

CHARTER OF THE CITY OF EDNA, TEXAS

Note: Printed herein is the home rule charter of the city as adopted on April 4, 1966 and amended subsequently. The preamble has been deleted. Amendments have been included and those Sections amended have been indicated by a history note after the amended Section. The absence of a history note indicates the Section appears as originally adopted and has not been amended. Style and capitalization have been made uniform.

ARTICLE I. INCORPORATION, FORM OF GOVERNMENT, AND GENERAL POWERS

SECTION 1. INCORPORATION.

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

SECTION 2. FORM OF GOVERNMENT.

The municipal government provided by this Charter shall be the council-manager form of government. Pursuant to the provision of, and subject only to the limitations imposed by the state constitution, the state laws, and this Charter, all powers of the city shall be vested in an elective council, hereinafter referred to as the council, which shall enact legislation, adopt budgets, determine policies, and appoint the city manager, who shall execute the laws and administer the government of the city.

SECTION 3. GENERAL POWERS OF THE CITY.

The city shall be a home rule city, with full power of local self-government, including the right to amend this Charter, as provided by the constitution and laws of this state. It shall have all the powers granted to cities by the constitution and laws of the State of Texas, together with all the implied powers necessary to carry into execution such granted powers.

It may use a corporate seal; may sue and be sued; may contract and be contracted with; may cooperate with the government of the State of Texas, or any agency or political subdivision thereof, or the federal government or its agencies, to accomplish any lawful purpose for the advancement of the interest, welfare, health, morals, comfort, safety, and convenience of the city and its inhabitants; may acquire property within or without its corporate limits for any municipal purposes in fee simple, or in any lesser interest or estate by purchase, gift, devise, lease or condemnation, and subject to the provisions of this Charter, may sell, lease, mortgage, hold, manage and control such property as may now or hereafter be owned by it; may pass ordinances and enact such regulations as may be expedient for the maintenance

of the good government, order, and peace of the city and the welfare, health, morals, comfort, safety, and convenience of its inhabitants; and shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every kind and nature whatsoever, subject only to the limitations imposed by the state constitution, the state laws, and this Charter.

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

SECTION 4. STREETS AND PUBLIC PROPERTY.

The city shall have exclusive dominion, control and jurisdiction in, upon, over and under the public streets, sidewalks, alleys, highways, public squares and public ways within the corporate limits of the city, and in, upon, over and under all public-property of the city. With respect to each and every public street, sidewalk, alley, highway, public square, public park or other public way within the corporate limits of the city, the city shall have the power to establish, maintain, improve or alter the same; or abandon, or vacate the same in the manner provided by law; to regulate, establish, or change the grade thereof; to control and regulate the use thereof; and to abate and remove in a summary manner any encroachment thereon.

SECTION 5. CHANGE OF BOUNDARIES.

The boundaries of the city may be altered by extension or contraction through annexation or detachment of territory by one of the following methods:

(a) Annexation of petition of owners:

Upon presentation of a petition in writing, signed by a majority of the owners of territory adjacent to the city, the council, after hearing arguments for and against such action, may, by ordinance, annex such territory into the city. Hearing on such a petition must take place within the time prescribed by law.

(b) Annexation by action of the council:

The city council, may by ordinance, annex territory lying adjacent to the city, with or without consent of the inhabitants in such territory or the owners thereof, not inconsistent with the procedural rules prescribed by law applicable to cities operating under charters adopted or amended under Article XI, SECTION 5, of the Constitution of the State of Texas.

(c) Detachment of territory:

Territory lying within the boundary limits of the city, which area must adjoin the outer boundaries of the

city may be detached from the city by ordinance following a petition and action as in subsection (a) above; or by ordinance following public notice and hearing as in subsection (b) above; however, any territory so detached shall be liable for its prorata share of any debts incurred while it was a part of the city, and the city shall continue to levy and collect taxes on the property within said territory until such indebtedness has been discharged.

(d) Extension of municipal utilities:

Municipal utilities shall be extended to serve annexed territory when in the discretion of the city council such extensions are advisable and are financially feasible. Before annexing any territory, the city council shall have a service plan and also a financial plan to provide said city services. Municipal services shall be extended to serve annexed territory within two and one-half (21/2) years. If council does not act within two and one-half (21/2) years, any qualified voter residing in an annexed territory may petition council to disannex such territory and in the event of an adverse decision of the council, may request such disannexation by appeal to the District Court under SECTION 10, Article 970a, Vernon's Texas Civil Statutes.

(Amended by referendum, 4-2-68; amended by referendum, 4-5-80; Am. Ord. 84-02, passed 2-15-84; adopted by referendum, 4-5-84)

Statutory reference: Extraterritorial jurisdiction and annexation, TEX. Loc. Gov'T CODE, §§ 42.001, 43.001

ARTICLE II. THE COUNCIL

SECTION 1. NUMBER AND TERM OF OFFICE.

The council shall consist of a mayor and five (5) councilmen who shall be elected in the manner provided by this Charter to serve for a term of two (2) years or until their successors have been elected and have qualified. The terms of office of three (3) council positions shall be staggered one (1) year from those of the mayor and the other two (2) positions.

Statutory reference: Election Code, TEX. ELEC. CODE, Art. 1.01 et seq.

SECTION 2. QUALIFICATIONS.

At the time of his election, the mayor and each councilman shall be a qualified voter of the city, shall have resided in the city and in his district at least one (1) year immediately preceding his election, and shall hold no other elective public office, appointive city office, nor be an employee of the city. Members of the council must resign before seeking another public office unless the election is held at the expiration of his term. If the mayor or any councilman shall cease to possess any of the above mentioned qualifications or be convicted of a felony, his office shall immediately become vacant.

(Amended by referendum, 2-6-86)

Statutory reference: Elections, qualifications for office, charter may establish certain qualifications, TEX. ELEC. CODE, Art. 1.05

SECTION 3. VACANCIES.

Vacancies in the council, including the office of mayor, shall be filled by appointment by the remaining members of the council, provided, however, that in the event two (2) or more vacancies occur at the same time, such vacancies shall be filled at a special election to be called by the remaining members of the council.

Where only one (1) vacancy in the city council, including the office of mayor is filled, the appointee filling the vacancy shall hold the office for the unexpired term of his predecessor. (Amended by referendum, 4-4-72)

SECTION 4. POWERS OF THE COUNCIL.

All powers of the City of Edna, and the determination of all matters of policy shall be vested in the city council. Except where in conflict with and otherwise expressly provided by this Charter, the city council shall have all powers authorized to be exercised by the city council by Chapter 4 of Title 28, Vernon's Annotated Civil Statutes, and acts amendatory thereof and supplementary thereto, now or hereafter enacted, without limitation of the foregoing and among the other powers that may be exercised by the 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 the divisions.
- (3) Adopt the budget of the city.
- (4) Authorize the issuance of bonds by a bond ordinance.
- (5) Inquire into the conduct of an office, department or agency of the city and make investigations as to municipal affairs.
- (6) Provide for a planning commission, a zoning commission and board of adjustment, and appoint the members of such commissions and boards. 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 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.

(10) Adopt, modify and carry out plans proposed by the planning commission for the -clearance-of slum districts and rehabilitation of blighted areas.

(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 calculated to increase the fire hazard, and the manner of their removal or destruction.

(Amended by referendum, 4-2-68)

SECTION 5. INVESTIGATIVE POWERS OF THE COUNCIL.

The council shall have the power to inquire into the official conduct of any department, agency, office, officer, or employee of the city, and into any other matters of proper concern to the Municipal Government. For this purpose the council shall have the power to administer oaths, subpoena witnesses, and to compel the production of books, papers, and other evidence material to the inquiry. The council shall provide by ordinance, penalties for contempt in failing or refusing to obey any such subpoena or to produce any such books, papers, or other evidence, and shall have the power to punish any such contempt in the manner provided by that ordinance.

SECTION 6. INTERFERENCE IN ADMINISTRATIVE MATTERS.

Neither the council nor any of its members shall direct the city manager or any of his subordinates to appoint or to remove from office or employment any person except a person whose office is filled by appointment of the council under the provisions of this Charter. Except for the purpose of inquiry and investigation, the council and its members shall deal with the administrative services of the city 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.

In the event of a vacancy in the office of city manager, the mayor shall act as city manager until such time as the city council can meet and appoint a temporary or acting manager.

(Amended by referendum, 4-1-78; Am. Ord. 84-02, passed 2-15-84)

SECTION 7. MAYOR AND MAYOR PRO TEM.

The mayor shall be elected in the manner provided by this Charter to serve for a term of two (2) years or until his successor has been elected and qualified. The mayor shall preside at all meetings of the council and shall be recognized as head of the city government for all ceremonial purposes, for the purpose of receiving service or civil process, for emergency purposes, and for military purposes, but he shall have no regular administrative duties. The mayor, as a member of the council, shall be entitled to vote only in case of a tie and shall have no veto power. At its first regular meeting following each regular election of council members, the mayor shall appoint one of its members as mayor pro-tem, subject to approval by the council. The mayor pro-tem shall serve for one (1) year and shall act as mayor during the absence or disability of the mayor, and shall have power to perform every act the mayor could perform if present.

SECTION 8. MEETINGS OF THE COUNCIL.

There shall be regular meetings of the council which shall be held at such times and places as shall be prescribed by ordinance or resolution. Special meetings which shall be for a specific purpose (or purposes) may be called at any time by the city manager upon request of the mayor or three (3) councilmen and no action shall be taken on other matters. Notice of special meetings shall be given to each member of the council at his regular address. Such notice shall include a statement of the purpose of the special meeting.

(a) Minutes of all meetings of the council shall be promptly entered within seventy-two (72) hours on the minute book of the council, and the city secretary shall provide a permanent and adequate index showing the action of the council in regard to all matters submitted to it at both regular and special meetings.

(Amended 4-7-70)

(b) The city council shall fix the compensation, if any, to be received by its members for attendance at its meetings. They shall be entitled to reimbursement of and for necessary expenses incurred in the performance of their official duties, when approved by the council.

(Amended 4-7-70)

(c) All meetings of the city council shall be held in accordance with the legal requirements of the Texas Open Meeting Law.

(Amended by referendum, 4-1-78)

Statutory reference: Open Meetings Act, TEX. REV. CIV. STAT. Art. 6252-17

SECTION 9. RULES OF PROCEDURE.

The council shall by ordinance determine its own rules and order of business. A quorum of the council, which shall consist of three (3) councilmen and the presiding officer, shall be necessary for the transaction of business, but no ordinance shall, be of any force or effect unless it is adopted by the

favorable votes of a majority of the council. A majority of the council shall consist of three (3) councilmen or two (2) councilmen and the presiding officer. If a member of the council is absent from three (3) consecutive regular meetings without explanation acceptable to a majority of the council, he...- may be removed from office at the next regular meeting. The council may adopt such rules and prescribe such penalties as it may see fit to enforce the attendance of its members at all regular and called meetings of the council or its committees. Minutes of all meetings of the council shall be taken and recorded by the city secretary or one of his assistants, and such minutes shall constitute a public record.

(Amended by referendum, 4-5-80)

SECTION 10. PROCEDURE TO ENACT LEGISLATION.

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

SECTION 11. PUBLICATION OF ORDINANCES.

Each proposed ordinance or resolution shall be introduced in written or printed form and shall not contain more than one (1) subject which shall clearly be expressed in the title, except ordinances or resolutions making appropriations or authorizing the contracting of indebtedness or issuance of bonds. No ordinance, unless it be declared an emergency measure, shall take effect until it has been passed, read and voted upon at two (2) regular meetings of the city council and the caption thereof printed once in the official newspaper. No ordinance imposing any fine, penalty or forfeiture shall take effect until ten (10) days after the caption thereof has been published.

SECTION 12. CODE OF ORDINANCES.

The Code of Ordinances adopted on January 10, 1962, shall continue in effect and council shall revise, expand or re-codify as may be required by law or the needs of the city. A printed copy of the city's Code of Ordinances shall be admitted in evidence in all courts of the existence and regular enactment of all ordinances herein set forth.

(Amended by referendum, 4-2-68; amended by referendum, 4-2-74)

ARTICLE III. ELECTIONS

SECTION 1. CALLING AND REGULATING ELECTIONS.

The mayor shall call the regular city elections and may call such special elections as are authorized by state law and this Charter.

All elections shall be held in accordance with the laws of the State of Texas regulating the holding of municipal elections and in accordance with the ordinances adopted by the city council for the conduct thereof.

SECTION 2. FILING FOR OFFICE.

Any person having the qualifications required by this Charter, and who is not indebted to the city, 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 delivered to the city secretary no less than thirty (30) days prior to the date of the election, shall entitle such applicant to a place on the official ballot.

(Amended by referendum, 4-7-70)

SECTION 3. CITY COUNCIL REPRESENTATION.

The City of Edna shall be divided into five (5) districts, each to be represented by one (1) councilmember with the mayor being elected at-large. Candidates shall reside in the district they represent, and shall have resided in that district for at least one (1) year preceding their election. Candidates shall be elected by the voters of the district they represent.

(Amended by referendum, 4-5-80)

SECTION 4. ELECTION BY PLURALITY.

At any regular or special municipal election, the candidate for each office, and in the case of councilmen, the candidate for each position, who has received the greater number of votes shall be declared elected. In the event no candidate has received at least 50% of the votes cast, the Council shall cause to be held a runoff election between the two highest vote getting candidates between thirty and forty-five days after the special or regular election, provided, however, if the two highest vote getting candidates can agree in writing upon some other method of deciding who shall be declared elected, a special election will not be ordered.

(Ord. 84-02, passed 2-15-84; amended by referendum, 2-6-86)

ARTICLE IV. INITIATIVE, REFERENDUM, AND RECALL

SECTION 1. POWER OF INITIATIVE.

The people of the city shall have the power of direct legislation by initiative, and in the exercise of such power may propose any ordinance, except ordinances appropriating money or levying taxes, or ordinances repealing ordinances appropriating money or levying taxes, not in conflict with the laws or constitution of the State of Texas or the provision of this Charter.

Statutory reference: Election Code, TEX. ELEC. CODE, Art. 1.01 et seq.

SECTION 2. POWER OF REFERENDUM.

The people of the city shall have the power to approve or reject in a referendum election any ordinance, excepting that an ordinance authorizing the issuance and servicing of tax or revenue bonds which have been approved by the voters in an election duly held for that purpose shall not be subjected to such referendum.

SECTION 3. REQUIREMENTS OF PETITION FOR INITIATIVE OR REFERENDUM.

A petition to initiate a proposed ordinance or for a referendum on an ordinance which has been enacted by the council shall be signed by qualified voters of the city equal in number to at least thirty (30) percent of the number of votes cast at the last regular city election or one hundred fifty (150), whichever is the greater. The petition for initiative shall contain the full text of the proposed ordinance, and the petition for referendum shall contain at least the full descriptive caption of the ordinance on which a referendum is asked and the date of its enactment by the council. No signature to a petition shall be counted unless it is followed by the street address of the signer, is the same as the name of a voter appearing on the official current poll list, and has been personally signed by such voter. At the end of the petition there shall be a verification made by the person who has circulated the petition. sworn to before a notary public that each signature appearing is the genuine signature of the person whose name purports to be signed to the petition, and was made in the presence of the person so verifying. A petition for initiative or referendum may consist of a number of separate petitions, which shall be counted together to determine the number of voters who have signed the petition, but each separate petition shall in that case fulfill all of the requirements as to form and verification.

SECTION 4. TIME FOR FILING PETITION.

A petition to initiate a proposed ordinance may be submitted at any time, except that no ordinance shall be proposed by an initiative petition which is on the same subject as an ordinance so submitted and defeated at an election held within one (1) year prior thereto.

SECTION 5. PROCEDURE AFTER A PETITION IS RECEIVED.

The petition for initiative or referendum shall be filed with the city manager who shall within twenty (20) days thereafter determine whether the petition is sufficient in form and has been signed by the requisite number of qualified voters. If the petition is insufficient in form or signatures, the city manager shall notify the person who has filed the petition of the reason therefore, and an additional ten (10) days shall be allowed within which to file an amendment or supplement which will correct the deficiency. When a petition as originally filed or amended or supplemented is found to be sufficient, the city manager shall so certify to the council at its next regular meeting. When the council receives a petition for initiative which has been certified by the city manager to be sufficient, the council shall either enact

the proposed ordinance within thirty (30) days thereafter or it shall submit the proposed ordinance to a vote of the qualified voters of the city at a regular or special election to be held on the next available date as provided for by state law. When the council receives a petition certified by the city manager to be sufficient, asking for a referendum on an ordinance which it has previously enacted, it shall formally reconsider such ordinance within thirty (30) days thereafter and if upon such reconsideration the ordinance is not repealed, it shall submit that ordinance to the qualified voters of the city, for approval or rejection, at a regular or special election to be held on the next available date as provided for by state law.

(Amended by referendum, 4-1-78)

No ordinance which has been initiated by petition and adopted at an election by the qualified voters shall be repealed within two (2) years thereafter, and no ordinance enacted by the council and thereafter rejected by the qualified voters in an election held on petition for referendum shall be re-enacted by the council within two (2) years thereafter. If conflicting ordinances should be approved by the qualified voters in the same election, the one which receives the greatest number of affirmative votes shall prevail to the extent of such conflict.

SECTION 6. RECALL OF ELECTED OFFICIALS.

The qualified voters of the city shall have the power to recall any elected official and may exercise such power by filing a petition with the city manager. The recall petition for a councilmember shall be signed by qualified voters of the affected district equal in number to at least ten (10) percent of the number of votes cast at the last regular city election in the affected councilmember's district or fifty (50) qualified voters, whichever is the greater. The recall petition for position of mayor or any at-large position shall be signed by qualified voters of the entire city equal in number to at least ten (10) percent of the number of votes cast at the last city-wide election or one hundred fifty (150) qualified voters, whichever is the greater. The recall petition shall be signed and verified in the same manner as initiative and referendum petitions. The petition must distinctly and specifically point out the ground or grounds upon which such petition for removal is predicated.

(Ord. 84-02, passed 2-15-84; amended by referendum, 2-6-86)

SECTION 7. PROCEDURE FOR RECALL.

When the city manager shall have certified to the council that a sufficient petition for recall has been received, the council shall order an election to be held on the next available date as provided for by state law at which there shall be submitted to all qualified voters the question whether the designated elected officer of the city shall be removed from his office. If a majority of the votes cast at this recall election shall be for the removal from office of the elected officer named on the petition and ballot, his office shall immediately be declared vacant, and shall be filled in accordance with the provisions of the Charter for the filling of vacancies. An elected officer who has been so removed from office shall not be eligible to succeed himself.

(Amended by referendum, 4-1-78)

SECTION 8. PUBLIC HEARING.

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

SECTION 9. LIMITATIONS ON RECALL.

No petition shall be filed against an elected officer within ninety (90) days after he has taken office, and no elected officer shall be subjected to more than one (1) recall election during a term of office. A recall election need not be ordered by the council if the term of office of the elected officer against whom a petition is filed is to expire within ninety (90) days after the petition is filed with the city manager.

ARTICLE V. ADMINISTRATIVE SERVICES

SECTION 1. APPOINTMENT AND QUALIFICATIONS OF THE CITY MANAGER.

The council shall appoint a city manager who shall be the chief administrative and executive officer of the city and shall be responsible to the council for the administration of all the affairs of the city under his jurisdiction. He shall be chosen by the council solely on the basis of his executive and administrative training, experience, and ability, and need not, when appointed, be a resident of the city. No member of the council shall, during the time for which he is elected and for one (1) year thereafter, be appointed or designated city manager.

SECTION 1(a). VACANCY IN OFFICE OF CITY MANAGER.

In the event of a vacancy in the office of city manager, the city council shall exercise all power and authority conferred by this Charter on the city manager; provided, however, that nothing herein shall relieve the city council from its duty to make a diligent effort to secure the services of a competent city manager.

SECTION 2. TERM AND SALARY OF THE CITY MANAGER.

The city manager shall not be appointed for a definite term, but may be removed at the will and pleasure of the 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 council. In case of the absence

or disability of the city manager, the council may designate some qualified person to perform the duties of the office during such absence or disability. The city manager shall receive such compensation as may be fixed by the council.

(Amended by referendum, 4-7-70)

SECTION 3. POWER AND DUTIES OF THE CITY MANAGER.

(a) The city manager may appoint or remove any employee of the city, except as otherwise provided herein.

(Amended by referendum, 4-1-78)

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

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

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

(e) Perform such duties as may be prescribed by this Charter or may be required of him by the council not inconsistent with this Charter.

SECTION 4. ADMINISTRATIVE DEPARTMENTS.

There shall be such administrative departments as are established by this Charter and may be established by ordinance, and excepting where otherwise provided in this Charter, these administrative departments shall be under the control and direction of the city manager. The council may abolish or combine one (1) or more of the departments created by it, and may assign or transfer the duties of any department to another department where not in conflict with other provisions of this Charter.

The city manager shall appoint the city secretary and assistants, if any, who shall serve at the pleasure of the city manager. The city secretary or assistants shall keep the minutes and other records of the council, and shall have such other duties and responsibilities as may be assigned by this Charter, the council or the city manager.

SECTION 5. APPOINTMENT OF CHIEF OF POLICE.

The chief of police, who shall be the executive officer of the police department, will be appointed by the city manager (see Article V, SECTION 3, Subsection "a"). He shall be at least thirty (30) years of age, have prior experience in the field of law enforcement, possess good moral character, and shall never have been convicted of a felony or any crime involving moral turpitude in this or any other state. (Amended

by referendum, 4-2-68; amended by referendum, 4-5-80)

SECTION 6. APPOINTMENT OF SUBORDINATES.

The chief of police shall have the power to appoint, discharge and remove all subordinate personnel of the police department.

(Amended by referendum, 4-5-80)

SECTION 7. APPOINTMENT OF CITY ATTORNEY.

The council shall appoint a competent and duly licensed attorney who shall be the city attorney. He shall receive such compensation as may be fixed by the council and shall hold office at the pleasure of the council. He shall be the legal advisor, attorney and counselor for the city, its officers and departments. The council shall, when it deems necessary, appoint one (1) or more assistants to the city attorney and set their Compensation. The city attorney and his assistants shall represent the city in all litigation, but at the council's discretion, may or may not participate in litigation for the collection of delinquent taxes. Special attorneys may be employed under contract for the collection of delinquent taxes and for any other purposes at such fees and for such length of time as the council may prescribe.

(Amended by referendum, 4-7-70; Am. Ord. 84-02, passed 2-15-84; adopted by referendum, 4-5-84)

SECTION 8. HEALTH OFFICER.

The health officer, who shall be the director of the department of health and sanitation, will be appointed by the city manager. He shall be a licensed physician, qualified to practice medicine in the State of Texas.

SECTION 9. FIRE MARSHAL.

There shall be a fire marshal appointed by the city manager with the approval of the city council. He shall enforce the fire code of the city, make inspections, conduct investigations and perform such other duties as may be required to provide maximum fire protection for the city.

SECTION 10. APPOINTMENTS, PROMOTIONS, AND DISMISSALS.

Appointments and promotions in the administrative service of the city shall be made according to merit and fitness. To carry out this purpose, the council may by ordinance provide a system for the classification of employees and rules for the appointment, promotion, and dismissal of employees within such classification.

Where such vacancies in city government are filled, if the office is an elective one the appointee filling the vacancy shall hold the office until the next regular election. If the office is appointive, the appointee shall hold it for the unexpired term.

(Amended by referendum, 4-2-68)

SECTION 11. CLASSIFIED SERVICE.

No member of a board or other person, who is to be appointed by the council under this Charter, shall be included within the classified service of the city, but all other persons in the administrative services of the city shall be included in same, unless specifically excluded by the ordinance providing for a system of classified services.

(Amended by referendum, 2-6-86)

ARTICLE VI. MUNICIPAL COURT

SECTION 1. MUNICIPAL COURT.

There shall be a municipal court of the city, which shall have such jurisdiction, powers and duties as are given and prescribed by the laws of the State of Texas.

Cross-reference: Municipal court fines, see code §§ 15-26, 21-71

SECTION 2. JUDGE OF THE MUNICIPAL COURT.

The municipal court shall be presided over by a magistrate who shall be known as the judge of the municipal court. He shall be elected by a majority of the council and shall hold office for a term of one (1) year. The judge shall be a high school graduate, a resident of the City of Edna not less than two (2) years immediately prior to his appointment, possess good moral character and shall never have been convicted of a felony or any crime involving moral turpitude in this or any other state, and shall receive certification from the State of Texas within six (6) months of employment. In the event the judge of the municipal court is unable to act for any reason, the mayor shall act in his place until the council has appointed a replacement. The judge or anyone acting in his place, shall receive such compensation as may be set by the council. The council shall have the power to create and establish additional municipal courts, with the same or separate jurisdictions, and to elect an additional magistrate for each court so established.

(Ord. 84-02, passed 2-15-84)

SECTION 3. CLERK OF MUNICIPAL COURT.

There shall be a clerk of the municipal court who shall be appointed by the city manager. The clerk shall have the power to administer oaths, make certificates, affix the seal of the court thereto, and otherwise perform any and all acts necessary in issuing process of such court and conducting the business thereof. Deputy clerks shall be appointed as may be required and shall have authority to act for and on behalf of the clerk of the municipal court in all matters wherein the clerk might act.

ARTICLE VII. MUNICIPAL FINANCE

SECTION 1. FISCAL YEAR.

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

SECTION 2. PREPARATION AND SUBMISSION OF BUDGET.

The city manager, between sixty (60) and ninety (90) days prior to the beginning of each fiscal year, shall submit to the council a proposed budget, which budget shall provide a complete financial plan for the fiscal year, and shall contain the following:

- (a) A budget message, outlining the proposed financial policies of the city for the fiscal year, and the reasons for salient changes from the previous fiscal year in expenditure and revenue items; and explaining in detail any major changes in financial policy;
- (b) A consolidated statement of anticipated receipts and proposed expenditures for each department, comparing them with those of the previous fiscal year;
- (c) An analysis of property valuations;
- (d) An analysis of tax rate;
- (e) Tax levies and tax collections by years for at least five (5) years;
- (f) General fund resources in detail;
- (g) Special fund resources in detail;
- (h) Summary of proposed expenditures by function, department and activity;
- (i) Detailed estimates of expenditures shown separately for each activity to support the summary called for in (h) above;
- (j) A revenue and expense statement for all types of bonds, time warrants and other indebtedness;
- (k) A description of all bond issues, time warrants and other indebtedness outstanding, showing rate of interest, date of issue, maturity date, amount authorized, amount issued and amount outstanding;
- (l) A schedule of requirements for the principal and interest of each issue of bonds, time warrants and

other indebtedness;

(m) The appropriation ordinance; and

(n) The tax levying ordinance.

SECTION 3. BUDGET A PUBLIC RECORD.

The budget and all supporting schedules shall be filed with the person performing the duties of city secretary, submitted to the council and shall be a public record. The city manager shall provide copies for distribution to all interested persons.

SECTION 4. NOTICE OF PUBLIC HEARING ON BUDGET.

At the meeting of the council at which the budget is submitted, the council shall fix the time and place of a public hearing on the budget, and shall cause to be published in the official newspaper of the city, a notice of the hearing setting forth the time and place thereof at least five (5) days before the date of such hearing.

SECTION 5. PUBLIC HEARING ON BUDGET.

At the time and place set forth in the notice required by SECTION 4, 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 submitted, and all interested persons shall be given an opportunity to be heard for or against any item or the amount of any item therein contained.

SECTION 6. PROCEEDINGS ON BUDGET AFTER PUBLIC HEARING.

After the conclusion of such public hearing, the council may insert new items or may increase or decrease the items of the budget, except items in proposed expenditures fixed by law, but where it shall increase the total proposed expenditures, it shall also provide for adequate resources. (Amended by referendum, 4-5-80)

SECTION 7. VOTE REQUIRED FOR ADOPTION.

The budget shall be adopted by the favorable vote of a majority of the members of the council.

SECTION 8. DATE OF FINANCIAL ADOPTION.

The budget shall be finally adopted not later than fifteen (15) days prior to the beginning of the fiscal year, and should the council fail to so adopt a budget, then the existing budget, together with its tax-levying ordinance and its appropriation ordinance, shall be deemed adopted for the ensuing fiscal year.

SECTION 9. EFFECTIVE DATE OF BUDGET, CERTIFICATION, COPIES MADE AVAILABLE.

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

SECTION 10. BUDGET ESTABLISHES APPROPRIATIONS.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named. No funds can be transferred or added to a budgeted item without council approval.

SECTION 11. PURCHASE PROCEDURE.

All purchases made and contracts executed by the city shall be pursuant to a requisition from the head of the office, department or agency whose appropriation will be charged, and no contract or order shall be binding upon the city unless and until the city manager certifies that there is to the credit of such office, department or agency a sufficient unencumbered appropriation and an allotment balance to pay for the supplies, materials, equipment, or contractual services for which the contract or order is to be issued. Before the city makes any purchase or contract for supplies, materials, equipment, or contractual services, opportunity shall be given for competitive bidding as provided for by law or ordinance; provided that the council, or the city manager in such cases as he is authorized to contract for the city, shall have the right to reject any and all bids. Contracts for personal and professional services shall not be let on competitive bids. The council may by ordinance convey upon the city manager authority to contract for expenditures without further approval of the council for all budgeted items not exceeding state statute limitations.

(Amended by referendum, 4-1-78; Ord. No. 84-02, passed 2-15-84; adopted by referendum 4-5-84)

SECTION 12. BUDGET ESTABLISHES 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; provided, however, that in no event shall such levy exceed the legal limit provided by the constitution and laws of the State of Texas.

SECTION 13. BORROWING TO MEET EMERGENCY APPROPRIATIONS.

In the absence of un-appropriated, available revenues or other funds to meet emergency appropriations, the council may by resolution authorize the borrowing of money to meet such deficit by

the issuance of notes or time warrants, each of which shall be designated "emergency note" and may be renewed from time to time, but all such notes of any fiscal year and any renewals thereof shall mature and be payable not later than the last day of the fiscal year next succeeding the fiscal year in which the emergency appropriation was made.

SECTION 14. ESTIMATED EXPENDITURES SHALL NOT EXCEED ESTIMATED RESOURCES.

The total estimated expenditures of the renewal fund and debt service fund shall not exceed the total estimated resources of each fund (prospective income plus cash on hand). The classification of revenue and expenditure accounts shall conform as nearly as local conditions will permit to the uniform classification as promulgated by the National Committee on Governmental Accounting or some other nationally accepted classification.

SECTION 15. OTHER NECESSARY APPROPRIATIONS.

The city budget may be amended and appropriations altered in accordance therewith in cases of public necessity, the actual fact of which shall have been declared by the council.

SECTION 16. DEPARTMENT OF TAXATION.

Deleted.

(Ord. 84-02, passed 2-15-84)

SECTION 17. POWER TO TAX.

The council shall have the power under the provisions of the state law to levy, assess and collect an annual tax upon real and personal property within the city to the maximum provided by the constitution and laws of the State of Texas. The council shall also have the power to levy other taxes consistent with the laws of the State of Texas. The council shall also have the power to implement necessary procedures, in accordance with state law, to exercise this power to tax.

(Ord. 84-02, passed 2-15-84)

SECTION 18. DEPOSITORY AND WITHDRAWALS.

All moneys received by any person, department, or agency of the city for or in connection with affairs of the city shall be deposited in the city depository or depositories, which shall be designated by the council or by state statute in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as provided by law. All checks, vouchers, or warrants for the withdrawal of money from the city depositories shall be signed by the city manager and countersigned by the department head, or alternates designated by the council. Provided, that the council, under such regulations and limitations as it may prescribe, may by ordinance authorize the use of machine

imprinted facsimile signatures of said city manager on such checks, vouchers, or warrants.
(Ord. 84-02, passed 2-15-84)

SECTION 19. PROPERTY SUBJECT TO TAX; METHOD OF ASSESSMENT.

Deleted.
(Ord. 84-02, passed 2-15-84)

SECTION 20. BOARD OF EQUALIZATION; APPOINTMENT; QUALIFICATIONS.

Deleted.
(Ord. 84-02, passed 2-15-84)

SECTION 21. DUTIES AND POWERS OF THE BOARD OF EQUALIZATION.

Deleted.
(Ord. 84-02, passed 2-15-84)

SECTION 22. RECORDS OF BOARD OF EQUALIZATION.

Deleted.
(Ord. 84-02, passed 2-15-84)

SECTION 23. TAXES; WHEN DUE AND PAYABLE.

All taxes due the city shall be payable at a location designated by the city council and may be paid at any time after the tax rolls for the year have been completed and approved. All matters with regard to the city tax rolls and the collection of taxes thereon will be governed by state law if not specifically referred to in the city Charter.
(Ord. 84-02, passed 2-15-84)

SECTION 24. TAX LIENS.

(a) 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 or 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.

(b) All persons or corporations owning or holding personal property or real estate in the city on the first

day of January of each year shall be liable for all municipal taxes levied thereon for such year.

(c) The city's tax lien shall exist from January 1 in each year until the taxes are paid, and the statute of limitation shall not apply. Such lien shall be prior to all other claims, and no gift, sale, assignment or transfer of any kind, or judicial writ of any kind, can ever defeat such lien.

SECTION 25. TAX REMISSIONS, DISCOUNT AND COMPROMISES, CORRECTION OF ERROR.

The council may compromise any tax suits and correct any error in assessment, preparation of the tax rolls or in preparation of a tax statement to the extent and in the manner approved by state law. (Ord. 84-02, passed 2-15-84)

SECTION 26. GENERAL OBLIGATION BONDS.

The city shall have the power to borrow money on the credit of the city to issue general obligation bonds for permanent public improvements or for any other public purpose not prohibited by the constitution and laws of the State of Texas, and to issue refunding bonds to refund outstanding bonds of the city previously issued. All such bonds shall be issued in conformity with the laws of the State of Texas.

SECTION 27. REVENUE BONDS.

The city shall have power to borrow money for the purpose of constructing, purchasing, improving, extending or repairing of public utilities, recreational facilities or any other self-liquidating municipal function not prohibited by the constitution and laws of the State of Texas, and to issue revenue bonds to evidence the obligation created thereby, and to issue refunding bonds to refund outstanding bonds of the city previously issued. Such bonds shall be a charge upon and payable solely from the properties, or interest therein, pledged, or the income therefrom, or both, and shall never be a debt of the city. All such bonds shall be issued in conformity with the laws of the State of Texas.

SECTION 28. SALE OF BONDS.

No bond (other than refinancing bonds issued to refund and in exchange for previously issued outstanding bonds) issued by the city shall be sold for less than par value and accrued interest.

All bonds of the city having been issued and sold in accordance with the terms of this SECTION, and having been delivered to the purchasers thereof, shall thereafter be incontestable, and all bonds issued to refund and in exchange for outstanding bonds previously issued shall, after said exchange, be incontestable.

ARTICLE VIII. MUNICIPAL PLANNING

SECTION 1. PLANNING COMMISSION.

The council shall appoint a city planning commission consisting of not less than five (5) nor more than fifteen (15) members who shall be residents of and own real property in the city, and shall serve without compensation.

SECTION 2. TERM OF OFFICE.

Members shall be appointed for a three (3) year term with one-third to be appointed each year on a continuing basis.

SECTION 3. VACANCIES.

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

SECTION 4. ORGANIZATION.

The commission shall elect a chairman from its membership annually, and shall establish rules of procedure which shall include the following:

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

SECTION 5. POWERS AND DUTIES.

The commission shall have the power and be required to:

- (a) Be responsible to and act as an advisory body to the council;
- (b) Make, amend, extend, and add to a master plan for the physical development of the city;

(c) Review all plans for platting or subdividing of land within the city and within adjacent areas as permitted by law and submit findings and recommendations to the council;

(d) Make and recommend to the council for adoption, a zoning plan and amendments thereto;

(e) Submit annually to the city manager, not less than ninety (90) days prior to the beginning of the budget year, a list of recommended capital improvements found necessary or desirable;

(f) Perform such other duties and be vested with such other powers as the council may prescribe in accordance with the laws of the State of Texas.

ARTICLE IX. FRANCHISES AND PUBLIC UTILITIES

SECTION 1. POWERS OF THE CITY.

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

SECTION 2. POWER TO GRANT FRANCHISE.

The council shall have the power, by ordinance, to grant, renew, extend, and amend by mutual agreement, all franchises of all public utilities of every character operating within the city. No franchise shall be for an indeterminate period, and no franchise shall be granted for a term of more than twenty (20) years from date of the grant, renewal or extension.

SECTION 3. GRANT NOT TO BE EXCLUSIVE.

No grant or franchise to construct, maintain, or operate a public utility and no renewal or extension of any such grant shall be exclusive.

SECTION 4. ORDINANCE GRANTING FRANCHISE.

All ordinances granting, renewing, extending or amending a public utility franchise shall be read at two (2) separate regular meetings of the 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 the full text of such ordinance shall be published once, within fifteen (15) days following the first reading in the official newspaper of the city, and the expense of such publication shall be borne by the prospective franchise holder.

SECTION 5. TRANSFER OF FRANCHISE.

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

SECTION 6. FRANCHISE VALUE NOT TO BE ALLOWED.

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

SECTION 7. RIGHT OF REGULATION.

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

- (a) To forfeit any such franchise by ordinance at any time for the failure of holder thereof to comply with the terms of the franchise, such power to be exercised only after notice and hearing, and a reasonable opportunity to correct the default;
- (b) To require such expansion and extension of plant and facilities as are reasonably necessary to provide adequate services to the public;
- (c) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates;
- (d) To impose reasonable regulations to insure safe, efficient and continuous service to the public;
- (e) To examine and audit at any time during regular business hours the accounts and records of any such utility which are relevant to the city's right of regulation, and to require annual and other reports, including reports on operation within the city;
- (f) To require such compensation and rental as may be permitted by the laws of the State of Texas.

SECTION 8. REGULATION OF RATES.

The council shall have full power, after notice and hearing, to regulate by ordinance, the rates of every public utility operating in the city over which it has original jurisdiction, provided that no such ordinance shall be passed as an emergency measure; shall have the power to employ expert advice and assistance in determining a reasonable rate and equitable profit to the public utility; and shall have the power to require within the franchise grant, or any extension or renewal thereof, or as a condition precedent to

any hearing concerning rates and service of any public utility operating within the city, that the motivant seeking the rate or service change pay the reasonable cost of the service of a rate consultant chosen by the council.

(Amended by referendum, 4-5-80)

SECTION 9. 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 and all liabilities, appropriately subdivided by classes, other reserves and surplus; also revenues, operating expenses including interest payments, rental and other dispositions of annual income. The accounts shall show actual capital cost to the city of each utility owned, also the cost of all extensions, additions, and improvements and the source of funds expended for such capital purposes. The accounts shall show as nearly as possible the cost of any service furnished to or rendered by any such utility to any city department. The council shall cause an annual report to be made by a certified public accountant and shall publish such report showing the financial results of such city ownership and operation, giving the information specified in this SECTION and such other data as the council shall require.

SECTION 10. SALES OF MUNICIPAL SERVICES.

The council shall have the power and authority to:

(a) In or outside the limits of the city, sell and distribute water; sell and provide sewer service; provide for garbage and trash collection and disposition; and to provide similar services;

(b) Prescribe the kind of materials used within or beyond the limits of the city for such municipal services; inspect the same and require such materials to be kept in good order and condition at all times; make such rules and regulations as shall be necessary and proper; and prescribe penalties for noncompliance with same.

ARTICLE X. GENERAL PROVISIONS

SECTION 1. OFFICIAL OATH.

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

SECTION 2. PUBLIC RECORDS.

All public records of every office, department or agency of the city shall be open to inspection by any citizen at all reasonable times, including police records with the exception of the personal notes of the

investigating officer. Any records closed to the public by law shall -not be considered public records for the purpose of this Section.

(Amended by referendum, 4-2-68)

SECTION 3. OFFICIAL NEWSPAPER.

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

SECTION 4. NOTICE OF CLAIM.

The city shall not be held responsible on account of any claim for damages, for the death or personal injuries of any person, or for damages to or destruction of property of any kind, which does not constitute a taking or damaging of property under Article I, Section 17, Constitution of the State of Texas, unless such claim is filed within sixty (60) days after the time at which it is claimed such damages or injuries occurred. The person making such a claim must file with the city manager, a true statement under oath, as to the nature and character of such damages or injuries, the extent of same, and the exact location where same occurred, the conditions causing same with a detailed statement of each item of damages and the amount thereof, and if it be for personal injuries, giving a list of witnesses, if known to affiants, who witnessed such accident.

SECTION 5. ASSIGNMENT, EXECUTION AND GARNISHMENT.

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

SECTION 6. SECURITY OR BOND.

It shall not be necessary in action, suit or proceedings in which the city shall be a party, for any bond, undertaking, or security to be executed in behalf of the city; but all action, suits and proceedings shall be conducted in the same manner as if such bond, undertaking or security had been given. The city shall have all remedies of appeal provided by law in all courts in this state without bond or security of any kind. For all purposes of such actions, suits, proceedings, and appeals, the city shall be liable in the same manner, and to the same extent, as if the bond, undertaking or security in ordinary cases, had been

given and executed. The council shall require such officers and employees of the city as it deems necessary to give bond in such amount and with such surety as required. The premiums on such bonds shall be paid by the city.

SECTION 7. PERSONAL INTEREST IN CITY CONTRACTS.

No member of the council, or other officer or employee of the city shall be directly or indirectly interested in any work, business or contract, the expense, price or consideration of which is paid from the city treasury, or by an assessment levied by an ordinance or resolution of the council, nor by the surety of the bond of any officer of the city, or for any, person having a contract, work or business with said city for the performance of which security may be required except on behalf of the city as an officer or employee. Any willful violation of this Section shall constitute malfeasance of office, and any officer or employee guilty thereof shall be subject to removal from 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 invalid, voidable by the council; but council in its discretion, may permit bidding on city contracts by members of the council, officers or employees of the city when in its discretion, such bidding will not prejudice the rights of the public and where council has exercised such discretion, such contract shall not be voidable by the council.

(Amended by referendum, 4-2-68)

SECTION 8. NEPOTISM.

No person related within the second degree by affinity of the third degree by consanguinity to the mayor, any member of the council, or the city manager shall be appointed to any paid office, position, clerkship, or other service of the city. This prohibition shall not apply, however, to any person who shall have been employed by the city for a period of two (2) years prior to and at the time of the election or the appointment of the official so related to him.

SECTION 9. SUCCESSION IN GOVERNMENT.

Upon the adoption of this Charter, each member of the incumbent council shall continue in his office for the term for which he was elected, and the council as thus constituted shall have all the powers provided in this Charter. Members of this succeeding council shall be assigned place numbers as provided in Article III, Section 3, in such manner as determined by said council, before the next regular city election. All other officers and employees of the city shall continue in their present offices or employments until appropriate provisions of this Charter be put into effect by ordinance or resolution, provided that in the case of elective offices created by this Charter which have heretofore been appointive, the council may continue to fill such offices only until the next city election.

SECTION 10. CONTINUATION OF BUDGET.

The budget adopted for the city for the fiscal year October 1, 1965, to September 30, 1966, shall be and

become the budget for the same fiscal year under this Charter.

SECTION 11. EFFECT OF THE CHARTER ON EXISTING LAWS.

All ordinances, resolutions, rules and regulations in force in the city on the effective date of this Charter, and not in conflict with this Charter, shall remain in force until altered, amended or repealed by the council. All taxes, assessments, liens, encumbrances and demands, of or against the city, fixed or established before such date, or for the fixing or establishing of which proceedings have begun at such date, shall be valid when properly fixed or established either under the law in force at the time of the beginning of such proceedings or under the law after the adoption of this Charter.

SECTION 12. CONTINUANCE OF STATUS OF OFFICERS AND EMPLOYEES.

Nothing in this Charter contained, except as specifically provided, shall affect or impair the rights and privileges of officers and employees of the city as existing on the effective date hereof, or any provision of law in force at such time which is not inconsistent with the Charter, in relation to the appointment, rank, grade, tenure, promotion, removal, pension and retirement rights, or any other rights and privileges of such officers and employees.

SECTION 13. CHARTER AMENDMENT.

In order to preserve unity, the council shall have the power by ordinance, to renumber and rearrange all articles, SECTIONS, and paragraphs of this Charter or any amendments thereto, and upon the passage of any such ordinance, a copy thereof, certified by the city manager shall be forwarded to the secretary of state for filing.

SECTION 14. JUDICIAL /NOTICE.

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

SECTION 15. SEVERABILITY CLAUSE.

If any Section or part of a Section of this Charter is held to be invalid or unconstitutional by a court of competent jurisdiction, the same shall not invalidate or impair the validity, force or effect of any other Section or part of a Section of this Charter.

SECTION 16. CHARTER REVIEW COMMISSION.

The council shall appoint at its first regular meeting in January of each odd numbered year, a Charter review commission of five (5) citizens of the city.

It shall be the duty of the Charter review commission to:

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

The council shall receive and have published in the official newspaper of the city any report presented by the Charter review commission, shall consider any recommendations made, and if any amendment or amendments be presented as a part of such report, shall order such to be submitted to the voters of the city in the manner provided by the applicable statute of the State of Texas.

The term of office of the Charter review commission shall be six (6) months, and, if during such term no report is presented to the council, then all records of proceedings of the commission shall be filed with the city manager and become a public record.

SECTION 17. SUBMISSION OF CHARTER TO ELECTORS.

The Charter commission finds and declares that in the submission of this Charter to the voters it would be impracticable to segregate each subject for a separate vote thereon, for the reason that the Charter is so constructed that in order to enable it to function, it is necessary that it be adopted in its entirety. The Charter commission therefore directs that this Charter be voted on as a whole, and that it be submitted to the qualified voters of the City of Edna at an election to be held for that purpose on the fifth day of April, 1966. If said Charter is approved by a majority of the qualified voters, voting at said election, it shall become the Charter of the City of Edna upon the entering upon the city records by the council of an official order declaring the adoption of the Charter.

We, the members of the City of Edna Charter Commission, appointed by the City Council of Edna to frame a new Charter for the City of Edna, do hereby certify the attached Charter is a true and correct copy of the Charter prepared by this Charter Commission.