

PART I
HOME RULE CHARTER

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**ARTICLE I. INCORPORATION, FORM OF
GOVERNMENT AND BOUNDARIES**

Sec. 1. Corporate name.

The inhabitants of the City of Beeville, in Bee County, Texas, at the boundaries and limits of said city are herein established, shall be a body politic and corporate in perpetuity under the name and style of the "City of Beeville," with such powers, rights and duties as are herein provided.

Sec. 2. Form of Government.

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

Sec. 3. The boundaries.

The boundaries of the City of Beeville are hereby established as follows:

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Located and situated in the County of Bee, State of Texas, and being described by metes and bounds as follows:

The boundaries of the City of Beeville, Texas are hereby established and described as being those boundaries as per plat filed in the Office of the City Secretary approved by majority vote of the duly elected City Council and duly approved by the U. S. Department of Justice Election Division as to compliance with the Voting Rights Act and the "One Man One Vote" concept.

Sec. 4. Extension of boundaries.

The boundaries of the City of Beeville may be enlarged and extended by the annexation of additional territory, irrespective of size and configuration, in any of the methods. Hereinafter designated:

(a) Extending limits in accordance with article 974 of the revised civil statutes: Where such additional territory adjoins the corporate limits of the city and contains three (3) or more inhabitants qualified to vote for members of the state legislature, such adjacent territory may be annexed to the city in the manner and in conformity with the procedure set forth in article 974 of the Revised Civil Statutes of the State of Texas of 1925.

(b) Extension of limits by election: The city council shall have the power to order an election or elections for the purpose of annexing territory lying adjacent to the City of Beeville. Such order shall include the field notes of the area sought to be annexed. The city council shall give notice of the date and place of balloting at such election by publication of the order in the official newspaper for at least twenty (20) days prior to the date on which such election is ordered. The inhabitants of the City of Beeville and the territory to be annexed, who are qualified to vote for members of the state legislature, shall be qualified to vote at such election. The city council shall, at its next meeting, canvass the returns of such election and if a majority of the votes cast at such election favor such annexation, the council shall declare the said territory annexed to the City of Beeville, and the boundary limits of the City of Beeville shall thereafter be extended and fixed so as to include such territory; and when any additional territory has been so annexed, same shall be a part of the City of Beeville and all property situated therein shall bear its pro rata part of the taxes levied by the City of Beeville, and the inhabitants thereof shall be entitled to all the rights and privileges of all the citizens of said city, and they shall be bound by the lawful acts, ordinances, resolutions and regulations of said city.

(c) Annexation of unoccupied lands by petition of owners: The owner or owners of any land which is without residents, contiguous and adjacent to the city may, by petition in writing to the governing body, request the annexation of such contiguous and adjacent land, describing it by metes and bounds. The governing body shall thereafter, and not less than five (5) and not more than thirty (30) days after the filing of such petition, hear such petition and the arguments for and against the same, and grant or refuse such petition as the governing body may see fit.

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If the governing body grants such petition, it may by proper ordinance receive and annex such territory as a part of the city.

(d) Annexation by amendment to charter: The boundary limits of the city may be fixed and additional territory added or annexed thereto by amendment to the charter of the city.

(e) Annexation by any other method provided by law: Additional territory may also be annexed to the city in any manner and in any procedure that may now be provided by law or that may be hereafter provided by law. Same shall be in addition to the methods hereinabove provided.

(f) Annexed territory to become part of the city: Upon completion of any one of the procedures hereinabove provided, the territory so annexed shall become a part of the city, and said land and its inhabitants and future inhabitants shall be entitled to all the rights and privileges of other citizens of the city and shall be bound by the acts, ordinances, resolutions and regulations of the city.

Sec. 5. Platting of property.

Hereafter every owner of any tract of land situated within the corporate limits of the City of Beeville, or within any area over which the City of Beeville may have jurisdiction under state law, who may divide the same into two (2) or more parts for the purpose of laying out any subdivision or any addition to the city, shall comply with the provisions of article 974a of the Revised Civil Statutes of Texas, and all amendments thereto, and said articles 974a and amendments thereto are hereby adopted and incorporated herein for all purposes. (Ord. No. 734, § 1)

ARTICLE II. POWERS OF THE CITY

Sec. 1. General

The City of Beeville, as such body politic and corporate, shall have perpetual succession; may sue and be sued; and shall have all the powers granted to cities by the constitution and laws of the State of Texas, together with all the implied powers necessary to carry into execution all the powers granted. The city may acquire property within or without its boundaries for any municipal purpose in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage and control any property now owned by it or which it hereafter may acquire, and may construct, own, lease, operate and regulate public utilities; may assess, levy and collect taxes for general and special purposes on all lawful subjects of taxation; may borrow money on the faith and credit of the city by the issuance and sale of bonds or notes of the city; may appropriate the money of the city for all lawful purposes; may regulate and control the use, for whatever purpose, of the streets and other public places; may make and enforce all police, health, sanitary and other regulations, and may pass such ordinances as may be expedient for the protection and maintenance of good government, peace and welfare of the city, for the performance of the functions thereof, for the order and security of its inhabitants, and to protect the peace, lives, health and property of the inhabitants; and may provide suitable penalties for the violation of

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any ordinance enacted by the City of Beeville; and except as prohibited by the constitution of this state or restricted by this charter, the city may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

Sec. 2. General powers adopted.

The enumeration of the particular powers in this charter shall not be held or deemed to be exclusive but in addition to the powers enumerated herein or implied hereby or appropriate to the exercise of such powers, the city shall have and may exercise all power of local self-government and all other powers which, under the constitution and laws of the State of Texas, it would be competent for this charter specifically to enumerate. The City of Beeville shall have and exercise all the powers enumerated in chapter 13, title 28, article 1175 of the Revised Civil Statutes of the State of Texas of 1925 and amendments thereto and hereafter enacted.

Sec 3. Eminent domain.

The city shall have the full power and right to exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred upon it by this charter or by the constitution and laws of the State of Texas. The city may exercise the power and eminent domain in any manner authorized or permitted by the constitution and laws of this state. The power of eminent domain hereby conferred shall include the right of the city to take the fee in land so condemned and such power and authority shall include the right to condemn public property for such purposes. The city shall have and possess the power of condemnation for any municipal or public purposes even though not specifically enumerated in this charter.

ARTICLE III. THE COUNCIL

Sec. 1. Number, selection and term.

The legislative and governing body of the city shall consist of five (5) members and shall be known as the "City Council of the City of Beeville, Texas." The city councilmen elected on the first Tuesday of April, 1973, shall each serve for a term of one (1) year only.

The members of the city council shall be the only elective officers of the city and three (3) of their number shall be councilmen, one (1) shall be mayor pro tempore and the fifth (5) shall be the mayor of the city. The mayor and the mayor pro tempore shall be elected by the city council by majority vote. The City is hereby divided into five (5) separate and distinct wards, Numbers 1 through 5, being geographically described as follows:

WARD 1: All that certain area in the City of Beeville bounded on the north by the south boundary of Ward 2, hereinafter described, in the north boundary of West Corpus Christi Street;

Bounded on the east by the west boundary of Madison Street; and

Bounded on the west by the west boundary of Alta Vista Boulevard.

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WARD 2: All that certain area in the City of Beeville bounded on the north by that portion of the south boundary of Ward No. 3, hereinafter described, along West Fannin, North Avenue B and West Clare Streets to the west boundary of North Madison Street;

Thence south along the west boundary of North Madison Street to the north boundary of West Corpus Christi Street;

Thence west along said north boundary of West Corpus Christi Street to the extension of the west boundary of Alta Vista Boulevard in said north boundary; and

Thence south along the west boundary of Alta Vista Boulevard to the city limits line.

WARD 3: All that certain area in the City of Beeville north of a line beginning at the west city limits line on the north boundary of West Fannin Street and extending along said northern boundary of West Fannin Street to the west boundary of North Avenue B:

Thence diagonally across said intersection to its southeast corner;

Thence south along the east side of Avenue B to the northeast corner of the intersection of North Avenue B and West Clare Street;

Thence in an easterly direction along the north boundary of West Clare Street to the northwest corner of the intersection of West Clare Street and North Madison Street;

Thence in a northerly direction along the west boundary of Madison Street to the north boundary of Hutchinson Street;

Thence easterly along the north boundary of Hutchinson Street to the west boundary of Archer Street;

Thence diagonally across the intersection of said streets to the southeast corner of such intersection;

Thence south along the east boundary of Archer Street to the north boundary of East Fannin Street;

Thence along the north boundary of East Fannin Street to the east boundary of Fowler Street;

Thence south along the east boundary of Fowler Street to the north boundary of Clare Street;

Thence east along the north boundary of East Clare Street to the east city limits.

WARD 4: All that certain area of the City of Beeville bounded on the north by the south boundary of said Ward No. 3, along East Hutchinson, North Archer, East Fannin, North Fowler and East Clare Streets;

Bounded on the west by the east boundary of North Madison Street; and

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Bounded on the south on a line beginning in the north boundary of West Corpus Christi Street at the west boundary of Archer Street;

Thence east along the north boundary of West and East Corpus Christi Street to the east boundary of Archer Street;

Thence north to the north boundary of East Bowie Street;

Thence east along said north boundary of East Bowie Street to the east boundary of Laurel Street;

Thence south along said east boundary of Laurel Street to the north boundary of East Rosewood Street; and

Thence east along said north boundary of Rosewood Street to the east city limits line.

WARD 5: All that certain area in the City of Beeville bounded on the north by the south boundary of Said Ward No. 4, along West and East Corpus Christi, North Archer, East Bowie, Laurel and East Rosewood Streets;

Bounded on the west by the east boundary of said Ward No. 1.

Any future council after April, 1974, shall redistrict the city should such action become necessary to comply with the laws of the United States of America and the State of Texas, relating to redistricting so as to adhere to the rule commonly known as "one man, one vote." The council shall provide one (1) voting place in each ward so that the electors may conveniently exercise their voting franchise. No changes in the boundaries of any ward shall be made within six (6) months next preceding the regular election in said city. On the first Tuesday in April, 1974, there shall be a regular city election held in each ward for the election of one (1) councilman to represent each ward. Each candidate for election must have been a bona fide resident of the City of Beeville for at least twelve (12) months immediately prior to the date of election. A candidate need not be a resident of the ward he or she seeks to represent. The city council presiding as a consequence of the election held on the first Tuesday, of April 1974, shall, at its first meeting determine by lot, two (2) councilmen who shall each serve for a two (2) year term and three (3) councilmen who shall each serve for a three (3) year term from and after said election on the first Tuesday of April, 1974. Each new council shall elect its own mayor and mayor pro tempore. All elections are to be held in a manner as prescribed in Article IV of this charter. The representative of a ward shall hold office until his successor has been elected and duly qualified. Following the election in April 1974, there shall be no regular election until the first Tuesday in April 1976, at which time two (2) councilmen are to be elected for a two (2) year term and then at the regular city election to be held on the first Tuesday of April, 1977, three (3) councilmen shall be elected to serve for a two (2) year term and thereafter annually during the even numbered years two (2) councilmen shall be elected to serve for two (2) year terms and thereafter during the odd numbered years three (3) councilmen shall be elected to serve for two (2) year terms. (Ord. No. 734, § 1; Ord. No. 1106 § 1)

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Sec. 2. Qualifications.

(a) Each member of the city council shall be a resident of the City of Beeville, and shall be a qualified voter of the State of Texas, and shall have been a bona fide resident of the city for at least twelve (12) months prior to the date of election and (1) ~~shall not be indebted to the City of Beeville.~~ Any resident of a territory annexed under the provisions of this charter shall be eligible to said office if he or she meets the qualifications other than those requiring residence for said twelve (12) months period.

~~(b)(1) No person who is delinquent in the payment of city ad valorem taxes, or on any city assessment, or under the terms of any contract with the city or who is delinquent in the payment of an account for services rendered by the city shall be qualified to serve as a member of the city council. The term "delinquent" in the payment of an account for services rendered by the city means failure or refusal to pay such account to the city on or before a hundred and twenty (120) days from the billing date thereof. (Ord. No. 734, SS 1; Ord. No. 1106, SS 1)~~

State Law reference – For qualifications, see V.A.T.S. Election Code, arts. 1.05 and 1.05 – 1.

Sec. 3. Compensation.

As compensation for their service, the mayor of the City of Beeville shall receive sixty dollars (\$60.00) per meeting; the mayor pro tempore shall receive forty dollars (\$40.00) per meeting and each other councilmember shall receive thirty-five dollars (\$35.00) per meeting; provided, however, no member of the city council shall receive more than twelve (12) time such respective sum in one year. (Ord. No. 734, § 1; Ord. No. 880, § 1)

Sec. 4. Presiding officer, mayor.

The mayor shall preside at meetings of the council and shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law but shall have no regular administrative duties. The mayor shall be entitled to vote upon all matters considered by the council, but he shall have no veto power. When the office of mayor becomes vacant for whatever cause, the council at its first regular meeting, before or during which all members shall have been duly qualified, shall elect one of its members mayor. (Ord. No. 880, § 1)

Sec. 5. Mayor pro tempore.

When the office of mayor pro tempore becomes vacant for whatever cause, the council at its first regular meeting, before or during which all members shall have been duly qualified, shall elect one of its members mayor pro tempore. (Ord. No. 880, § 1)

Sec. 6. Vacancies.

(2) When a member of the city council dies, resigns, becomes incapacitated, is removed from office or moves his residence out of the city limits, then a vacancy in the office formerly held by him shall be

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deemed to exist and such vacancy shall be filled at the next regular city election, if such an election is to be held within a sixty (60) day period from the date such vacancy occurred. If (there is) no regular city election is to be held in the ward in which that vacancy occurred, nevertheless, such an election shall take place in such ward for the purpose of filling such vacancy. If (there is) no regular city election is to be held within sixty (60) days from the date such vacancy occurred, then there shall be a special election held in the ward wherein such vacancy occurred, and such special election shall be conducted not less than thirty (30) days nor more than sixty (60) days from the date such vacancy occurred. (Ord. no. 734 § 1; Ord. No. 1106, § 1)

Sec. 7. Powers of council.

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

- (1) Appoint and remove the city manager.
- (2) Establish other administrative departments and distribute the work of divisions.
- (3) Adopt the budget of the City.
- (4) Authorize the issuance of bonds by a bond ordinance.
- (5) Inquire into the conduct of any office, department or agency of the city and make investigations as to municipal affairs.
- (6) Provide for a planning commission, a zoning commission, a zoning board of adjustment, and other boards and commissions deemed necessary, and appoint the members of all such commissions and board. The planning and zoning commissions may be combined. Such boards and commissions shall have all powers and duties now or hereafter conferred and created by this charter, by city ordinance or by law.
- (7) Adopt plats.
- (8) Adopt and modify the official map of the city.
- (9) Adopt, modify and carry out plans proposed by the planning commission for the clearance of slum districts and rehabilitation of blighted areas.
- (10) Adopt, modify and carry out plans proposed by the planning commission for the re-planning, improvement and redevelopment of neighborhoods and for the re-planning, reconstruction or redevelopment of any area or district which may have been destroyed in whole or in part by disaster.

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- (11) Regulate, license and fix the charges or fares made by any person owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire or the transportation of freight for hire on the public streets and alleys of the city.
- (12) Provide for the establishment and designation of fire limits and to prescribe the kind and character of buildings or structures or improvements to be erected therein, and to provide for the erection of fireproof buildings within certain limits, and to provide for the condemnation of dangerous structures or buildings or dilapidated buildings or buildings calculated to increase the fire hazard, and the manner of their removal or destruction.
- (13) To fix the salaries and compensation of the non-elective city officers and employees.
- (14) To provide for a sanitary sewer and water system and to require property owners to connect their premises with such sewer system and to provide for penalties for failure to make sanitary sewer connections.
- (15) To provide for sanitary garbage disposal, and set fees and charges thereof, and provide penalties for failure to pay such fees and charges.
- (16) To provide for the placing of parking meters and the regulation and use thereof.
- (17) To exercise exclusive dominion, control and jurisdiction in, upon, over and under the public streets, avenues, sidewalks, alleys, parks and highways of the city and the power to lay out, improve, establish, open, alter, widen, lower, extend, grade, abandon, discontinue, abolish, close, care for, pave, supervise, maintain and improve streets, alleys, sidewalks, squares, parks, public places and bridges and regulate the use thereof and require the removal from streets, sidewalks, alleys and other public property or places, all obstructions and encroachments of every nature or character upon any of said streets and sidewalks, and to vacate and close private ways as permitted by general law.
- (18) To establish, maintain and operate an airport or airports, within or without the city limits, and landing fields, radio beams, beacons and other apparatuses, buildings, equipment and appurtenances necessary and convenient thereof, and to make suitable charges for their use.
- (19) To contract with one or more insurance companies for insuring city employees or any class or classes of employees under a policy or policies of group insurance covering one or more risks and may pay all or any portion of the premiums on such policy or policies from the city's funds. Public funds shall not be expended in payment of premiums applicable to that portion of the policy or policies insuring the dependents of such employees. (Ord. No. 734, § 1)

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Sec. 8. Council not to interfere in appointments or removals.

Neither the council nor any of its members shall direct the appointment of any person to or his removal from office by the city manager or by any of his subordinates, provided, however, that the appointment of department heads shall be subject to the approval of the council. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager and neither the council nor any member thereof shall give orders to any subordinate of the city manager, either publicly or privately. Violation of this section may cause the offending party to be subject to recall procedures. (Ord. No. 1106, § 1)

Sec. 9. City Secretary.

The council shall appoint a City Secretary and his deputy or deputies. The city manager shall have the privilege of recommending one or more persons for these positions. The council in making such appointment shall give consideration to the recommendations of the city manager but shall not be bound thereby and shall have the absolute right to appoint whomsoever the council shall deem advisable to these positions. The City Secretary or his deputy shall give notices of council meetings, keep the minutes of its proceeding authenticated by his signature and recorded in full in a book kept and indexed for that purpose, and he shall maintain as a permanent record all ordinances and resolutions and shall perform such other duties as the city manager shall assign to him and those elsewhere provided for in this charter. (Ord. No. 734, § 1; Ord. No. 1106, § 1)

Sec. 10. Municipal court.

(a) There shall be created, established and maintained a court for the trial and disposition of misdemeanor offenses to be designated "Municipal Court of the City of Beeville, Texas." Such court shall have jurisdiction, power and duties as now or hereinafter provided for by the constitution and laws of the State of Texas for a municipal or recorder's court.

(b) The judge of said court shall be appointed by the city council, be a qualified voter, shall have been a resident of the city for at least twelve (12) months prior to his appointment, hold his office at the pleasure of the city council and shall receive such salary as may be fixed by the city council. When said judge is absent, disabled or unable to perform his duties for whatever cause or his office becomes vacant by reason of death, removal or resignation, the mayor or mayor pro tempore shall be the judge of said court, or the city council may appoint a special judge of said court who shall serve until the judge of said court returns to his duties, or a successor is appointed and qualified. The city council shall appoint a municipal court clerk and his deputy or deputies. Such clerk and deputy shall administer oaths and affidavits, make certificates, affix the court's seal and do and perform all acts and duties permitted, necessary and required by clerks of courts of Texas in issuing processes and conducting the business of aid court. (Ord. No. 734, § 1; Ord. No. 1106, § 1)

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Sec. 11. City attorneys.

The city council shall appoint a competent and duly licensed attorney practicing in the City of Beeville, who shall be its city attorney. The city attorney shall have been a resident of the city for at least twelve (12) months prior to this appointment. He shall receive for his services such compensation as may be provided by the city council and shall hold his office at the will of the city council and until his successor is appointed and qualified. He shall be the legal advisor of and attorney and counselor for the city, its officers and departments. The city council shall, when it deems necessary, appoint one or more assistant city attorneys having the same qualifications as the city attorney, their compensation to be fixed by the city council. The city attorney and his assistants shall represent the city in all litigation. But at the council's discretion may or may not participate in litigation for the collection of delinquent taxes. Special attorneys may be employed by the city council under contract for the collection of delinquent taxes and for any other purpose, at such fees, for such length of time and under such conditions as the council may prescribe. (Ord. No. 734, § 1; Ord. No. 1106, § 1)

Sec. 12. Meetings of the council.

The city council shall hold at least *two* (2) regular meetings each month at a time to be fixed by it for such regular meetings and may hold as many additional meetings during the month as may be necessary for the transaction of the business of the city and its citizens. All meetings of the city council shall be held at the city hall, except that the council may designate another place for such meetings after publishing due notice thereof in one issue of the official newspaper for the City of Beeville, Texas, said publication shall not be less than ten (10) days prior to such change in the meeting place. The mayor, any two (2) members of the city council or the city manager may call special meetings of the city council at any time upon at least twelve (12) hours written notice to each member, served personally or left at the usual place of business or residence of such member or such meeting may be held at any time without written notice provided, all members of the council are present; provided, however, all meetings of the city council shall be held in compliance with article 6252 V.A.T.S. as heretofore and hereafter amended by the legislature. (Ord. No. 1106, § 1)

Sec. 13. Council to be judge of election of its members.

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

Sec. 14. Rules of procedure.

The city council shall determine its own rules of procedure and may compel the attendance of its members. Robert's Rules of Order for Procedure shall be followed for city council meetings except when such rules are in conflict with the city charter, in which case the city charter shall prevail. Three (3) members of the city council shall constitute a quorum to do business and the affirmative vote of a majority shall be necessary to adopt an ordinance or resolution. All meetings of the city council shall be public except when otherwise provided by state statute and minutes of all proceedings will be kept, to which any citizen may have access at all reasonable times and which shall be a part of the city's

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permanent records. The vote upon the passage of all ordinances and resolutions are to be taken by ayes and nays and entered upon the minutes and every ordinance and resolution upon its final passage shall be recorded in a permanent book kept for the purpose and shall be authenticated by the signature of the presiding officer and the person performing the duties of the City Secretary. (Ord. No. 1106, § 1)

Sec. 15. Procedures for passage of ordinances.

Every ordinance shall be introduced in written or printed form and, upon passage, shall take effect at the time indicated therein, provided that any ordinance imposing a penalty, fine or forfeiture for a violation of its provisions shall become effective not less than ten (10) days from the date of its secretary passage; subject to the provisions of article V of this charter. The City Secretary shall give notice of the passage of every ordinance imposing a penalty, fine or forfeiture for a violation of the provisions thereof, by causing the caption or title, including the penalty, of any such ordinance to be published once in the official newspaper of the City of Beeville within ten (10) days after the passage of said ordinance. He shall note on every ordinance the caption of which is hereby required to be published, and on the record thereof, the fact that same has been published as required by the charter, and the date of such publication, which shall be prima facie evidence of the legal publication and promulgation of such ordinance; provided, that the provisions of this section shall not apply to the correction, amendment, revision and codification of the ordinances of the city for publication in book or pamphlet form. Except as otherwise provided by article XI of this charter, it shall not be necessary to the validity of any ordinance that it shall be read more than one time or considered at more than one session of the city council. Every ordinance shall be authenticated by the signature of the mayor and City Secretary and shall be systematically recorded and indexed in an ordinance book in a manner approved by the council. It shall only be necessary to record the caption or title of ordinances in the minutes or journal of council meetings. The city council shall have power to cause the ordinances of the city to be corrected, amended, revised, codified and printed in code form as often as the council deems advisable, and such printed code, when adopted by the council, shall be in full force and effect without the necessity of publishing the same or any part thereof in a newspaper. Such printed code shall be admitted in evidence in all courts and places without further proof.

Sec. 16. Administrative departments.

The city council may abolish or consolidate such offices and departments as it may deem to be in the best interest of the city and may divide the administration of any such department as it may deem advisable, create new departments and may discontinue any offices or departments at its discretion except as to the office of city manager, municipal court judge, city attorney, City Secretary and municipal court clerk. (Ord. No. 1106, § 1)

Sec. 17. Payment of claims.

No warrant for the payment of any claim shall be issued by the city, unless such claim shall be evidenced by an invoice or itemized account, and approved by the city council, and all warrants shall be signed by the city manager and City Secretary.

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- (2) See the page at the end of this document for State Election code Sections and a Section from the Texas Municipal Election Law Manual that apply to this section.*
- (3) See Ordinance No. 1928 at the end of this Charter.*

Sec. 18. Official bonds of city manager and city secretary.

The city manager and the City Secretary shall, before entering upon the duties of their offices, enter into a good and sufficient fidelity bond in a sum to be determined by the city council, payable to the city of Beeville and conditioned for the faithful discharge of the duties of such respective officers and for the faithful accounting of all monies, credits and things of value coming into the hands of such respective officers; and such bonds shall be signed as surety by some surety company authorized to do business under the laws of this state, and the premium on such bonds shall be paid by the City of Beeville; and such bonds must be acceptable to said city council.

Sec. 19. Official bond for other officers and employees.

The council of the City of Beeville shall have the right to require fidelity bonds from other appointive officers and employees of the city, in such amounts as said council may from time to time fix by ordinance or resolution, and conditioned for the faithful discharge of the duties of his office and accounting for all monies, credits and things of value coming into the hands of such officers and employees; and all such bonds shall be signed as surety by some surety company authorized to do business under the laws of this state, and the premiums accruing thereon shall be paid by the City of Beeville.

Sec. 20. Investigation by council.

The council shall have power to inquire into the conduct of any office, department, agency or officer of the city and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, paper and other evidence. Failure to obey such subpoena or to produce books, papers or other evidence as ordered under the provisions of this section shall constitute a misdemeanor and shall be punishable by fine not to exceed two hundred dollars (\$200.00).

Sec. 21. Audit and examination of the city books and accounts.

The council may cause a continuous audit to be made of the books and accounts of each and every department of the city. An annual audit shall be made at the close of each fiscal year. It shall include a recapitulation of all audits made during the course of the fiscal year. Audit reports shall be filed with the council and shall be available for publication or public inspection. Only qualified public accountants who have no financial or personal interest in the fiscal affairs of the city, and who do not maintain or keep any of the city's accounts or records shall be employed by the city council to audit the books and accounts of the city. (Ord. No. 734, § 1)

ARTICLE IV. NOMINATIONS AND ELECTIONS

(1)Sec. 1. Elections.

The regular election for the choice of members of the city council shall *as set forth by Article III, Sec. 1* be held in each ward on the first Tuesday in April commencing on the first Tuesday of April, 1974,

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- (3) *See Ordinance No. 1928 at the end of this Charter.*

except that no such election shall be held in the year 1975 and commencing in 1976 and thereafter in subsequent years the election shall be staggered as hereinabove prescribed for. The city council may by resolution order a special election, fix the time for holding same, and provide all means for holding such special election in (Ord. No. 1106, § 1)

Sec. 2. Regulations of elections.

The council shall make all regulations which it considers needful or desirable, not inconsistent with this charter or the laws of the State of Texas, or the United States, for the conduct of municipal elections, for the prevention of fraud in such elections and for the recount of ballots in case of doubt or fraud. Municipal elections shall be conducted by the appointed election authorities, who shall also have power to make such regulations not inconsistent with this charter, or with any regulations made by the council or the laws of the State of Texas, or of the United States. (Ord. No. 1106, § 1)

Sec. 3. How to get name on ballot.

Any person qualified under Article III, Section 1, as amended, of this charter shall have the right to file an application to have his name placed on the official ballot as a candidate for any elective office. and such application, in writing, signed by such candidate and filed with the city secretary or a deputy city secretary not less than thirty (30) days prior to the date of the election, shall entitle such applicant to a place on the official ballot. In addition to the above application, each candidate shall file loyalty affidavits as prescribed by the election laws of the State of Texas. Candidates shall file for places by ward. The names of candidates will be listed numerically by ward. Candidates from each ward will draw for positions by lot on the ballot for that ward. (Ord. No. 1106, § 1)

Sec. 4. Council ballots.

The full names of all candidates for the office of councilman as herein before provided, except such as may have withdrawn, died, or become ineligible, shall be printed on the official ballots without party designations. If two (2) candidates with the same surnames, or with names as similar as to be likely to cause confusion of identity, the addresses of their places of residence shall be placed with their names on the ballot. All official ballots shall be printed **at** least twenty (20) days prior to the date of any regular or special election, and absentee voting shall be governed by the general election laws of this state. Ballots will list candidates by the numerical number of the wards. (Ord. No. 1106, § 1)

Sec. 5. Election of councilmen by plurality.

At any regular or special municipal election the candidate for the office of councilman from a ward who shall have received the greatest number of votes cast in the election in such ward shall be declared elected. In the event of a tie vote, the city council shall cause to be held a run-off election within thirty (30) days of the date of said regular or special election, such run-off election to be between the tied candidates in such ward. (Ord. No. 1106, § 1)

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- (3) See Ordinance No. 1928 at the end of this Charter.*

Sec. 6. Laws governing city elections.

All city elections shall be governed, except as otherwise provided by this charter, by the laws of the State of Texas, and by the laws of the United States, governing general and municipal elections. (Ord. No. 1106, § 1)

ARTICLE V. INITIATIVE, REFERENDUM AND RECALL

Sec. 1. Power of initiative.

The electors shall have power to propose any ordinance except an ordinance appropriating money or authorizing the levy of taxes, and to adopt or reject the same at the polls such power being known as the initiative. Any initiative ordinance may be submitted to the council by a petition signed by qualified electors of the city equal in number to at least twenty-five (25) per centum of the number of votes at the last regular municipal election

Sec. 2. Power of referendum.

The electors shall have power to approve or reject at the polls any ordinance passed by the council, or submitted by the council to a vote of the electors, except ordinances providing for the submission of a proposed bond issue and ordinances providing for levying of taxes, such power being known as the referendum. Ordinances submitted to the council by initiative petition and passed by the council without change shall be subject to the referendum in the same manner as other ordinances. Within twenty (20) days after the enactment by the council of any ordinance which is subject to a referendum, a petition, signed by qualified electors of the city equal in number to at least twenty-five (25) per centum of the number of votes cast at the last preceding regular municipal election, may be filed with the City Secretary requesting that any such ordinance be either repealed or submitted to a vote of the electors.

Sec. 3. Form of petitions; committee of petitioners.

Initiative petition papers shall contain the full text of the proposed ordinance. The signatures to initiative or referendum petitions need not all be appended to one paper, but to each separate petition there shall be attached a statement of the circulator thereof as provided by this section. Each signer of any petition paper shall sign his name in ink or indelible pencil and shall indicate after his name his place of residence by street and number, or other description sufficient to identify the place. There shall appear on each petition the names and addresses of five (5) electors, who as a committee of the petitioners, shall be regarded as responsible for the circulation and filing of the petition. Attached to each separate petition paper there shall be an affidavit of the circulator thereof that he, and he only, personally circulated the foregoing paper, that it bears a stated number of signatures, that all signatures appended thereto were made in his presence, and that he believes them to be the genuine signatures of the persons whose names they purport to be.

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Sec. 4. Filing, examination and certification of petitions.

All petition papers comprising an initiative or referendum petition shall be assembled and filed with the City Secretary as one instrument. Within twenty (20) days after a petition is filed, the City Secretary shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified electors. The City Secretary shall declare any petition paper entirely invalid which does not have attached thereto an affidavit signed by the circulator thereof. If a petition paper is found to be signed by more persons than the number of signatures certified by the circulator, the last signatures in excess of the number certified shall be disregarded. If a petition paper is found to be signed by fewer persons than the number certified, the signatures shall be accepted unless void on other grounds. After completing his examination of the petition, the City Secretary shall certify the result thereof to the council at its next regular meeting. If he shall certify that the petition is insufficient, he shall set forth in his certificate the particulars in which it is defective and shall at once notify the petitioners of his findings.

Sec. 5. Amendment of petitions.

An initiative or referendum petition may be amended at any time within the (10) days after the notification of insufficiency has been sent by the city secretary, by filing a supplementary petition upon additional papers signed and filed as provided in case of an original petition. The City Secretary shall, within five (5) days after such an amendment is filed, make examination of the amended petition, and if the petition be still insufficient, he shall file his certificate to that effect in his office and notify the committee of the petitioners of his findings and no further action shall be had on such insufficient petition. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

Sec. 6. Effect of certification of referendum petition.

When a referendum petition, or amended petition as defined in section 5 above of this charter, has been certified as sufficient by the City Secretary, the ordinance specified in the petition shall not go into effect, or further action there under shall be suspended if it shall have gone into effect, until and unless approved by the electors, as hereinafter provided.

Sec. 7. Consideration by council.

Whenever council receives a certified initiative or referendum petition from the City Secretary, it shall proceed at once to consider such petition. A proposed initiative ordinance shall be read and provision shall be made for a public hearing upon the proposed ordinance. The council shall take final action on the ordinance not later than sixty (60) days after the date on which such ordinance was submitted to the council by the City Secretary. A referred ordinance shall be reconsidered by the council and its final vote upon such reconsideration shall be upon the question, "Shall the ordinance specified in the referendum petition be repealed?"

Sec. 8. Submission to electors.

- (1) Based on the Equal Protection Clause of the 14th Amendment to the Constitution, this is no longer enforced.*
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If the council shall fail to pass an ordinance proposed by initiative petition, or shall pass it in a form different from that set forth in the petition therefore, or if the council fails to repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the electors not less than thirty (30) days nor more than sixty (60) days from the date that the council takes its final vote thereon. If no regular election is to be held within such period, the council shall provide for a special election.

Sec. 9. Form of ballot for initiated and referred ordinances.

Ordinances submitted to vote of the electors in accordance with the initiative and referendum provisions of this charter shall be submitted by ballot title, which shall be prepared in all cases by the city attorney. The ballot title may be different from the legal title of any such initiated or referred ordinance and shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance. If a paper ballot is used, it shall have below the ballot tile the following propositions, one above the other, in the order indicated: "For the ordinance" and "Against the ordinance." Any number of ordinances may be voted on at the same election and may be submitted on the same ballot, but any paper ballot used for voting thereon shall be for that purpose only. If voting machines are used, the ballot title of any ordinance shall have below it the same two (2) propositions, one above the other or one preceding the other in the order indicated, and the elector shall be given an opportunity to vote for either of the two (2) propositions and thereby to vote for or against the ordinance.

Sec. 10. Results of election.

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

Sec. 11. Recall, general.

Any member of the city council may be removed from office by recall.

Sec. 12. Recall procedure.

Any elector of the City of Beeville may make and file with the City Secretary an affidavit containing the name or names of any member or members of the council whose removal is sought and a statement of the grounds for removal. The City Secretary shall thereupon deliver to the elector making such affidavit copies of petition blanks demanding such removal. The City Secretary shall keep a sufficient number of such printed petition blanks on hand for distribution. Such blanks when issued by the City Secretary shall bear the signature of that officer and be addressed to the city council, and shall be numbered, dated and indicate the name of the person to whom issued. The petition blanks when issued shall also indicate the number of such blanks issued and the name of the councilman whose removal is sought. The City Secretary shall enter in a record to be kept in his office the name of the elector to whom the petition blanks were issued and the number issued to said person.

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Sec. 13. Recall petitions.

The recall petition to be effective must be returned and filed with the City Secretary within thirty (30) days after the filing of the affidavit required by section 12 of this article, and it must be signed by qualified electors of the ward from which the candidate whose removal is sought was elected, such signatures to be equal in number to sixteen (16) percent of the total number of votes cast in said ward at the last regular municipal election; provided, however, that the petition shall contain the signatures of at least two hundred (200) qualified electors of said ward, and shall conform to the provisions of section 3 of this Article V. No petition paper shall be accepted as part of a petition unless it bears the signature of the City Secretary as required by section 12 herein. (Ord. No. 734, § 1; Ord. No. 1106, § 1)

Sec. 14. Recall election.

The City Secretary shall at once examine the recall petition, and if he finds it sufficient and in compliance with the provisions of this article of the charter, he shall within five (5) day submit it to the city council with his certificate to that effect and notify the councilman sought to be recalled of such action. If the councilman whose removal is sought does not resign within five (5) days after such notice the city council shall thereupon order and fix a date for holding a recall election in the ward from which the councilman being suggested for recall was elected. Any such election shall be held not less than thirty (30) nor more than sixty (60) days after the petition has been presented to the city council at the same time as any municipal election held within such period; but if no such municipal election is to be held within such period, the city council shall call a special election to be held within the time aforesaid. (Ord. No. 1106, § 1)

Sec. 15. Ballots in recall election.

Ballots used at recall elections shall conform to the following requirements:

- (1) With respect to each person whose removal is sought the question shall be submitted "Shall (name of person) be removed from the office of (name of office) by recall?"
- (2) Immediately below each such question there shall be printed the two (2) following propositions, one above the other, in the order indicated:

"For the recall of (name of person)"
"Against the recall of (name of person)"

Sec. 16. Results of recall election.

If a majority of the votes cast at a recall election shall be against the recall of the councilmember named on the ballot, he shall continue in office for the remainder of his unexpired term, subject to recall as before. If a majority of the votes cast at such an election be for the recall of the councilmember named on the ballot, he shall, regardless of any technical defects in the recall petition, be deemed removed from office and the vacancy shall be filled as in other vacancies.

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Sec. 17. Limitations on recalls.

No recall petition shall be filed against a councilman within six (6) months after he takes office nor in respect to a councilman subjected to a recall election and not removed thereby, until at least six (6) months after such election.

Sec. 18. District judge may order election.

Should the city council fail or refuse to order any of the elections as provided for in this article, when all the requirements for such election have been complied with by the petitioning electors in conformity with this article of the charter, then it shall be the duty of the District Judge of Bee County, Texas, upon proper application being made therefore, to order such elections and to enforce the carrying into effect the provisions of this article of the charter.

ARTICLE VI. THE CITY MANAGER

Sec. 1. Appointment and qualifications.

The city council shall appoint a city manager who shall be the chief administrative and executive officer of the city and shall be responsible to the city council for the efficient administration of all the affairs of the city. He shall be chosen by the city council solely on the basis of his executive and administrative training, experience and ability, and need not, when appointed, be a resident of the City of Beeville. No member of the city council shall, during the time for which he is elected or one year thereafter, be chosen as city manager.

Sec. 2. Term and salary.

The city manager shall not be appointed for a definite term but may be removed at the will and pleasure of the city council by a vote of the majority of the entire council. The action of the council in suspending or removing the city manager shall be final, it being the intention of this charter to vest all authority and fix all responsibility for such suspension or removal in the city council. In case of the absence or disability of the city manager, the city council may designate some qualified person to perform the duties of the office during such absence or disability. The city manager shall receive such compensation as may be fixed by the city council.

Sec. 3. Powers and duties of the city manager

(1) Appoint and, when necessary for the welfare of the city, remove any officer or employee of the city except as those officers appointed by the council and except as otherwise provided by this charter.

(2) Prepare the budget annually and submit it to the council and be responsible for its administration after adoption.

(1) Based on the Equal Protection Clause of the 14th Amendment to the Constitution, this is no longer enforced.

(2) See the page at the end of this document for State Election code Sections and a Section from the Texas Municipal Election Law Manual that apply to this section.

(3) See Ordinance No. 1928 at the end of this Charter.

(3) Prepare and submit to the council as of the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year.

(4) Keep the council advised of the financial condition and future needs of the city and make such recommendations as may seem desirable.

(5) Perform such other duties as may be prescribed by this charter or required of him by the council, not inconsistent with this charter.

Sec. 4. Head of departments.

Two (2) or more departments may be headed by the same individual; the manager may head one or more departments.

ARTICLE VII. THE BUDGET

Sec. 1. Fiscal year.

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

Sec. 2. Preparation, submission and content of budget.

The city manager, at least sixty (60) days prior to the beginning of each budget year, shall submit to the council a proposed budget and an explanatory budget message in the form and with the contents provided herein. For such purpose, he shall obtain from the head of each office, department or agency estimates of revenue and expenditures of that office, department or agency detailed by organization units and character and object of expenditure, and such other supporting data as he may request. The budget shall provide a complete financial plan for the fiscal year. It shall contain the following:

- (1) A budget explanatory message.
- (2) A consolidated statement of receipts and expenditures for all funds.
- (3) An analysis of property valuations.
- (4) An analysis of tax rate.
- (5) Tax levies and tax collections by years for at least ten (10) years or for the number of years for which records are available.
- (6) General fund resources in detail.
- (7) Summary of proposed expenditures by function, department and activity.

(1) Based on the Equal Protection Clause of the 14th Amendment to the Constitution, this is no longer enforced.

(2) See the page at the end of this document for State Election code Sections and a Section from the Texas Municipal Election Law Manual that apply to this section.

(3) See Ordinance No. 1928 at the end of this Charter.

- (8) Summary of proposed expenditures by character and object.
- (9) Detail estimates of expenditures shown separately for each activity to support summaries, numbers 7 and 8 above. Such estimates of expenditures are to include an itemization of propositions showing the number of persons having each title and the rate of pay.
- (10) A revenue and expense statement for all types of bonds.
- (11) A description of all bond issues outstanding, showing rate of interest, date of issue, maturity date, amount authorized, amount issued and amount outstanding.
- (12) A schedule of requirements for the principal and interest on each issue of bonds.
- (13) A special funds section.
- (14) The appropriation ordinance.
- (15) The tax levying ordinance.
- (16) A capital improvement program for the budget year and proposed method of financing.
- (17) A plan for capital improvement covering the next five (5) years and proposed method of financing.
- (18) A summary of the condition of machinery, equipment and buildings.
- (19) A suggested legislative program and the highlights of the proposed administrative program.

Sec. 3. Budget a public record.

The budget and all supporting schedules shall be a public record in the office of the City Secretary open to public inspection by anyone. The city manager shall cause sufficient copies of the budget and budget message to be prepared for distribution to interested persons and civic organizations.

Sec. 4. Publication of notice of public hearing.

At the meeting of the city council at which the budget and budget message are submitted, the council shall determine the place and time of the public hearing on the budget, and shall cause to be published a notice of the place and time, such date for public hearing to be not less than seven (7) days after date of publication.

- (1) *Based on the Equal Protection Clause of the 14th Amendment to the Constitution, this is no longer enforced.*
- (2) *See the page at the end of this document for State Election code Sections and a Section from the Texas Municipal Election Law Manual that apply to this section.*
- (3) *See Ordinance No. 1928 at the end of this Charter.*

Sec. 5. Public hearing on budget.

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

Sec. 6. Adoption; effective date; failure to adopt.

The budget shall be adopted by the favorable votes of at least a majority of all members of the whole council, and it shall be finally adopted not later than the first day of the beginning of the fiscal year. If the budget, as submitted, is not acceptable to the city council, then the city council shall order to be made such change or changes as they deem advisable, and, after such change or changes have been made, shall adopt said budget on or before the date above specified, and same shall be in effect for the budget year.

Sec. 7. Budget Establishes Appropriations

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

Sec. 8. Budget Establishments Amount to be raised by property tax.

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

Sec. 9. Anticipated revenues and expenses compared with other years.

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

Sec. 10. Contingent appropriations.

Provision shall be made in the annual budget and in the appropriation ordinance for a contingent appropriation in an amount not more than three (3) per centum of the total general fund expenditure, to be used in the case of unforeseen items of expenditures. Such contingent appropriation shall be under the control of the city manager and distributed by him after approval by the city council. Expenditures from this appropriation shall be made only in case of established emergencies and a detailed account of such expenditures shall be recorded and reported. The proceeds of the contingent appropriation shall be disbursed only by transfer of other departmental appropriations, the spending of which shall be charged to the departments or activities for which the appropriations are made.

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- (3) See Ordinance No. 1928 at the end of this Charter.*

ARTICLE VIII. BORROWING FOR CAPITAL IMPROVEMENTS

Sec. 1. Definitions.

As used in this charter, "capital project" or "project" means: (a) any physical public betterment or improvement and any preliminary studies and surveys relative thereto; (b) the acquisition of property of a permanent nature; (c) the purchase of equipment for any public betterment or improvement when first erected or acquired.

Sec. 2. Power to incur indebtedness by issuing bonds and notes.

The city may incur indebtedness by issuing its negotiable bonds and notes in anticipation of bonds pending issuance of previously approved bonds, pursuant to this charter, to finance any capital project which it may lawfully construct or acquire, or for any legitimate public purpose.

Sec. 3. Bond ordinance; vote required.

The City shall authorize the issuance of bonds by a "Bond Ordinance" passed by the affirmative votes of the majority of all members of its council. Revenue bonds may be issued by the Council under the authority of article 1111-1118, Revised Civil Statutes of Texas, 1925, as amended, and all other applicable provisions of law. The issuance of tax bonds must be approved by the majority of the qualified voters who are property taxpayers voting at an election called for that purpose; provided, however, that approval of qualified voters shall not be necessary for the refunding of outstanding bonds.

Sec. 4. Form and content of bond ordinance.

The bond ordinance shall provide for proper notice, the calling of the election, the propositions to be submitted and for the issuance of the bonds. The ordinance or ordinances shall specify:

- (1) The purpose for which the bonds are to be issued, and where possible, the probable period of usefulness;
- (2) The amount thereof;
- (3) The maximum rate of interest, in the ordinance calling the election, and rate or rates of interest, in the ordinance issuing the bonds;
- (4) The levy of taxes sufficient to pay interest and sinking fund or retirement of principal;
- (5) That the bonds to be issued shall mature serially within a given number of years.

The bond ordinance and the manner of conducting the election shall in all respect conform to this charter and the general laws of this state.

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- (2) See the page at the end of this document for State Election code Sections and a Section from the Texas Municipal Election Law Manual that apply to this section.*
- (3) See Ordinance No. 1928 at the end of this Charter.*

Sec. 5. Title of bond ordinance; citation.

The title of a bond ordinance shall state the amount appropriated for an indicated project and the amount of bonds authorized to finance the appropriation. Bond ordinances shall be cited in bonds and notes by title and date of final passage.

Sec. 6. Form and content when two or more projects are combined.

A bond ordinance may combine two (2) or more related projects, in which event it shall for each project, establish a separate appropriation and state separately the estimated maximum costs and amounts of down payments, but shall authorize a single issue of bonds to finance the aggregate of the appropriations thereby made. The title of such bond ordinance may state the aggregate of the appropriation instead of the respective amounts.

Sec 7. Public sale.

All bonds issued under this charter shall be sold at public sale upon sealed proposals after at least ten (10) days notice published at least once in a publication carrying municipal bond notices and devoted primarily to financial news, and at least ten (10) days notice published at least once in the official newspaper of the City.

Sec. 8. Call date.

The Council shall consider the advisability of inserting a call date on all bonds issued in accordance with provisions of this charter.

ARTICLE IX: FINANCE ADMINISTRATION

Sec. 1. Director of finance; powers and duties.

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

(1) Maintain a general accounting system for the city government and each of its offices, departments and agencies; cause to be kept books for an exercise financial budgetary control over each office, department and agency; keep separate accounts for the items of appropriation contained in the city budget, each of which accounts shall show the amount of the appropriation, the amounts paid there from, the unpaid obligations against it and the unencumbered balance, require reports of receipts and disbursements from each receiving and spending agency of the city government to be made daily or at such intervals as he may deem expedient;

(2) Submit to the council a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the city;

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(3) See Ordinance No. 1928 at the end of this Charter.

- (3) Prepare, as of the end of each fiscal year, a complete financial statement and report;
- (4) Supervise the activities of the City Secretary who shall serve as ex officio city treasurer and shall have custody of all public funds belonging to or under the control of the city, or any office, department or agency of the city government, and deposit all funds coming into his hands in such depositories as may be designated by resolution of the council, or, if so such resolution be adopted, by the city manager, subject to the requirements of law as to surety and the payment of interest on deposits, but all such interest shall be the property of the city and shall be accounted for and credited to the proper account;
- (5) Have custody of all investments and invested funds of the city government, or in possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the city and the receipt and delivery of city bonds and notes for transfer, registration or exchange;
- (6) Supervise and be responsible for the purchase, storage and distribution of all supplies, materials, equipment and other articles used by any office, department or agency of the city government;
- (7) Approve all proposed expenditures. Unless he shall certify that there is an unencumbered balance of appropriation and available funds, no appropriation shall be encumbered and no expenditure shall be made;
- (8) Prescribe the forms of receipts, vouchers, bills or claims to be used by all the offices, departments and agencies of the city government;
- (9) Audit and approve before payment all bills, invoices, payrolls and other evidence of claims, demands or charges against the city government and with the advice of the city attorney determine the regularity, legality and correctness of such claims, demands or charges;
- (10) Inspect and audit any accounts or records of financial transactions which may be maintained in any office, department or agency of the city government apart from or subsidiary to the accounts kept in his office.

Sec. 2. Transfer of appropriations.

The manager may at any time transfer any unencumbered appropriation balance or portion thereof between general classifications of expenditures, within the same department. At the request of the city manager, the council may order the transfer of any unencumbered appropriation balance or portion thereof from one department to another department. (Ord. No. 734, § 1)

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Sec. 3 Appropriations lapse at end of year.

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

Sec. 4. Fees shall be paid to city government.

All fees for city services received by any officer or employee shall belong to the city government and shall be deposited to the appropriate fund at such time and required by the city manager.

Sec. 5. Sale of city property; procedure.

Before the city makes any sale or contract for the sale of any property belonging to the city, either in the form of land, real estate or other properties, having an estimated value of one thousand dollars (\$1,000.00) or less, opportunity shall be given for open competition under such rules and regulations as the city council may prescribe.

In the sale of property valued at more than one thousand dollars (\$1,000.00), the property shall be advertised for sale and request bids in the official newspaper of the City of Beeville, and the contract of sale shall be awarded to the highest responsible bidder after such public notice and competition as may be prescribed, provided the city council shall have the power to reject all bids and advertise again. These same procedures shall be used whenever the city acts as transfer agent.

Sec. 6. Purchase procedure.

Before the city makes any purchase of contract for supplies, materials, equipment or contractual services, opportunity shall be given for competition. The city manager shall have authority to make expenditures without the approval of the city council for all budgeted items not exceeding five hundred dollars (\$500.00). Any expenditure involving more than five hundred dollars (\$500.00) must be expressly approved by the city council. All contracts or purchases involving more than five hundred dollars (\$500.00) shall be let to the lowest or best bid by a responsible bidder after there has been an opportunity for competitive bidding. Where an expenditure of more than two thousand dollars (\$2,000.00) is involved, notice of the time and place, when and where such contract shall be let shall be published in the official newspaper of the City of Beeville once a week for two (2) consecutive weeks prior to the time of making such purchase or letting such contract, the time of the first publication to be at least twelve (12) days prior to the time for making such purchase or letting such contract; provided, however, that the city council shall have the right to reject any and all bids; and provided further that nothing herein shall apply to contracts for professional services nor to work done by the city and paid for by the day as such work progresses. (Ord. No. 734, § 1)

Sec. 6a. Emergency purchase of materials and services.

When, in the opinion of the mayor, the city manager and if appropriate, a department head, an emergency exists, the nature of which makes it impracticable to follow ordinary purchase procedures as set out in this charter, emergency purchases of materials and services may be made by the city manager

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upon the written certification of the mayor, the city manager and such department head, filed promptly with the City Secretary. Purchases made under the provisions of this section shall not exceed two thousand dollars (\$2,000.00) for any one such emergency. The form of notice hereunder shall read:

"We, the undersigned, Mayor, City Manager and Department Head, hereby certify that an emergency has occurred making it impracticable to follow ordinance purchase procedures as set out in the City Charter of the City of Beeville, Texas, and it is urgent the City purchase materials and/or services of the value of not more than \$2,000.00, the nature of same being generally as follows:

(general description-----)

Mayor

City Manager

Department Head

When such an emergency occurs and the cost of the materials and services are known to be, or are estimated by the city manager to exceed two thousand dollars (\$2,000.00), the mayor shall forthwith call a special meeting of the city council to be held at the earliest date and time for the purpose of taking appropriate action under such emergency. (Ord. No. 1106, § 1)

Sec. 7. Contracts for city improvements.

Any city improvement costing more than two thousand dollars (\$2,000.00) shall be executed by contract except where such improvement is authorized by the council to be executed directly by a city department in conformity with detailed plans, specifications and estimates. All such contracts for more than two thousand dollars (\$2,000.00) shall be awarded to the lowest responsible bidder bidding in conformity with detailed plans and specifications approved by the city council after such public notice and competition as may be prescribed, provided the city council shall have the power to reject any or all bids. Except in case of emergency, alterations in any contract not to exceed fifty (50) per centum of the total contract may be made when authorized by the council.

Sec. 8. Accounting control of purchases.

All purchases made and contracts executed shall be pursuant to a written requisition from the head of the office, department or agency whose appropriation will be charged, and no contract or order shall be issued to any vendor unless and until the city manager certifies that there is to the credit of such office, department or agency a sufficient unencumbered appropriated balance to pay for the supplies, materials, equipment or contractual services, for which the contract or order is to be issued.

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Sec. 9. Disbursement of funds.

All checks, vouchers or warrants for the withdrawal of money from the city depository shall be signed by the City Secretary or his deputy, and countersigned by the city manager.

Sec. 10. Borrowing in anticipation of property taxes.

In any budget year, in anticipation of the collection of the property tax for such year, whether levied or to be levied in such year, the council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the city, each of which shall be designated "tax anticipation note for the year 19__" (stating the budget year). Such notes shall mature and be payable not later than the end of the fiscal year in which the original notes shall have been issued.

Sec. 11. Sale of notes, report of sales.

All notes issued pursuant to this article shall be advertised for sale and sold at the best price and interest rate offered, but, in any event, such note or notes shall not be sold for less than par and accrued interest. Such sale or sales shall be made by the city manager, after authorization by the city council.

ARTICLE X. TAX ADMINISTRATION

Sec. 1. Division of assessment.

There shall be established a division of taxation, the head of which shall be the city assessor and collector of taxes. The assessor-collector shall give a surety bond for the faithful performance of his duties including compliance with all controlling provisions of the state law bearing upon the functions of his office in a sum which shall be fixed by the city council, and with a reputable bonding company.

Sec. 2. Duties of assessor-collector.

The tax assessor and collector shall supervise and be responsible for the assessment of all property within the corporate limits of the city for taxation, make all special assessments for the city government, prepare tax maps and give such notice of taxes and special assessments as may be required by law; and collect all taxes, special assessments, license fees and other revenue of the city or for whose collection the city is responsible.

Sec. 3. Property subject to tax; method of assessment.

All real and personal property within the city not expressly exempted by law shall be subject to annual taxation. Each person, partnership and cooperation owing property within the limits of the City of Beeville, shall between the first day of January and the thirtieth day of April of each year, hand to the city assessor-collector a full and complete sworn inventory of the property possessed or controlled by him, her or them, within said limits on the first day of January of the current year. In all cases of failure to obtain a statement of real and personal property from any cause, the assessor-collector shall ascertain the amount and value of such property and assess the same at a value not to exceed the rendered value of the previous

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year; and such assessment shall be as valid and binding as if such property had been rendered by the owners thereof.

Sec. 4. Board of equalization-appointment; qualifications.

The city council shall each year prior to the first day of June appoint three (3) residents who shall be qualified voters and real property owners as the board of equalization. Such board shall choose from its membership a chairman. The city tax assessor-collector shall be ex officio secretary of the board. A majority of said board shall constitute a quorum for the transaction of business. Members of the board while serving shall receive such compensation as may be provided for them by the city council.

Sec. 5. Same - Public hearings; notice to owner.

At the same meeting that the council appoints the board of equalization, it shall by ordinance fix the time of the first meeting of the board which shall be on the first day of June or as soon thereafter as practicable. After such first meeting, the board may reconvene and adjourn from time to time, and as long thereafter as may be necessary it shall hear and determine the complaint of any persons in relation to the assessment roll. Whenever said board shall find it their duty to raise the value of any property appearing on the records of the assessor-collector, it shall, after having examined such records and corrected all errors appearing therein, recess for a period of not less than ten (10) nor more than fifteen (15) days, and shall cause the secretary of said board to give written notice to the owner of such property or to the person rendering same, of the time which said board will reconvene, and that such owner or person rendering said property may at that time appear and show cause why the value of said property should not be raised. Such notice may be served by depositing the same, properly addressed and postage paid, in the city post office.

Sec. 6. Same - Powers and duties.

It shall be the duty of such board to examine and, if necessary, revise the assessments as returned by the city assessor-collector, to the end that all property within the city shall be assessed as fairly and as uniformly as possible. The board of equalization shall also have the power to:

- (1) Review on complaint of property owners assessments for the purpose of taxation of both real and personal property within the city made by the city assessor-collector;
- (2) Administer oaths;
- (3) Take testimony;
- (4) Hold hearings;
- (5) Adopt regulations regarding the procedure of assessment review;

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- (6) Compel the production of all books, documents and other papers pertinent to the investigation of the taxable values of any person, firm or corporation having or owning property within the corporate limits of the city subject to taxation.

Sec. 7. Same - Records; approval of rolls.

The board shall be required to keep an accurate record of all its proceedings, which shall be available for public inspection. Immediately upon completion of its work, the board shall certify its approval of the assessment rolls, which shall be returned to the city council, which shall thereupon approve the said rolls as returned to it and thereupon adopt the same as the assessment rolls to be used for the collection of taxes for the current year.

Sec. 8. Taxes; when due and payable.

All taxes due the City of Beeville shall be payable at the office of the city assessor-collector and may be paid at any time after the tax rolls for the year have been completed and approved, which shall be not later than October first. Taxes shall be paid before February first, and all such taxes not paid prior to such date shall be deemed delinquent and shall be subject to such penalty and interest as the city council may provide by ordinance. The city council may by ordinance provide that all taxes, either current or delinquent, due the City of Beeville may be paid in installments.

Sec. 9. Seizure and sale of personal property.

The assessor-collector of taxes shall, by virtue of his tax rolls, have power and authority to seize and levy upon all personal property and sell the same to satisfy all taxes, together with all penalty, interest and costs due on said personal property by said delinquent to the city. When he seizes personal property of such purposes, he shall keep the same at the expense of the owner until the sale is made, and shall give notice of the time and place of sale of same by posting a written notice at the city hall door and one at another public place within the City of Beeville at least ten (10) days before the date of sale. He shall sell the same to the highest bidder for cash for all taxes, interest, cost and expense of caring for said property, and shall make an entry in the book of sales of the amount realized. All such sales shall be made at the front door of the city hall. A sale of personal property for delinquent taxes shall convey with it an absolute title and the owner shall have no right to redeem the same.

Sec. 10. Tax liens.

The tax levied by the city is hereby declared to be a lien, charge or encumbrance upon the property upon which the tax is due, which lien, charge or encumbrance the city is entitled to enforce and foreclose in any court having jurisdiction over the same, and the lien, charge and encumbrance on the property in favor of the city, for the amount of the taxes due on such property is such as to give the state courts jurisdiction to enforce and foreclose said lien on the property on which the tax is due, not only as against any resident of this state or person whose residence is unknown, but also as against nonresidents. All taxes upon real estate shall especially be a lien and a charge upon the property upon which the taxes are due, which lien may be foreclosed in any court having jurisdiction.

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Sec. 11. Tax remissions; discounts and compromises.

The city council or any other official of the city shall never extend the time for the payment of taxes or 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.

ARTICLE XI. FRANCHISE AND PUBLIC UTILITIES

Sec. 1. Powers of the city.

In addition to the city's power to buy, own, construct, maintain and operate utilities and to manufacture and distribute electricity, gas or anything else that may be needed or used by the public (see powers made part of this charter in article II, section 1), the city shall have further powers as may now or hereafter be granted under the constitution and laws of the State of Texas.

Sec. 2. Franchises; power of council.

The city council shall have power by ordinance to grant, amend, renew and extend all franchises of all public utilities of every character operating within the City of Beeville, and for such purpose is granted full power. All ordinances granting, amending, renewing or extending franchises for public utilities shall be read to two (2) separate regular meetings of the city council, and shall not be finally passed until thirty (30) days after the first reading; and no such ordinance shall take effect until thirty (30) days after its final passage; and pending such time, the full text of such ordinance shall be published once each week for four (4) consecutive weeks in the official newspaper of the City of Beeville, and the expense of such publication shall be borne by the proponent of the franchise. No public utility franchise shall be transferable except with the approval of the council expressed by ordinance.

Sec. 3. Franchise value not to be allowed.

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

Sec. 4. Right of regulation.

All grants, renewals, extensions or amendments of public utility franchises, whether it be so provided in the ordinance or not, shall be subject to the right of the city:

(1) To repeal the same by ordinance at any time for failure to begin construction or operation within the time prescribed or otherwise to comply with the terms of the franchise, such power to be exercised only after due notice and hearing.

(2) To require adequate extensions of plans and services, and the maintenance of the plants and fixtures at the highest reasonable standard of efficiency.

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- (3) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates.
- (4) (a) To prescribe the form of accounts kept by each utility; provided, that if the utility shall keep its accounts in accordance with the uniform system of accounts for said utility prescribed by the National Association of Railroad and Public Utility Commissioners, the Federal Power Commission, the Federal Communications Commission, the Railroad Commission of Texas, their successor or successors, this shall be deemed sufficient compliance with this paragraph.

(b) At any time to examine and audit the account and other records of any such utility and to require annual and other reports on local operations by each such public utility.
- (5) To impose such reasonable regulations and restrictions as may be deemed desirable or conducive to the safety, welfare and accommodation of the public.
- (6) To any time require such compensation and rental as may be permitted by the laws of the State of Texas.

Sec. 5. Consent of property owners.

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

Sec. 6. Extensions.

All extensions of public utilities within the city limits shall become a part of the aggregate property of the public utility shall be operated as such, and shall be subject to all the obligations and reserved rights contained in this charter and in any original grant hereafter made. The right to use and maintain any extension shall terminate with the original grant and shall be terminable as provided in section 4. In case of an extension of public utility operated under a franchise hereafter granted, such right shall be terminable at the same time and under the same conditions as the original grant.

Sec. 7. Other conditions.

All franchises heretofore granted are recognized as contracts between the City of Beeville and the grantee, and the contractual right as contained in any such franchise shall not be impaired by the provisions of this charter, except that the power of the City of Beeville to exercise the right of eminent domain in the acquisition of utility property is in all things reserved and except the general power of the city heretofore existing and herein provided for to regulate the rates and services of a grantee which shall include the right to require proper and adequate extension of plant and service and the maintenance of the

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plant and fixtures at the highest reasonable standard of efficiency. Every public utility franchise hereafter granted shall be held subject to all the terms and conditions contained in the various sections of this article whether or not such terms are specifically mentioned in the franchise. Nothing in this charter shall operate to limit in any way, as specifically stated, the discretion of the council or electors of the city in imposing terms and conditions as may be reasonable in connection with any franchise grant.

Sec. 8. Accounts of municipally owned utilities.

Accounts shall be kept for each public utility owned or operated by the city, in such manner as to show the true and complete financial results of such city ownership and operation, including all assets, appropriately subdivided into different classes, all liabilities subdivided by classes, depreciation reserve, other reserves and surplus; also revenues, operating expenses including depreciation, interest payments, rental and other disposition of annual income. The accounts shall show the actual capital cost to the city of each public utility owned, also the cost of all extensions, additions and improvements, and the source of the funds expended for such capital purposes. They shall show as nearly as possible the cost of any service furnished to or rendered by any such utility to any city or governmental department. The council shall cause a semi-annual report to be made by a qualified public accountant and shall publish such report showing the financial results of such city ownership and operation, giving the information specified in this section or such data as the council shall deem expedient.

Sec. 9. Regulations of rates and services.

The city council shall have full power to regulate by ordinance the rates and charges for utility and other services furnished by the city and by public and private companies operating in the City of Beeville. Notice of any proposed increase in utility rates and service costs shall be given the residents of the city by publishing notice thereof one time in the city's official newspaper at least ten (10) days prior to the date of a public hearing which shall be held on such proposal. The notice shall state the time and place of the hearing, the name of the proponent and the type of utility or service for which the rate increase is sought. The proponent shall pay the full cost of such notice and a correct stenographic transcript of the hearing, which the council may in its discretion require be made. A copy of such transcript shall be filed with the City Secretary and made available to any citizen upon receipt and reasonable deposit to insure its safe return under such rules and regulations as the city council may prescribe. No notice need be given nor public hearing had where the rate change is solely one of rate reduction. (Ord. 734, § 1)

ARTICLE XII. GENERAL PROVISIONS

Sec. 1. Publicity of records.

All records and accounts of every office, department or agency of the city shall be open to inspection by any citizen, any representative of a citizens' organization or any representative of the press at all reasonable times.

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Sec. 2. Personal interest.

No member of the council or any officer or employee of the city shall have a financial interest, direct or indirect, or by reason of ownership of stock in any corporation, in any contract or in the sale to the city or to a contractor supplying the city, of any land or rights of interests in any land, material, supplies or service, when said contract, land, material or service amounts to more than two hundred fifty dollars (\$250.00) for any calendar month. Any willful violation of this section shall constitute malfeasance in office and any officer or employee of the city found guilty thereof shall thereby forfeit his office or position. Any violation of this section with the knowledge express or implied of the person or corporation contracting with the city shall render the contract voidable by the city manager or the council.

Sec. 3. Private development.

The city council shall never authorize the expenditure of public funds for the development of a privately owned subdivision. In this section a subdivision shall be deemed to be privately owned when the owner or owners, whether individual, partnership, corporation or other body, shall have filed a plat as required by this charter, and shall have undertaken the sale of lots or parcels from the platted area. The prohibition herein shall not apply to extension of utilities or services to any incorporated area, for the purpose of serving existing houses, housing facilities or commercial buildings.

Sec. 3A. Notice of claim against city for damages.

Before the City of Beeville shall be liable for damages for personal injuries of any kind or for damages by reason of the death of any person, or for injuries to or destruction of property, [the person, or the owner of the property injured or destroyed, or someone in his behalf, [or in case the injuries result in death, the person who may have a cause of action under the law by reason of such death,*] shall give the City Secretary notice in writing of such injury or destruction duly verified, within ninety (90) days after the same has been sustained, stating in such written notice when, where and how the injury or destruction occurred, and the apparent extent thereof, the amount of damage sustained, the amount for which claimant will settle, the actual residence of the claimant by street and number at the date the claim is presented, and the actual residence of such claimant for six (6) months, immediately preceding the occurrence of such injuries or destruction, and the names and addresses of the witnesses upon whom he relies to establish his claim, and a failure to so notify the City Secretary within the time and manner specified herein shall exonerate, excuse and exempt the city from any liability whatsoever. (Ord. No. 734, § 1)

Editor's note - The bracketed words apparently were omitted in a transcription.

Sec. 4. Drilling operations.

The council shall by ordinance provide regulations for the drilling, spacing, completion and operation of oil, gas and commercial and/or industrial water wells within the territorial limits of the City of Beeville; but such regulations shall not prohibit the drilling or operation of domestic water wells, but shall insure that the fresh water supply will not be contaminated.

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Sec. 5. Oath of Office.

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

"I _____, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of _____, of the City of Beeville, State of Texas, and will to the best of my ability preserve, protect and defend the constitution and laws of the United States and of this state and the charter and ordinance of this city; and I furthermore solemnly swear (or affirm), that I have not directly nor indirectly paid, offered, or promised to pay, contributed, nor promised to contribute any money, or valuable thing, or promised any public office or employment, as a reward for the giving or withholding of a vote at the election at which I was elected, or if the office is one of appointment, to secure my appointment. So help me God."

Sec. 6. Nepotism.

No person related within the second degree by affinity or within the third degree by consanguinity to the mayor or any other member of the council, or to the city manager, shall be appointed to any office, position or clerkship or other service to the city.

Sec. 7. Public library.

The city council shall have the authority to establish and maintain a free public library within the city and to cooperate with any person, firm, association or corporation under such terms as the city council may prescribe for the establishment of such free public library. For budget purposes, the library shall be considered as a department of the city and the appropriations therefore shall comply with all the budgetary requirements as outlined in this charter and as may be prescribed from time to time by the city council.

Sec. 8. Zoning ordinance.

For the purpose of promoting the health, safety, morals or general welfare of the city, the council may by ordinance regulate the location, height, bulk and size of buildings and other structures, the size of yards, courts and other open spaces, the density of population and the uses of buildings, structures and land for trade, industry, business, residence or other purposes. Such ordinances may provide that the zoning board of adjustment may, in appropriate cases and subject to appropriate principles, standards, rules, conditions and safeguards set forth in the ordinance, make special exceptions to the terms of zoning regulations in harmony with their general purpose and intent. Such ordinances may provide that the zoning board of adjustment may authorize variances from the strict application of the regulations in such situations and subject to such limitations as may be set forth in ordinance. All of the powers granted by title 28, chapter 4, articles 1011a to 1011j, both inclusive, of the 1925 Revised Civil Statutes of Texas, together with existing amendments and all amendments as hereinafter may be made relating to zoning in cities, are hereby adopted and made a part of this charter.

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Sec. 9. Provisions relating to 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 of execution of 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; not shall the city be liable to 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 assignments of wages or funds by its employees, agents or contractors.

Sec. 10. City not required to give security or execute bond.

It shall not be necessary in any action, suit or proceeding in which the city of Beeville is a party, for any 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, same shall be conducted in the same manner as if such bond, undertaking or security had been given as required by law, and said city shall be just as liable as if security on bond had been duly executed.

Sec. 11. Effect of this charter on existing law.

All ordinances, resolutions, rules and regulations now in force under the city government of Beeville and not in conflict with the provisions of this charter, shall remain in force under this charter until altered, amended or repealed by the council after this charter takes effect; and all rights of the City of Beeville under existing franchises and contracts are preserved in full force and effect to the City of Beeville.

Sec. 12. Interim municipal government.

From and after the date of the adoption of this charter and until the completion of the first city election under this charter and the qualification of the mayor and councilmen therein elected, the present qualified and acting mayor and the two (2) commissioners shall constitute the city council of the City of Beeville. Such city council shall possess all of the powers provided by this charter, except the employment of a city manager, which employment shall not take place until after the five (5) member council is filled as provided by this charter.

Sec. 13. Amending the charter.

Amendments to this charter may be framed and submitted to the electors of the city by a charter commission in the manner provided by law for framing and submitting a new charter. Amendments may also be proposed and submitted by ordinance passed by a majority vote of the full membership of the council, or by a petition signed by not less than ten (10) per centum of the qualified voters of the city. When a charter amendment petition shall have been filed with the council in conformity with the provisions of this charter as to petitions for initiated ordinances, the council shall forthwith provide by ordinance for submitting such proposed amendment to a vote of the electors. Any ordinance for submitting a charter amendment to the electors shall provide that such amendment be submitted at the

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next regular municipal election if one shall occur not less than sixty (60) nor more than one hundred and twenty (120) days after the passage of the ordinance; otherwise it shall provide for the submission of the amendment at a special election to be called and held within the time aforesaid. Not less than thirty (30) days prior to such election, the City Secretary shall mail a copy of the proposed amendment or amendments to each qualified voter in said city as appears from the latest rolls of the tax collector. If a proposed amendment be approved by a majority of the electors voting thereon, it shall become a part of the charter at the time fixed therein. Each amendment shall be confined to one subject; and when more than one amendment shall be submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment separately.

Sec. 14. Separability clause.

If any section or part of section of this charter shall be held invalid by a court or competent jurisdiction, such holding shall not affect the remainder of this charter not 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.

Sec. 15. Submission of charter to electors.

The charter commission in preparing this charter finds and decides that it is impracticable to segregate such 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 Beeville at an election to be held for that purpose on the fifth day of October, A.D. 1951. If a majority of the qualified voters voting in such election shall vote in favor of the adoption of this charter, it shall become the charter of the City of Beeville, 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 signature and the 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 such elections.

In not less than thirty (30) days prior to such election, the city council shall cause the City Secretary to mail a copy of this charter to each qualified voter of the City of Beeville as appears from the tax collector's roll for the year ending January thirty-first preceding said election.

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CHARTER COMPARATIVE TABLE

Ord. No.	Section	Disposition Art./Sec.
734	1	I 5 III 1-3 6, 7 9-11 21 V 13 IX 2, 6 XI 9 XII 3A
880	1	III 3-5
1106	1	III 1, 2, 6 8-12 14, 16 IV 1-6 V 13, 14 IX 6a

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(1)

and (2)

Related to Article III, Section 6 and Article IV, Section 1

Texas Election Code

Section 201.052 DATE OF ELECTION (a) Except as otherwise provided by this Code, a special election to fill a vacancy shall be held on the first authorized uniform election date occurring on or after the 30th day after the date the election is ordered.

Section 41.001 UNIFORM ELECTION DATES (a) Except as otherwise provided by this subchapter, each general election in this State shall be held on one of the following dates:

- | | |
|-----|--|
| (1) | The third Saturday in January; |
| (2) | The first Saturday in May |
| (3) | The second Saturday in August; or |
| (4) | The first Tuesday after the first Monday in
November. |

(other exceptions listed)

Texas Municipal Election Law

Section 12-15 THE ELECTION IN HOME-RULE CITIES

FILLING VACANCIES - If a city has any terms of office in excess of two years, a vacancy on the city's governing body must be filled by a majority vote at a special election. In all other cases, a vacancy is filled in the manner provided by the City Charter.

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