voting place for the benefit of the voters.
- E. *Voter Qualification:* All duly qualified electors under the laws of the State of Texas, who are residents of the City, shall be qualified to vote in any City election.
- F. *Voter Eligibility List:* A certified list of voter registrants within the City can be requested at the County Voters Registrars/Election Administrative Office.

(Ord. No. 786, § II, Props. 10—12, 2-13-01; Ord. No. 2017-01 , § II, Prop. 5, 1-10-17; Res. No. 2021-23 , Amends. N—P, elec. of 5-1-21)

Section 5.02. Filing for office.

- A. *Eligibility to File for Office:* Each candidate for an elective position in the City of Ingleside shall meet the following requirements:

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1. The candidate shall be a qualified voter of the City of Ingleside and a resident of Ingleside for a period of at least one year prior to the date of election, and shall retain residency during entire term of office.
 2. At the time of filing for office, the candidate shall not be in arrears in the payment of any taxes or other liabilities due the City.
 3. No candidate may file for more than one office or position per election.
 4. No city employee shall be a candidate for any office while an employee of the City.
 5. A council person may run for another position on the council only if the council person resigns in writing from the position which is presently held. Said resignation must be filed with the office of the city secretary no less than 30 days before the deadline date for City Council candidates to file for office. Such a resignation cannot be withdrawn and cannot be made to be conditional on any event. Said council person shall continue to serve in the position from which he or she resigned until the earlier to occur of the following: when his or her successor takes office; or, if said council person is elected to a new position, on the day said council person assumes the newly held position to which he or she was most recently elected.
 6. A council person may run for another elected position of public office (such as school board, county office, state office, or federal office (any elected positions)) only if the council person resigns in writing from the council position which is presently held. Said resignation must be filed with the office of the city secretary no less than 30 days before the deadline date for candidates to file for the other public office. Such a resignation cannot be withdrawn and cannot be made to be conditional on any event. Said council person shall continue to serve in the position from which he or she resigned until the earlier to occur of the following: when his or her successor takes office; or, if said council person is elected to a new position, on the day said council person assumes the newly held position to which he or she was most recently elected.
- B. *Procedure for Filing for Office:* Any qualified person (see Section 5.02A) who desires to become a candidate for election shall file an application with the City Secretary not earlier than sixty days, nor later than the thirty-first day prior to the election date or within such other time as may be allowed by Texas Election Code. Such an application shall clearly designate the office to which the candidate seeks election, and shall contain a sworn statement by the candidate that he or she is fully qualified under the provisions of this Charter to hold the office sought.
- (Amd. of 5-4-96; Ord. No. 981, § II, Prop. 9, 1-13-09; Ord. No. 2017-01 , § II, Prop. 7, 1-10-17; Res. No. 2021-23 , amd. Q, elec. of 5-1-21)

Section 5.03. Official ballots.

- A. *Candidates' Names on Ballots:* The names of all candidates who have filed for office shall be printed on the official ballots without party designation. The order on the ballot of the names of the candidates for each office shall be determined by lot in a drawing to be held under the supervision of the City Secretary.
- B. *Absentee Balloting:* Absentee Voting shall be governed by the Election Code of the State of Texas.
- C. *Write-in Votes:* There must be space for each office on the ballot for the voter to write in a name for a potential candidate and procedures for write-in votes shall be governed by the current edition of the Texas Election Code. There can be no write-in votes in any runoff election.
- D. *Ballots for Ordinances, Bond Issues, and Charter Amendments:* An ordinance, bond issue or Charter amendment, to be voted on by registered voters of the City, shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement, approved by

majority of the whole City Council, describing the substance of the measure without argument or prejudice. The wording and order of the ballot shall be in accordance with Texas Election Law.

- E. *Election Procedures:* Election procedures shall be consistent with the current edition of Texas Election Laws. (Ord. No. 785, § 1, Prop. N, 2-13-01; Ord. No. 2017-01, § II, Prop. 8, 1-10-17)

Section 5.04. Determination of election results.

- A. *Canvassing:* The returns of every municipal election shall be delivered from the election judges to the Mayor at City Hall not later than twelve hours after the closing of the polls. One (1) extra copy shall be delivered to the City Secretary at this time. The City Council shall canvass the returns in sufficient time but not later than the time provided for in the current edition of the Texas election laws, to declare the official results of the election at the next City Council meeting after the closing of the polls. The returns of every municipal election shall be recorded in the minutes of the City Council, by totals for each candidate or for and against each issue submitted.
- B. The candidates receiving the greatest number of votes cast for Mayor and for each place shall be declared elected.

(Ord. No. 981, § II, Prop. 10, 1-13-09)

Section 5.05. Taking office.

The City Secretary shall promptly notify all persons elected to office. A candidate who is elected in a regular or special City election shall, after taking the oath of office as prescribed in Article II, take office, and enter upon his/her duties at the next City Council meeting after the date of the election.

(Ord. No. 785, § 1, Props. K, N, 2-13-01)

ARTICLE VI. INITIATIVE, REFERENDUM AND RECALL

Section 6.01. General authority.

- A. *Initiative:* The qualified voters of the City shall have power to propose ordinances to the City Council, and if the City Council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a city election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of City officers or employees. Such initiative power may be used to enact a new ordinance, or to repeal or to amend section of an existing ordinance.
- B. *Referendum:* The qualified voters of the City shall have power to require reconsideration by the City Council of any adopted ordinance and, if the City Council fails to repeal an ordinance so reconsidered, to approve or reject it at a City election, provided that such power shall not extend to the budget or capital program or any emergency ordinance relating to appropriation of money or levy of taxes.
- C. *Recall:* The qualified voters shall have the power to recall any elected official of the City on grounds of incompetency, noncompliance with this Charter, misconduct or malfeasance in office. Such power shall be exercised by filing with the City Secretary a petition, signed by currently qualified voters of the City equal in number to at least twenty-five percent of the total number of qualified voters voting at the last regular City election, demanding removal of such elected official. The recall petition must specifically state each ground

or grounds upon which such petition for removal is predicated as to give the officer sought to be removed notice of the matters and things with which he/she is charged.

The provisions regulating initiation, certification, amendment, withdrawal of initiative and referendum petitions and submission to voters shall apply to recall petitions.

(Ord. No. 785, § 1, Props. D, N, 2-13-01)

Section 6.02. Commencement of proceedings; petitioner's committee; affidavit.

Any five 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, stating their names and residence addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

Section 6.03. Petitions.

- A. *Number of Signatures:* Initiatives and referendum petitions must be signed by qualified voters of the City equal in number to at least twenty-five percent of the total number of qualified voters voting at the last regular City election.
- B. *Form and Content:* 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 residential address and voter registration number of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text to the ordinance proposed or sought to be reconsidered.
- C. *Affidavit of Circulator:* Each paper of a petition shall have attached to it when filed an affidavit executed by the circulation thereof stating that he/she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his/her presence, that he/she believed them to be 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 reconsidered.
- D. *Time for Filing Petitions:* Referendum petitions must be filed within thirty days after adoption by the City Council of the ordinance sought to be reconsidered. Initiative petitions must be filed within thirty days after issuance of the appropriate petition blanks to the petitioners' committee; additional time as specified in Section 6.04 shall be allowed for amending petitions.

(Ord. No. 785, § 1, Prop. N, 2-13-01; Ord. No. 875, § II, Prop. 7, 2-24-04)

Section 6.04. Determination of sufficiency.

- A. *Certificate of City Secretary:* Within ten (10) business days after the petition is filed, the person performing the duties of City Secretary shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall immediately upon completion of certification send a copy of the certificate to each member of the petitioners' committee by certified mail.
- B. *Sufficient Petition, Final Determination:* If the petition is certified sufficient, the person performing the duties of City Secretary shall present the certificate to the City Council by the next regular City Council meeting and the certificate shall be a final determination as the sufficiency of the petition.

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- C. *Insufficient Petition, Final Determination:* If a petition is certified insufficient, and the petitioners' committee does not elect to amend or request City Council review under subsection (D) and (E) of this section within the time required, the City Secretary shall present a certificate to the City Council by the next regular City Council meeting which shall be a final determination of the insufficiency of the petition.
 - D. *Insufficient Petition, Appeal:* If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it as in Section 6.04E, the committee may, within two (2) working days after receiving the copy of such certificate, file a request that it be reviewed by the City Council. The City Council shall review the certificate at its next regular meeting following the filing of such request and approve or disapprove it, and the City Council's determination shall then be a final determination.
 - E. *Insufficient Petition, Amend:* A petition certified insufficient for lack of required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the City Secretary within two (2) working days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of Section 6.03B and 6.03C and shall be filed within ten (10) business days after the petitioner's committee files its notice of intention to amend.

Within five (5) days after (an) amended petition is filed, the person performing the duties of City Secretary shall complete a certificate as to the sufficiency of the petition as amended and shall within twenty-four (24) hours send a copy of such certificate to each member of the petitioners' committee by certified mail as in the case of an original petition. The final determination as to the sufficiency of an amended petition shall be determined in the same manner as prescribed for original petitions in Sections 6.04B, 6.04C and 6.04D, except that no petition, once amended, may be amended again.

- F. *Court Review, New Petition:* A final determination as to the sufficiency of a petition shall be subject to review in a court of competent jurisdiction and higher. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

(Amd. of 5-4-96; Res. No. 2021-23 , Amends. R, S, elec. of 5-1-21)

Section 6.05. Referendum petitions: suspension of effect of ordinance.

When a referendum petition is filed with the City Secretary, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

1. There is a final determination of insufficiency of the petition, or
2. The petitioners' committee withdraws the petition, or
3. The City Council repeals the ordinance, or
4. Upon the certification of the election results by the election officials.

Section 6.06. Action on petitions.

- A. *Action by City Council:* When an initiative or referendum petition has been finally determined sufficient, the City Council shall promptly consider the proposed initiative ordinance in the manner prescribed for enacting ordinances or reconsider the referred ordinance by voting its repeal. If the Council fails to adopt a proposed initiative ordinance without any change in substance within sixty days or fails to repeal the referred ordinance within thirty days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the City.
- B. *Submission to Voters:* The vote of the City on a proposed or referred ordinance shall be held not less than thirty days and not more than one hundred and twenty days from the date of the final City Council vote thereon. If no regular City election is to be held within the period prescribed in this subsection, the City

Council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the City Council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls and shall be published in its entirety or by caption at least once in the official newspaper of the City within fifteen days before the date of the election.

- C. *Withdrawal of Petitions:* An initiative or referendum petition may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for a vote of the City by filing with the City Secretary a request for withdrawal signed by at least four members of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

Section 6.07. Results of election.

- A. *Initiative:* If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the City Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- B. *Referendum:* If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

Section 6.08. Limitation of recall.

If a majority of the votes cast at a recall election shall be against removal of the elected official named on the ballot, he/she shall continue in office. If the majority of the votes cast at the election be for the removal of the elected official named on the ballot, the City Council shall immediately declare his/her office vacant and such vacancy shall be filled in accordance with the provisions of this Charter for the filling of vacancies.

(Ord. No. 785, § 1, Prop. N, 2-13-01)

Section 6.09. Limitation on recall.

No recall petition shall be filed against an elected official within six months after he/she takes office, and no elected official shall be subjected to more than one recall election during a term of office.

(Ord. No. 785, § 1, Prop. N, 2-13-01)

Section 6.10. Public hearing.

The elected official whose removal is sought may, within five days after such recall petition has been presented to the City Council, request that a public hearing be held to permit him/her to present facts pertinent to the charges specified in the recall petition. In this event, the City Council shall order such public hearing to be held, not less than five days nor more than fifteen days after receiving such request for a public hearing.

(Ord. No. 785, § 1, Prop. N, 2-13-01)

Section 6.11. Failure of city council to call an election.

In case all of the requirements of this Charter shall have been met and the City Council shall fail or refuse to receive the recall petition, or order such recall election, or discharge other duties imposed upon said City Council

by the provisions of this Charter with reference to such recall, then the County Judge of San Patricio County, Texas shall discharge any such duties herein provided to be discharged by the City Secretary or by the City Council. In addition, any qualified voter in the City may seek judicial relief in the District Court of San Patricio County, Texas, to have any of the provisions of this Charter pertaining to recall carried out by the proper official.

ARTICLE VII. MUNICIPAL FINANCE

Section 7.01. Fiscal year.

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

State law reference(s)—Fiscal year, V.T.C.A., Tax Code § 1.05.

Section 7.02. Submission of budget.

On or before the first regular city council meeting of August of each year, the City Manager shall submit to the City Council a proposed budget for the ensuing fiscal year and the budget message. The City Council shall review the proposed budget and make any appropriate changes prior to publishing the final budget.

(Ord. No. 1069, § II, Prop. 3, 12-11-12)

Section 7.03. Budget.

- A. *Budget Message:* A budget message explaining the budget both in fiscal terms and in terms of the work programs shall be submitted with the budget. It shall outline the proposed financial programs of the City for the ensuing fiscal year, the capital program, and capital projects for five fiscal years succeeding the budget year. It shall describe the important features of the budget and indicate any major changes from the current year in financial policies, expenditures, and revenues including the reasons for such changes. It shall also summarize the City's debt position and contain such other material as the City Manager deems desirable.
- B. *Budget Scope:* The budget shall provide a complete financial plan of all City funds and activities and, except as required by law or this Charter, shall be in such form as the City Manager deems desirable or the City Council may require. The budget shall be so arranged as to show comparative figures for actual and budgeted income and expenditure for the preceding fiscal year; budgeted and estimated income and expenditure for the current fiscal year; actual income and expenditure of the current fiscal year up to the time of preparation of the budget; and estimated income and expenditures for the budgeted year shall not exceed the total of the estimated income and surplus.
- C. *Content:* The budget shall contain in separate sections the following:
 - 1. A clear general summary of contents;
 - 2. A consolidated statement of receipts and expenditures of all funds, listed and itemized individually;
 - 3. An analysis and itemization of all estimated income of the City from surplus, miscellaneous income and taxes with miscellaneous income subclassified by source;
 - 4. Tax rates and collections for the preceding five years;
 - 5. An itemized statement of expenditures for pending and proposed new capital projects. Included shall be the amounts appropriated from the budget, the amounts to be raised by issuance of bonds, and the amount required for down payment;

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6. The amount required for sinking funds, for maturing serial bonds, and for interest on the City's debts;
 7. The total amount of the City's outstanding debts, with a schedule of maturity on bond issues in an attachment;
 8. A detailed estimate of the operating expenses of each department, office or agency;
 9. Statement of estimated net surplus or deficit for the ensuing fiscal year of each utility owned and operated by the City and a proposed method of its disposition. A subsidiary budget for each utility shall be included giving details of income and expenditures;
 10. Such other information as is required by City Council or deemed desirable by the City Manager;
 11. A contingency line item of up to 10% of the general fund revenues may be included; and
 12. Such dedicated reserves as may be required.
- D. *Public Notice and Hearing:* The City Council shall post in the City office, City Website, and publish in the official newspaper a general summary of the proposed budget and a notice stating:
1. The times and places where copies of the message and budget are available for inspection by the public; and the budget must be posted on the City website.
 2. The time and place for a public hearing on the budget.
- E. *City Council Action:*
1. The City Council shall hold two public hearings on the budget as submitted at the time and place so advertised or at another time and place with proper notification. Such hearings shall be held in accordance with the Constitution of the State of Texas, general laws of the State, this charter, and ordinances of the City, in the order named. All interested persons shall be given an opportunity to be heard, either for or against any item of the proposed budget.
 2. At the next regular or special called meeting, but not less than seven days after the public hearings the City Council may adopt the budget with or without amendment.
 3. The City Council shall adopt the budget by ordinance on two hearings. Adoption of the budget will require an affirmative vote of a majority of the entire City Council. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.
- F. *Failure to Adopt:* If the City Council fails to adopt for the budget by the twenty-fifth day of September, the amounts appropriated for operation during the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the City Council adopts a budget for the ensuing fiscal year. The levy of property tax normally approved as part of the budget adoption will be set such that the tax receipts for the budget year shall equal the tax receipts of the current fiscal year.
- (Amd. of 5-4-96; Ord. No. 786, § II, Prop. 13, 2-13-01; Ord. No. 1069, § II, Props. 4—7, 9, 12-11-12; Res. No. 2021-23 , amd. T, elec. of 5-1-2)

Section 7.04. Amendments after adoption.

- A. *Supplemental Appropriations:* If during the fiscal year the City Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the City Council may carry the excess into the next fiscal year or by ordinance may make supplemental appropriations to retire indebtedness or to fund emergency appropriations as described in Section 7.04B.

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- B. *Emergency Appropriations:* At any time in any fiscal year, the City Council may, pursuant to this section, make emergency appropriations to meet a pressing need for public expenditure, for other than regular or recurring requirements, affecting life, health, property, or the public peace. Such appropriations may require emergency notes, 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 in which the emergency appropriation was made.
- C. *Reduction of Appropriations:* If at any time during the fiscal year it appears probable to the City Manager that the revenues available will be insufficient to meet the amount appropriated, he/she shall report to the City Council without delay, indicating the estimated amount of deficit, any remedial action taken by him/her and his/her recommendations as to any other steps to be taken. The City Council shall then take such further action that it deems necessary to prevent or minimize any deficit.
- D. *Transfer of Appropriations:* At any time during the fiscal year the City Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency. The City Council may require their approval of these transfers within departments above a limit established by the City Council. Upon written request by the City Manager, the City Council may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office or agency to another. Any monies borrowed from one department can not pass the term of that City Council.
- E. *Limitations:* No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance.
- F. *Effective Date:* The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption of the ordinance.

(Amd. of 5-4-96; Ord. No. 785, § 1, Prop. N, 2-13-01)

Section 7.05. Capital program.

The City Manager shall submit a five-year capital program as an attachment to the annual budget. The capital program shall include the proposed program by the planning and zoning commission and comments by the City Manager. 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 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 7.06. Public records.

Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public upon request.

Section 7.07. 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 shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation. Any funds not expended, disbursed or encumbered shall be deemed excess funds and shall be appropriated by the City Council.

(Ord. No. 785, § 1, Prop. E, 2-13-01; Ord. No. 2017-01 , § II, Prop. 9, 1-10-17)

Section 7.08. Borrowing.

- A. *The Right to Borrow:* The City shall have the right and power, except as prohibited by law, to borrow money by whatever method it may deem to be in the public interest.
- B. *General Obligation Bonds:* The City shall have the power to borrow money on the credit of the City and to issue general obligation bonds for permanent public improvements or for any other public purpose not prohibited by law, and to issue refunding bonds to refund outstanding bonds previously issued.
- C. *Revenue Bonds:* The City shall have the power to borrow money for the purpose of constructing, purchasing, improving, extending, or repairing of public utilities, recreational facilities or any other self-liquidating municipal function not prohibited by law, and to issue revenue bonds to evidence the obligation created. Such bonds shall be a charge upon and payable from any or all City properties or interest pledged, or the income from the City properties, or both. The holders of the revenue bonds shall never have the right to demand payment out of monies raised or to be raised by taxation.
- D. *Borrowing in Anticipation of Property Tax:* In any budget year, the City Council may, by resolution, authorize the borrowing of money in anticipation of the collection of the property tax for the same year, whether levied or to be levied. Notes may be issued for periods not exceeding one year and must be retired by the end of the budget year in which issued.

Section 7.09. Purchasing and contracting.

- A. Contracts and purchases are referred to herein as a "contract". A contract is made by the Council if it is approved in advance by the Council, regardless of which city official signs it.
- B. The City shall comply with Chapter 252 Texas Local Government Code, and such other State laws as may govern City contracting and, except in emergency situations which shall be promptly reported to the Council, such contracts must be made by the Council.
 - (1) All requests for emergency or routine services not requiring a bid shall be awarded on a round robin basis to all local vendors.
 - (2) Vendor list should be reviewed annually by City staff for workmanship and pricing.
 - (3) Any vendor removed from the bid list shall have a right to appeal removal to the City Council at a Regular City Council Meeting within ninety days.
- C. As to a contract which is not governed by State law:
 - (1) The Council must make the contract, unless it authorizes the City Manager to make it.
 - (2) The Council must adopt rules governing Council-made and City Manager-made contracts.

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- (3) Council rules must be in compliance with this Charter.
 - (4) Such contracts must be in compliance with this Charter and Council rules.
 - (5) Council rules must provide procedural relaxation in the event of emergencies similar to the manner in which state law addresses emergencies in situations where contracting is governed by state law.
 - (6) Such contracts must be with the vendor who offers the best value to the City, as determined in the reasonable, good faith judgment of the contracting authority, whether Council or City Manager.
 - (7) Council rules must establish a monetary limit which City Manager-made contracts may not, except in emergencies, exceed.
 - (8) All contracts shall be awarded via sealed bids. All bids shall be opened by Department Head, Director of Finance, and City Secretary if contract is estimated to be under \$25,000.00. Bids shall be opened by City Manager, Director of Finance, and City Secretary if contract is estimated to be \$25,000.00 or more.

(Ord. No. 785, § 1, Props. L, N, 2-13-01; Ord. No. 1069, § II, Prop. 10, 12-11-12; Res. No. 2021-23 , Amends. U—X, elec. of 5-1-21)

Section 7.10. Administration of budget.

- A. *Payments and Obligations Prohibited:* No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the City Manager or his/her designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation that sufficient funds are or will be available to cover the claim or meet the obligation when it becomes due and payable. 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 obligations, and he/she shall also be liable to the City for any amount so paid. However, 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, certificates of obligations, or grants from other governmental bodies, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance. All disbursements above a limit set by City Council shall require two authorized signatures. The City Council shall designate those authorized to sign the disbursements.
- B. *Financial Reports:* The City Manager shall submit to the City Council each month a report covering the financial condition of the City.
- C. *Annual Audit:* An annual audit shall be performed by a competent certified public accounting firm as provided in Article 3.

(Ord. No. 785, § 1, Prop. N, 2-13-01)

Section 7.11. Depository.

- A. All monies received by any person, department or agency of the City for or in connection with affairs of the City shall be deposited promptly in the City depository or depositories, which shall be designated by the City Council in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by ordinance. All checks, vouchers or warrants for the withdrawal of money from the City depositories shall be signed and countersigned by persons designated by the City Council.

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- B. The City shall officially designate a depository by contract which contract shall be no longer than three years with a maximum of two one-year extensions as authorized by Council.

(Ord. No. 1069, § II, Prop. 11, 12-11-12)

ARTICLE VIII. TAX ADMINISTRATION

Sec. 8.01. Power to tax property.

The City Council shall have the power, and is hereby authorized annually, after the budget is adopted, to levy and collect taxes up to the maximum authorized by the Constitution of Texas based on the assessed value of all real and personal property in the City, not exempt by the Constitution and laws of Texas from taxation.

(Amd. of 5-4-96)

Sec. 8.02. Automatic levy.

If for any cause the City Council shall fail or neglect to pass a tax ordinance for any year, levying taxes for that year, the tax ordinance last passed shall be considered in force and effect as the tax ordinance for the year for which the City Council so failed to pass a tax ordinance, and the failure to pass such ordinance in any year shall not invalidate the collection of the tax for that year.

(Amd. of 5-4-96)

Sec. 8.03. Due date and penalties.

The City Council may also prescribe the date when taxes shall become due and prescribe penalties for nonpayment before they become delinquent.

(Amd. of 5-4-96)

Sec. 8.04. Other taxes.

The City Council may also levy, assess and collect any other types of taxes as provided by State law, provided that no such tax shall be greater than is authorized by such statute.

(Amd. of 5-4-96)

Sec. 8.05. Taxes, when due and payable.

Taxes shall be due and payable at the time and place provided by State law or in the absence of State law as provided by the City Council.

(Amd. of 5-4-96)

Section 8.06. Tax liens and liabilities.

All taxable property located in the City on the first day of January of each year shall stand charged from said date with a special lien in favor of the City for the taxes due thereon. The liens provided therein shall be superior to

all other liens except liens for Federal, State and County taxes, regardless of when such other liens were created. All persons purchasing any of said property after the first day of January in any year shall take same subject to the liens herein provided. In addition to the liens herein provided, on the first day of January of any year, the owner of property subject to taxation by the City shall be personally liable for the taxes due thereon for such year. The City shall have 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 any such suit where it appears that the description of any property in the 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 or for personal judgment against the owners for such taxes.

Section 8.07. Arrears of taxes offset to debt against city.

The City shall be entitled to counterclaim and offset against any debt, claim, demand or account owed by the City to any person, firm or corporation who is in arrears to the City for taxes, in the amount of taxes so in arrears, and no assignment or transfer of such debt, claim, demand or account after the said taxes are due, shall affect the right of the City to so offset the said taxes against the same.

Section 8.08. Tax remission discount and compromise, correction of error.

Except as herein provided, neither the City Council nor any other official of the City shall extend the time for payment of taxes nor remit, discount or compromise any tax legally due the City, nor waive the penalty and interest that may be due thereon to any persons, firms or corporations owing taxes to the City for such year or years; provided, however, that this provision shall not prevent the compromise of any tax suit, or the correction of any errors in assessment, or preparation of tax rolls, or preparation of a tax statement. Such compromise or correction of errors shall first have the approval of the City Council by majority vote of all Councilmembers.

Section 8.09. Other rules and regulations.

Except as otherwise provided by law or this Charter, the City Council shall have the power to provide by ordinance such rules, regulations and mode of procedure to enforce the collection and payment of City taxes as it may deem expedient, and may provide such penalties for the failure to pay such taxes as it may deem expedient.

(Amd. of 5-4-96)

Section 8.10. Right to contract with other governmental entities.

The City Council shall be empowered to contract, by ordinance or resolution, with any other governmental entity, person or private entity with regard to the collection of taxes.

(Amd. of 5-4-96)

ARTICLE IX. PUBLIC UTILITIES AND FRANCHISES

Section 9.01. Powers of the city.

In addition to the City's power granted elsewhere in this Charter, the City shall have power to buy, own, sell, construct, lease, maintain, and operate public service within or outside the City limits.

(Ord. No. 785, § 1, Prop. M, 2-13-01)

Section 9.02. Power to grant franchise.

The City Council shall have the power by ordinance to grant, renew and extend all franchises of a public service operating within the City and, with consent of the franchisee, to amend the same. No franchise shall be granted for a term of more than thirty years from the date of the grant, renewal or extension.

Section 9.03. Ordinance granting franchise.

Any ordinance granting, renewing, extending or amending a franchise shall not take effect until at least twenty-eight days after its final passage. Within seven days following the first reading of the ordinance, the ordinance shall be published in its entirety or in caption form one time in the official City newspaper, and the expense of such publication shall be borne by the prospective franchisee. No franchise shall be exclusive.

Section 9.04. Transfer of franchise.

No public service franchise shall be transferable except with the approval of the City Council as expressed by ordinance. The term "Transferable," as used herein, shall not be construed in such a manner as to prevent the franchisee from pledging said franchise assets as security for a valid debt or mortgage.

Section 9.05. Franchise value not to be allowed.

Franchise granted by the City shall be considered to be of no value in considering:

- A. The rates and/or charges for utilities or service within the City; and
- B. The compensation to be paid by the City for public service property which the City may acquire by condemnation or otherwise.

Section 9.06. Right of regulation.

In granting public service franchises or in amending, renewing or extending them the City shall have the following rights:

- A. To repeal the franchise by ordinance for failure of the franchisee to comply with its terms. Included is failure of the franchisee to begin construction or operation within the time prescribed. This power shall be exercised only after the franchisee has been given due written notice and opportunity for hearing, and a reasonable time, not to exceed sixty days from hearing date to correct such failures.
- B. To require such expansion, extension, enlargement and improvements of facilities and services as are necessary to provide adequate service to the public, and maintenance of the facilities and service to the highest reasonable standard of efficiency.
- C. To impose reasonable regulation of service and quality of the product for the safe, efficient and continuous service to the public.
- D. To require the keeping of accounts in such form as will accurately reflect the cost of the property of each franchisee which is used and useful in rendering its service to the public and the expenses, receipts and profits of all kinds of such franchisees. It shall be deemed sufficient compliance with this paragraph if the franchisee keeps its accounts in accordance with the uniform system established by any federal or state agency for their service. To examine and audit accounts and records and to require annual reports on local operations of the utility.

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- E. To require the franchisee to restore at the franchisee's expense, all public or private property to a condition equally as good as or better than before disturbed by construction, repair or removal. The property owner retains the right to seek action by law for damage resulting therefrom.
 - F. To require every franchisee to furnish within a reasonable time to the City, without cost to the City, a general map, with updates outlining the location, character, size, length and terminals of all facilities of such franchisee in, over and under ground of property in the City and to provide detailed information on request.
 - G. The City shall have the right to set rates of City owned public services.

Section 9.07. Extensions.

All extensions of service within the City limits shall become a part of the aggregate property of the service, and shall be operated as such, and shall be subject to all the obligations and reserved rights contained in this Charter. The extension of the service shall be considered as part of the original grant and shall be terminable at the same time and under the same conditions as the original grant.

Section 9.08. Regulations of rates.

Except as limited by State or Federal law, the City shall have the following rights to fix and regulate the rates and charges of all public utilities and fix the fare of all public transportation of every kind operating within the corporate limits of the City:

- A. The City Council has the power by ordinance to fix and regulate the rates and charges of all public utilities and fix the fares of all public transportation of every kind operating within the corporate limits of the City of Ingleside.
- B. [The] City Council, upon receiving a request from a public service desiring a change in rates, charges or fares, shall call a meeting for consideration of such change.
- C. The public service shall show the necessity for such change by establishing by clear, competent and convincing evidence:
 - 1. Cost of its investment properly allocable to service in the City;
 - 2. Amount and character of its expenses and revenues connected with the rendering of such service; and
 - 3. Any additional evidence required by the City Council.
- D. [The] City Council may, if not satisfied with the sufficiency of the evidence furnished by the public service, select and employ rate consultants, auditors and attorneys to investigate and, if necessary, litigate the requests for changes in rates, charges or fares. The public service shall reimburse the City for its reasonable and necessary expenses so incurred. If the City Council takes no action on the request, the new rates go into effect after thirty-five days.

If the City Council needs more time to study the request, it must, before the time runs out, notify the company in writing that it needs more time to study the request and will suspend the operation of the schedule for one hundred twenty days.

- E. The public service may, if not satisfied with the rate, charge or fare ordered by City Council, make a motion for rehearing within twenty days of the entry of such order. Such motion will be deemed overruled if not acted upon by City Council within thirty days, provided that City Council may by resolution extend such time for action on the motion to a maximum of sixty days.

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- F. No public service may institute legal action contesting such rate, charge or fare by City Council until such public service has exhausted all remedies provided herein.
- G. Public services and utilities subject to Vernon's Ann. Civ. St. art. 1446c shall be regulated by the City Council in the manner and to the extent provided in such State Statute.
- (Amd. of 5-4-96)

Section 9.09. Accounts of city-owned public services.

Accounts shall be kept for each public service owned or operated by the City, in such manner as to show the true and complete financial results of each such City ownership and operation. The accounts shall show the actual capital cost to the City of each public service owned, also the cost of all extensions, additions and improvements, and the source of the fund expended for such capital purposes. They shall show as nearly as possible the cost of any service furnished to or rendered to any other City or governmental agency.

ARTICLE X. PLANNING AND ZONING

Section 10.01. Planning and zoning.

There shall be a Planning and Zoning Commission whose responsibilities are to accomplish the City planning and zoning functions to effect the orderly and desired growth, development and beautification of the City. The commission shall formulate and recommend to the City Manager a comprehensive Master Plan and shall consult with other city departments regarding planning. The Commission shall recommend any proposed zoning changes to the City Council and shall act in an advisory capacity to the City Council on all matters affecting the development of the City.

Section 10.02. Organization, selection, and term of office.

The Planning and Zoning Commission shall be composed of seven members appointed by the City Council. Members shall serve for a term of two years with four members being appointed with terms beginning on January 1 of odd-numbered years and three members appointed with terms beginning on January 1 of even-numbered years. Vacancies occurring in the Commission, for whatever reason, shall be filled within sixty days by appointment by the City Council, for the remainder of the unexpired term. Members appointed under this provision of the Charter may be reappointed for a second term. Under no provision shall a person serve over two consecutive terms or a fraction thereof. No member of the Planning and Zoning Commission shall hold another salaried or elected City office. Three successive unexcused absences from the Commission meetings shall terminate membership on the City Planning and Zoning Commission. Members of the commission shall serve without compensation but may be reimbursed for necessary expense incurred as a result of their work. The Planning and Zoning Commission shall elect a Chairman and Vice-Chairman from the membership and shall have the power to make rules, regulations and bylaws for its own government, which shall be subject to approval by the City Council.

Section 10.03. Comprehensive master plan.

The Planning and Zoning Commission shall formulate a Comprehensive Master Plan for the development of the City, containing the Commission's recommendations for growth, development and beautification of the City. This plan shall be updated on an annual basis and shall contain the planning considerations for a period of ten years. This plan shall be forwarded, at least one hundred and twenty days prior to the beginning of the budget year, to the City Manager who shall submit it to the City Council with his/her recommendations thereon. The City

Council shall hold a public hearing on the proposed Comprehensive Plan, or modification thereof, and shall thereafter adopt it by resolution with or without amendment.

(Ord. No. 785, § 1, Prop. N, 2-13-01)

Section 10.04. Plats and building codes.

The Planning and Zoning Commission shall approve or disapprove plats of proposed subdivisions submitted in accordance with City ordinances as adopted or herein amended. The commission shall recommend to the City Council amendments, extensions or revisions of the Building Code, which shall include the minimum standards of construction for building, plumbing and wiring.

Section 10.05. Board of adjustment.

The City Council shall appoint a Board of Adjustment which shall have the power to hear and determine appeals from the refusal of building permits, appeals resulting from administrative decisions by City Building Inspectors, and to permit exception to or variations from the zoning regulations in classes of cases or situations in accordance with the principles, conditions and procedures specified in the zoning ordinance.

Section 10.06. Organization, selection and term of office.

The Board of Adjustment shall be composed of five members and four alternate members appointed by the City Council. Members and alternate members shall serve for a term of two years with three members and two alternate members having terms beginning in one year and two members and two alternate members having terms beginning in alternate years. All cases heard by the Board of Adjustment will be heard by a minimum of four members and/or alternate members. Vacancies occurring in the Board of Adjustment for whatever reason shall be filled within sixty days by the City Council for the remainder of the unexpired term. No member of the Board of Adjustment shall hold another salaried or elected City office. Three successive unexcused absences from the meetings, after a minimum five days' notice served by mail of the time, place and agenda of such meetings, shall constitute cause for termination of membership on the Board of Adjustment. The members of the board shall serve without compensation, but may be reimbursed for necessary expense incurred as a result of their work. The Board shall elect a chairman and vice-chairman from its membership and shall have the power to make rules, regulations and bylaws for its own government which shall be subject to approval by the City Council.

Members appointed under this provision of the Charter may be reappointed for a second term. Under no provision shall a person serve over two consecutive terms or a fraction thereof.

ARTICLE XI. GENERAL PROVISIONS

Section 11.01. Publicity of records.

All public records of every office, department or agency of the City shall be open to inspection by any citizen at all reasonable times, provided that records closed to the public or disclosure of which is not required by law shall not be considered public records for the purpose of this section. During normal office hours any citizen of the City or any duly authorized representative of the press or other news media shall have the right to examine any such public records belonging to the City and shall have the right to make copies thereof under such reasonable rules and regulations as may be prescribed by the City Council or by this Charter subject to and in accordance with Texas Open Records Act.

(Amd. of 5-4-96)

Section 11.02. Personal financial interest.

Conflicts of interest of City Council persons and other officers who are local public officials, as defined by Section 171.001(1), Texas Local Government Code, shall be governed by Chapter 171, Texas Local Government Code. No other officer or employee of the City who has a substantial interest in any business entity or property, as defined by Section 171.002, Texas Local Government Code, shall make or enter into any contract with the City regarding that business entity or property.

(Amd. of 5-4-96)

Section 11.03. Official newspaper.

The City Council shall by resolution designate a public newspaper of general circulation in the City as the 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 by this Charter, by the ordinances of the City, or by the Constitution and/or laws of the State of Texas.

Section 11.04. Nepotism.

Persons related within the second degree by affinity, or within the third degree by consanguinity to any elected officer of the City, or to the City Manager, shall be appointed to monetarily compensated offices, positions, or clerkships or other services of the City, only in accordance with Texas Government Code.

(Ord. No. 981, § II, Prop. 11, 1-13-09; Res. No. 2021-23 , amd. Y, elec. of 5-1-21)

Section 11.05. Oath of office.

Every officer of the City, whether elected or appointed, before entering upon the duties of office, in accordance with Texas State Constitution, Article 16, Section 1, shall take and subscribe to the appropriate oath or affirmation to be filed and kept in the office of the City Secretary.

(Amd. of 5-4-96)

Section 11.06. Prohibitions.

- A. No person shall be appointed to or removed from or in any way favored or discriminated against with respect to any City position or appointive City administrative office because of race, sex, national origin, political or religious opinions or affiliations. The City shall adopt and maintain an affirmative action statement at all times.
- B. No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the personnel provisions of the Charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.
- C. No person who seeks appointment or promotion with respect to any City position or appointive City administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his/her test, appointment, proposed appointment, promotion or proposed promotion.

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- D. No person who holds any compensated appointive City position shall make, solicit or receive any contribution for any candidate for public office in the City or take any part in the management, affairs or political campaign of such candidate, but he/she may exercise his/her rights as a citizen to express his/her opinions and to cast his vote.
- E. *Penalties:* Any person who violates any of the provisions of Section A, B or D of this Article shall be guilty of a misdemeanor and upon conviction thereof shall pay such penalty as may be provided for by City Ordinance or the Statutes of the State of Texas. State law defines a violation of Section C as a crime and prescribes the criminal penalty for violation. Any person convicted under this section shall be ineligible for a period of five years thereafter to hold any City office or position and, if an officer or employee of the City, shall immediately forfeit his office or position.

(Amd. of 5-4-96; Ord. No. 785, § 1, Props. F, N, 2-13-01)

Section 11.07. Assignment, execution and garnishment.

The property, real and personal, belonging to the City shall not be liable to be sold or appropriated under any writ or 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 in garnishment on account of any debt 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.

Section 11.08. Security and bond.

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

Section 11.09. Damage suits.

- A. Before the City shall be liable for any claim for damages for the death or personal injuries of any person or for damages to property, the complainant or his/her authorized representative shall notify the City Secretary. The notification shall be in writing, duly verified, and shall state specifically how, when and where the death, injury, or damage occurred; the amount of loss claimed; and the identity of any witnesses upon whom it is relied to establish the claim. The notification shall be filed within forty-five days of the date of injury or damage or in the case of death, within forty-five days of the date of death. No action at law shall be brought against the City until at least sixty days have elapsed since the date of notification.
- B. The City Council shall have the power to compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the City, including suits by the City to recover delinquent taxes.

(Ord. No. 785, § 1, Prop. N, 2-13-01)

Section 11.10. Severability clause.

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

Section 11.11. Amending the Charter.

Amendments to this Charter may be framed and submitted to the voters of the City in the manner provided by State law. However, the City Council may, by ordinance, make nonsubstantive amendments to the City Charter to correct typographical errors, grammatical errors, references to laws which have been changed or which have been changed or which references are, for any reason, incorrect, and to neutralize all gender references; provided, that no such amendment shall change the meaning or substance of the Charter.

(Amd. of 5-4-96)

Section 11.12. Charter review commission.

The City Council shall appoint at its first regular meeting in July of every fourth year after approval of this Charter, a Charter Review Commission of five citizens of the City.

A. *Duties of the Commission:*

1. Inquire into the operation of the City Government under the Charter provisions and determine whether any such provisions require revision. 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 and require the submission of any of the City records which it may deem necessary to the conduct of such hearing.
2. Propose any recommendations it may deem desirable to insure compliance with the provisions of the Charter by the several departments of the City government.
3. Propose, if it deems desirable, amendments to this Charter to improve the effective application of the Charter to current conditions.
4. Report its finding and present its proposed amendments, if any, to the City Council.

B. *Action by the City Council:* The City Council shall receive and have published in the designated official public newspaper of the City any report presented by the Charter Review Commission; shall consider any recommendation made, and if any amendments be presented as part of such report, may order such amendment or amendments to be submitted to the voters of the City in the manner provided by State law.

C. *Term of Office:* The term of office of such Charter Review Commission shall be six months, and at the completion of such term a report shall be presented to the City Council, and all records of the proceedings of such commission shall be filed with the City Secretary and shall become a public record.

(Amd. of 5-4-96)

ARTICLE XII. TRANSITIONAL PROVISIONS

Section 12.01. Schedule.

- A. This Charter shall take effect on the first day following adoption by the voters of the City of Ingleside and shall be fully operative within one year after such adoption.
- B. It is contemplated that this Charter will be presented to the voters on the ballot of the special election scheduled for Tuesday, November 6, 1979; it is further contemplated that the same ballot will provide for the election, at large, of one candidate to the City Council office created by adoption of this Charter.

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- C. The term of the member of the City Council created by adoption of this Charter shall expire at the regular election next following.
 - D. The limitations prescribed in Article III, Section 3.01C of this Charter shall apply to all persons elected to office in 1979 and thereafter.
 - E. All Boards, Commissions and Committees in existence on the effective date of this Charter, and not in conflict with the provisions thereof, may continue in existence. Any Board, Commission or Committee in existence on the effective date of this Charter which is in conflict with the provisions thereof is abolished, with such abolition to take effect on the 120th day after the effective date of the Charter.

(Ord. No. 785, § 1, Prop. H, 2-13-01)

Section 12.02. Appointive officers and employees.

- A. Nothing in this Charter, except as may be specifically provided otherwise, shall affect or impair the rights or privileges of persons who are appointive officers or employees of the City at the same time of its adoption.
- B. An employee holding a City position at the time this Charter becomes fully operative, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in that same position but in all other respects shall be subject to the personnel system provided for in Article IV.

(Ord. No. 785, § 1, Prop. I, 2-13-01)

Section 12.03. Effect of the Charter on existing law.

- A. All codes, ordinances, resolutions, rules and regulations in force in the City on the effective date of this Charter, and not in conflict with the provisions thereof, shall remain in force until altered, amended or repealed by the City Council. Emergency ordinances enacted before the adoption of this Charter shall not be affected by the provisions of Article III, Section 3.12, of this Charter. Any code, ordinance, resolution, rule or regulation which conflicts with the provisions of this Charter is repealed to the extent that it is inconsistent or will interfere with the effective operation of this Charter or ordinances enacted pursuant thereto.
- B. All taxes, assessments, liens, encumbrances and demands, of or against the City, fixed or established before the effective date of this Charter, or for the fixing or establishing of which proceedings had begun prior to such date, shall be valid when properly fixed or established under the law in force at the time of the beginning of such proceedings or under the law after adoption of this Charter.

(Ord. No. 785, § 1, Prop. J, 2-13-01)

Section 12.04. Pending matters.

All rights, claims, actions, orders, contracts, franchises and legal or administrative proceedings in existence or pending on the effective date of this Charter shall continue until consummation. All new or renewal rights, claims, actions, orders, contracts, franchises and legal or administrative proceedings initiated after the effective date of this Charter shall conform to the requirements and provisions thereof.

Section 12.05. Submission of the Charter to the voters.

The Charter Commission in preparing this Charter concludes that it is impracticable to segregate each subject so as to permit a vote of "yes" or "no" on the same, for the reason that 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 the said Charter be voted upon as a whole and that it shall be submitted to the qualified voters of the City of Ingleside at the special City election to be held on November 6, 1979. Not less than thirty days prior to that election, the City Council shall cause the City Secretary to mail a copy of this Charter to each qualified voter of the City of Ingleside as appears from the latest certified list of registered voters. If a majority of the qualified voters voting in that election shall vote in favor of the adoption of this Charter, it shall become the Charter of the City of Ingleside, and after the returns have been canvassed, the same shall be declared adopted and the City Secretary shall file an official copy of the Charter with the records of the City. The Secretary shall furnish the Mayor a copy of said Charter, which copy of the Charter so adopted, authenticated and certified by his/her signature and Seal of the City, shall be forwarded by the Mayor to the Secretary of State of the State of Texas and shall show the approval of such Charter by majority vote of the qualified voters voting at that election.

(Ord. No. 785, § 1, Prop. N, 2-13-01)

Section 12.06. Public act.

This act shall be deemed a public act and judicial notice shall be taken thereof in all courts.