



Home Rule Charter

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EVERMAN CITY CHARTER

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ARTICLE I

FORM OF GOVERNMENT AND BOUNDARIES

Section 1.01 Incorporation

The citizens of the City of Everman, Tarrant County, Texas do hereby declare that the City of Everman is incorporated as a political subdivision of the State of Texas under the name of "City of Everman," hereinafter referred to as the "City" and with the duties, rights, and powers provided in this Charter and State Law.

Section 1.02 Form of Government

The City government shall be a "Council Manager Government". Pursuant to the provisions of and subject only to the limitations imposed by this Charter and by the Constitution and statutes of the State of Texas, the City Council shall be vested with all the powers of the City. The City Council shall enact legislation, adopt budgets, determine policies and appoint the City Manager. The City Manager shall execute the laws and administer the government of the City.

Section 1.03 Boundaries

The boundaries of the City shall be the ones that exist when this Charter is adopted and shall remain in effect until changed.

Section 1.04 Change of Boundaries

The City Council may, by ordinance, annex territory lying adjacent to the City. The City Council may, by ordinance, deannex territory within the City, and/or exchange territory with other cities and towns. These actions are subject only to state law. In accordance with state law, the people who reside in annexed territory shall be entitled to all the rights and privileges of citizens of the City, and shall be bound by the acts, ordinances, resolutions, and regulations of the City.

Section 1.05 Petition for Annexation

The City Council may provide for annexation upon petition from a majority of the voters residing in the area to be annexed, or upon petition from a majority of the landowners, such area to be annexed to be adjacent to the boundaries of the City.

ARTICLE II

RIGHTS AND POWERS OF THE CITY

Section 2.01 General

The City shall have all the rights and powers granted to municipalities and cities under the general laws, and all the rights and powers of self-government that now exist or may hereafter be granted to Home Rule Cities by the Constitution and the general and special laws of the State of Texas, together with all the rights and powers so granted as fully and completely as though they were enumerated in this Charter. Such rights and powers, whether expressed or implied, shall be exercised and enforced in the manner prescribed by applicable State Law or by this Charter, and when not prescribed herein, in such manner as shall be provided by ordinance or resolution of the City Council.

Section 2.02 Construction and Severability

The rights and powers of the City under this Charter shall be construed liberally in favor of the City in the event of conflict between the City and other governmental agencies or bodies, corporations, or individuals, and the specific mention of particular rights or powers in this Charter shall not be construed as limiting in any way the general rights or powers stated in this Article. In addition, should any phrase, clause, sentence, or provision of this Charter be declared invalid by a court of competent jurisdiction, the validity and applicability of the remainder of this Charter shall not be affected.

Section 2.03 Enumerated Powers

A. To enact, establish and enforce codes, licenses and ordinances for the maintenance of good government and the interest and well-being of its inhabitants.

B. To cooperate with the government of the State of Texas, or any agency or political subdivision thereof, the government of the United States or its agencies, for any lawful purpose for the advancement of the interest, safety, convenience and welfare of its inhabitants.

C. To exercise the right of eminent domain, the right of extraterritorial jurisdiction and to have exclusive dominion over all public property in any manner permitted by the Constitution and the laws of the State of Texas.

D. To contract and be contracted with, to sue, to buy, sell, lease, mortgage, hold, manage and control such property as its interests require.

E. To establish, maintain, improve, alter, abandon, or vacate public streets, right of way, sidewalks, alleys, squares, parks, and other public ways, and to police the use thereof.

F. The City shall have the power to construct and maintain, within or without its corporate limits, streets, flood control facilities and sanitary, water and storm drainage facilities in, over, under or upon all public property or easements granted for that purpose and to levy assessments for the costs of such improvements. The City shall have the power to collect Attorney's fees for the collection of paving assessments in foreclosure cases as allowed under State Law. It shall have the power to cause liens to be established for the purpose of securing the payment of such levies and shall have the power to compel the use of such improvements by inhabitants of the City.

Section 2.04 Transfer of Rights, Powers and Obligations

A. The City shall succeed to all rights, claims, actions, orders, contracts, and legal or administrative proceedings pending or in process at the effective date of this Charter, except as modified pursuant to the provisions herein; and each matter shall be maintained, carried on, or dealt with by the City authority as appropriate under this Charter.

B. All City ordinances, resolutions, orders, and regulations in force on the date this Charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the operation of this Charter or of ordinances or resolutions adopted pursuant hereto. To the extent that the Constitution and laws of the State of Texas permit, all laws governing this City or its agencies, officers, or employees at the time this Charter becomes fully effective are superseded and void to the extent that they are inconsistent or interfere with the operation of this Charter or of ordinances or resolutions adopted pursuant hereto.

Section 2.05 Exclusive Domain of Public Ways

The City shall have exclusive domain, control and jurisdiction in, upon, over and under all alleys, streets, highways, gutters and sidewalks, and all public lands and rights-of-way (collectively for the purpose of this section referred to as "Public Ways") situated in the City, and regulate the use thereof, and require the removal from all Public Ways and other public property or places of all obstructions, telegraph, telephone or other poles, carrying electric wires or signs, encroachments of every nature or character. Such exclusive dominion, control and jurisdiction in, upon, over or under the Public Ways of the City shall also include, but not be limited to, the right to regulate, locate, relocate, remove, or prohibit the location of all utility pipes, lines, wires or other property of any sort. Any listing of a specific authority shall not limit or exclude any other power the City has over Public Ways. The right of control and use of the Public Ways is hereby declared to be inalienable to the City, except by ordinances not in conflict with this Charter.

ARTICLE III

THE CITY COUNCIL

Section 3.01 City Government

The governing body of the City shall be known as the "City Council of the City of Everman", hereinafter referred to as the "City Council". The City Council shall be composed of a Mayor and (6) other Council members.

Section 3.02 Expense Reimbursement

The Mayor will receive the sum of fifty (\$250) dollars and each member of the City Council shall receive the sum of twenty-five (\$50) dollars for each regularly scheduled City Council meeting duly attended. In addition to the above, the City shall, upon receiving receipts and other appropriate documentation for authorized expenditures, reimburse the members of the City Council for other necessary expenses incurred by them in the performance of their official duties.

Section 3.03 Mayor and Mayor Pro-Tern

The Mayor shall preside at City Council meetings, and shall be recognized as head of the City government, but shall have no regular administrative duties other than signing such documents as the City Council may require. The Mayor shall have all the rights, duties and responsibilities of a Council Member including the right to vote, but shall have no veto power. The City Council shall elect one of its members Mayor Pro-Tern to serve a 1-year term. The Mayor Pro-Tern shall act as Mayor in the absence of the Mayor and shall have the same duties and powers as the Mayor when doing so.

Section 3.04 General Duties and Powers

Except as otherwise provided by law or by this Charter, all powers of the City shall be vested in the City Council. The City Council shall exercise these powers to ensure the performance of all duties and obligations imposed on the City by law and by this Charter. Specifically, the City Council is provided with, but not limited to, the following powers:

- A. To enact municipal legislation.
- B. To appoint and remove all persons appointed by the City Council. If removed from office a hearing shall be granted if requested by the removed person.
- C. To fix the compensation for all appointed City officers.
- D. To create, change, or abolish all offices, departments, and agencies created by this Charter, and to assign additional duties and powers consistent with this Charter to officers, departments, and agencies created by this Charter.
- E. To establish operating policy.

F. To establish the boundaries of the City.

G. To create, abolish and establish the duties of any board or commission to assist in the business or interest of the City.

Section 3.05 Prohibitions

A. Holding other office. Except where authorized by law, no member of the City Council shall hold any other City office or employment with the City during the term for which the Council member was elected to the City Council. No former member of the City Council shall hold any compensated appointed City office or employment with the City for a period of two years after the expiration of his term of office.

B. Appointments and Removals. Neither the City Council nor any of its members shall, in any manner, dictate the appointment or removal of any City Manager officer or employee whom the City Manager or any of his subordinates are empowered to appoint. The City Council may, however, express its views fully and freely, discussing with the City Manager anything pertaining to the appointment and removal of such officers and employees.

C. Interference in Administrative Matters. Except for the purpose of inquiry of investigation, the City Council shall deal with the administrative departments and the personnel of these departments solely through the City Manager. Neither the City Council nor any of its members shall give an order, either publicly or privately, to any subordinate of the City Manager.

Section 3.06 Vacancies and Forfeiture of Office

A. Vacancies. The office of a Council member shall become vacant upon the death, resignation, forfeiture of office, or removal from office in any manner authorized by law or by this Charter. All vacancies shall be filled in accordance with Article IV of this Charter.

B. Forfeiture of Office. A Council member shall forfeit office if the member:

1. Lacks at any time during the term of office any qualifications for the office prescribed by law or by this Charter.
2. Violates any express prohibition of this Charter.
3. Fails to attend three consecutive regular meetings of the City Council without prior consent of the City Council, unless this absence is caused by illness or by the illness of a family member.
4. Fails to maintain compliance with city codes and ordinances. City code violations shall be discussed/debated by the City Council and time for full compliance (no more than 90 days, unless the Council Member elects to take his/her case to court proceedings, in which case, the court(s) would determine compliance and/or non-compliance issues and judge accordingly) to be determined for sitting Council Members.
5. Is financially delinquent to the City

6. Is convicted of a felony or offense involving moral turpitude.

Section 3.07 Investigations

The City Council may investigate the affairs of the City and the official conduct of any City department, office, or agency. For this purpose, the City Council may subpoena witnesses, administer oaths, take testimony, and compel the production of all pertinent evidence. Any person who fails or refuses to obey a lawful order issued by the City Council shall be guilty of a misdemeanor, as provided by ordinance.

Section 3.08 Meetings of the City Council

A. The City Council shall hold at least one regular meeting each month and as many additional meetings as it deems necessary to transact the business of the City. The City Council shall fix by ordinance the date and time of the regular meeting(s).

B. Except as provided by State Law, all meetings shall be open to the public and shall be held and notice given in accordance with the Open Meetings Act, as amended or superseded.

C. Special meetings may be called by the City Secretary on the written request of the Mayor or any City Council member. All City Council meetings shall be held at City Hall or at such a place that will permit the attendance of the general public.

D. A closed or executive session must be conducted in compliance with state law.

E. Rules and Minutes. The City Council shall determine its own rules and order of business, and shall provide for keeping minutes of all its proceedings. The minutes shall be a public record.

F. Voting. Except on procedural motions, voting shall be by roll call. The ayes and nays shall be recorded in the minutes. Four (4) members of the City Council shall constitute a quorum. All matters may be passed by a majority of the quorum except when otherwise provided by state law or this Charter.

Section 3.09 Form of Ordinances

Every proposed ordinance shall be introduced in writing and in substantially the form required for final adoption. The subject of the ordinance shall be clearly expressed in its title except ordinances or resolutions making appropriations or authorizing the contracting of indebtedness or issuance of bonds or other evidence of indebtedness. The enacting clause of every ordinance shall be: "Be it ordained by the City Council of the City of Everman," but the same shall be omitted when the ordinances of the City are codified and published in a book or pamphlet form by the City. Any ordinance which repeals or amends an existing ordinance or part of the City code shall clearly set forth the provision or provisions being repealed or amended and, if amended, shall further clearly set forth the amendment being made.

Section 3.10 Procedure for Enacting Ordinances and Resolutions; Publications

A. Ordinances and resolutions may be passed at any regular meeting or special meeting called for that purpose provided notice has been *given* in accordance with the Texas Open Meetings Act. It shall not be necessary to the validity of any ordinance that it be read more than one time or considered at more than one session of the City Council.

B. Every ordinance, resolution or motion shall require on passage the affirmative *vote* of a majority of the members present unless more is required by state law or this Charter.

C. The descriptive caption or title of an ordinance that imposes a penalty, fine or forfeiture and the penalty for violating the ordinance shall be published at least once in the official newspaper of the City.

D. An ordinance required to be published takes effect when the publication requirement is satisfied, unless the ordinance provides otherwise, and an ordinance that is not required to be published takes effect when adopted unless the ordinance provides otherwise.

E. All ordinances and resolutions may be admitted and received in all courts, subject to the rules of evidence and laws of jurisdictions where proof of such ordinances and resolutions are tendered, without further proof.

Section 3.11 Actions Requiring an Ordinance

A. The Council shall legislate by ordinance. In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the Council shall be by ordinance which:

1. adopt, amend, or establish an administrative code;
2. alter or abolish any City board, department, office, or agency;
3. provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
4. levy taxes, except as otherwise provided in Chapter 9 of this Charter with respect to the property tax levied by adoption of the budget;
5. grant, renew or extend a franchise;
6. regulate the rate charged for services by a public utility;
7. authorize the borrowing of money that cannot be repaid within the current fiscal year;
8. convey, lease or authorize the conveyance or lease of any lands of the City;

9. adopt with or without amendment ordinances proposed under the initiative power; and
10. amend or repeal any ordinance previously adopted, except as otherwise provided in Chapter 8 of this Charter with respect to repeal of ordinances reconsidered under the referendum power.

B. Acts other than those referred to in the preceding sentence may be done either by ordinance, resolution or minute order.

Section 3.12 Authentication and Recording, Codification, and Printing

A. Authentication and Recording. The City Secretary shall record in full, in a properly indexed book kept for the purpose, all ordinances and resolutions adopted by the City Council. This record shall be authenticated by the signature of the City Secretary.

B. Codification. After adoption of this Charter the City Council shall provide for the updating of the general codification of all City ordinances and resolutions having the force and effect of the law.

ARTICLE IV

MUNICIPAL ELECTION

Section 4.01 City Council Places and Terms

A. The City Council shall be composed of a Mayor and six (6) Council members.
All members of the City Council, other than the Mayor, shall be elected under the place system.

B. The Mayor and each member of the City Council shall hold office for a four (4) year term, with all places and the Mayor elected in odd numbered years. Effective May 2020; Even numbered Council seats and the Mayor will be elected on every other even year beginning 2024; odd numbered seats will be elected on every other odd numbered year beginning 2023.

Section 4.02 Annual Elections

The regular election for City Council members and Mayor, whose terms are expiring, shall be held on the May uniform election date occurring in odd numbered years or as otherwise permitted by state law. Qualified voters shall be entitled to vote for one (1) candidate for each place. The City Council shall give notice of the election.

Section 4.03 Regulation of Election

All elections shall be held in accordance with the laws of the State of Texas and this Charter. The City Council shall appoint the Election Judges, and shall provide for all materials and pay all expenses in holding the elections. The Election Judges shall be authorized to prevent unlawful practices such as electioneering or loitering near voting places.

Section 4.04 Political Activities of Salaried Officers, Employees, and Candidates

A. No salaried officer or employee of the City may campaign for or against any issue; influence the nomination, election, or defeat of any candidate for Mayor or Council member; or campaign for or against the recall of the Mayor or Council member. This provision shall not prohibit the ordinary exercise of the right to express opinions and to vote.

B. No candidate for municipal office may solicit the support, the endorsement, or the financial contributions of any City employee.

Section 4.05 Qualifications for Candidacy

Each member of the City Council, including the Mayor, shall be at least 21 years old on the date of the election, a qualified voter of the City, and shall have resided in the City for one (1) year before the date of election. The Mayor or any other member of the City Council who

ceases to reside in the City shall immediately forfeit office. In addition, any person who is delinquent in payment of taxes to the City shall not be qualified to hold office on the City Council. Any person who is not compliant with city code shall not be qualified to hold office on the City Council. Any person who is financially delinquent to the City shall no be qualified to hold office on the City Council. Any person with a felony conviction or conviction of an offense involving moral turpitude shall not be qualified to hold office on the City Council. Persons holding an elective City position whose position is not then currently up for election must first resign their current position before being eligible to file for another City. elective position.

Section 4.06 Declaration of Results

Returns of each municipal election shall be delivered by the Election Judge to the City Secretary and to the City Council. The candidate receiving a plurality of all votes cast for each place shall be declared elected. Any tie in the run-off election shall be decided by lot.

Section 4.07 Vacancies

If one vacancy with less than one year in the unexpired term occurs on the Council then the remaining members shall fill the vacancy for the unexpired term and may do so by appointment or by calling a special election. If two or more simultaneous vacancies occur, or if the unexpired term is more than one year, then the remaining members of the Council shall call a special election to fill the vacancies for the unexpired terms.

ARTICLE V

MUNICIPAL ADMINISTRATION

Section 5.01 City Administration

The City Council shall appoint a City Manager by affirmative vote of a majority of the Council. The City Council shall by majority vote determine and fix the City Manager's compensation. The City Manager shall be chosen solely upon the basis of executive and administrative training, experience, and abilities, without regard to political considerations. At the time of appointment, residence in the City shall not be required; however, the City Council should consider the driving time required of the applicant to respond to any City emergency. Neither the Mayor nor any Council member may be appointed City Manager or acting City Manager while holding office or for a period of two (2) years after term has ended.

Section 5.02 Disability or Termination of the City Manager

A. The City Manager, within thirty (30) days after taking office, shall designate by letter filed with the City Secretary, a qualified administrative officer of the City to perform the duties of the City Manager in his absence or disability. Such designation shall be subject to approval of the Council. No member of the City Council shall serve as Acting City Manager. Upon resignation or termination of the City Manager, the Acting City Manager shall perform the duties of the City Manager until a new City Manager or Acting City Manager is appointed by the Council.

B. Should the need for an Acting City Manager occur prior to the City Manager submitting a designee or prior to the Council's approval of the City Manager's designee, the Council shall appoint an Acting City Manager.

C. The City Manager may select a different Acting City Manager by repeating the letter of designation and obtaining the Council's approval.

Section 5.03 Removal of the City Manager

The City Council, acting in its sound discretion, may suspend or remove the City Manager at any time by an affirmative vote of a majority of the Council. The City Council shall give the City Manager written reason for proposed removal at least one (1) month prior thereto; and shall, upon written request of the City Manager, provide a public hearing prior to removal to provide an opportunity for the City Manager to present a defense against any accusations made. The City Council shall not arbitrarily or capriciously remove the City Manager, but its decision in such matters shall be final.

Section 5.04 Duties and Powers of the City Manager

The City Manager shall be the chief administrative and executive officer of the City, and shall be responsible to the City Council. Responsibilities of the City Manager shall include the following:

A. Except as otherwise provided in this Charter, appoint, suspend, layoff,

demote, or remove any directors or heads of administrative departments, or any other administrative officers, or employees of the City.

B. Supervise and control directly or indirectly all administrative departments, agencies, officers, and employees.

C. Attend all City Council meetings with the right to take part in the discussion, but have no vote.

D. Prepare and submit the annual budget, and be responsible for its administration after it is adopted.

E. Submit to the City Council a report at the end of the fiscal year on the finances and administrative activities of the City for the preceding year.

F. Keep the City Council advised of the financial condition and the future needs of the City, and make such recommendations to the City Council on matters of policy and other matters as may seem desirable.

G. Combine, abolish, or create administrative departments subject to the approval of the City Council.

H. Have such other powers and perform such other duties as prescribed by this Charter and the City Council, in accordance with State Law.

I. See that all State Laws and City ordinances are effectively enforced.

Section 5.05 Administrative Departments

All administrative departments shall remain in effect as presently established unless changed by the City Council by ordinances.

Section 5.06 City Secretary

The City Manager shall have the authority to hire and/or terminate the City Secretary. The City Manager is responsible for director supervision of the City Secretary to include daily activities, efficiency and effectiveness and to provide accurate and fair performance and pay raise evaluations that would benefit the City and the City Secretary. The City Secretary shall:

A. Give notice of all official public meetings of the City Council in a manner consistent with this Charter and State Laws.

B. Attend all public meetings and hearings of the City Council.

C. Keep the minutes of the proceedings of all public official meetings and hearings of the City Council in a manner prescribed by the City Council consistent with applicable law.

D. Act as custodian of all official records of the City Council.

E. Hold and maintain the seal of the City of Everman, and affix this seal to all

appropriate documents.

F. Authenticate by signature and seal, and record all ordinances, resolutions and proclamations of the City.

G. Perform such other duties as may be required by the City Manager, consistent with this Charter and the laws of the State of Texas.

Section 5.07 Removal of City Secretary

The City Manager has the authority to terminate the City Secretary, acting in sound discretion, and in compliance with all ordinances, policies and procedures.

Section 5.08 City Attorney

The City Council shall appoint a competent, duly qualified, and licensed Attorney, practicing law in the State of Texas and well versed in municipal law, who shall be the Attorney for the City (and may also be referred to as City Attorney). The City Attorney shall receive for his services such compensation as may be fixed by the City Council and shall hold his position at the pleasure of the City Council. If under contract, this contract will not exceed two (2) years. The City Attorney, or such attorneys selected by him, with the approval of the City Council, shall represent the City in all litigation and shall be the legal Advisor of, and Attorney and Counsel for the City of all officers and departments thereof. The City Attorney may be *removed* from office at the discretion of the City Council by a *vote* of at least four **(4)** Council members.

Section 5.09 Special Counsel

The City Council shall have the authority to retain special counsel for specific purposes.

ARTICLE VI

FINANCE

Section 6.01 Fiscal Year

The fiscal year shall begin on the first day of October and end on the last day of the following September.

Section 6.02 Capital Program

The City Manager, in work session with City Council, shall propose annually a five (5) year capital program for consideration by the City Council on or before the first day of December.

- A. Capital Program Contents. The capital program shall contain the following:
1. A summary of its contents.
 2. A list of all capital improvements, with supporting information as to the reason for each improvement.
 3. Cost estimates, methods of financing, and recommended time schedule for each improvement.
 4. Estimated annual cost of operation and maintenance for the proposed improvement.
 5. The source or basis of the estimates.

B. Public hearing(s) on the Capital Program. The City Council shall call a public hearing(s) on the proposed capital program and on annual revisions or extensions prior to final adoption. Public Notice of the hearing(s) shall be published in the official medium not less than ten (10) days prior to the hearing(s). The City Secretary shall provide copies to the public at cost, upon request.

Section 6.03 Budget

A. Submission of the Budget. On or before the first day of September of each year, and at least sixty (60) days prior to the adoption of a tax rate for the current fiscal year, the City Manager shall submit to the City Council a balanced budget for the ensuing fiscal year and an accompanying message.

B. Budget Message. The budget message shall explain the budget in fiscal terms and in terms of work programs for the ensuing fiscal year. It shall outline the proposed financial policies of the City, and shall include such other materials as the City Manager deems necessary. The budget message shall include a forecast of a five-year estimate of revenues and expenditures and an explanation of its effect on taxation. The source or basis of the estimates shall be part of the forecast.

C. Budget Contents. The budget shall contain the following:

1. Comparative figures for the estimated tax rate, revenues, and other income and expenditures for the ending fiscal years compared to the actual and estimated income and expenditures of the current three (3) fiscal years.
2. The proposed expenditures of each office, department, or function.
3. A schedule showing the debt service requirement due on all outstanding indebtedness and on any proposed debt.
4. The source or basis of the estimates.
5. The total of the proposed expenditures shall not exceed the total estimated income and the balance of available funds.

D. Public Hearing on the Budget. The Council shall hold one or more public hearings on the proposed budget prior to the final adoption. Public Notice of the hearings shall be published in accordance with state law. The City Secretary shall provide copies of the proposed budget to the public at cost, upon request.

E. Adoption of the Budget. The City Council shall adopt the proposed budget, with or without amendment, after public hearings and before the first day of the ensuing fiscal year. Should the Council take no final action before the first day of the ensuing year, the amounts appropriated for the current fiscal year shall be deemed adopted on a month to month basis. Final adoption shall constitute appropriation of the expenditures proposed from funds so indicated.

F. Contingent Appropriation. 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) percent of the total budget, to be used in case unforeseen items of expenditure. Such contingent appropriation shall be under the control of the City Manager and shall be distributed after approval of the City Council. Expenditures from this appropriation shall be made only in case of established emergencies, and detailed account of such expenditures shall be recorded and reported.

G. Interfund transfers are permitted and allowed provided the City Council approves the same.

H. Defects in the Budget. Defects in the form or preparation of the budget or the failure to perform any procedural requirement shall not invalidate any tax levy, nor shall it invalidate the tax roll.

Section 6.04 Monthly Financial Reports

The City Manager shall present a monthly financial report. All income and expenses for the preceding month and for the year to date shall be shown, and shall be compared to the fiscal budget. This report shall be presented to the City Council as a part of the agenda at a Council meeting each month. The City Secretary shall provide copies of the monthly financial reports to the public at cost, upon request.

Section 6.05 Annual Audit

The City Council, by an affirmative vote of a majority of the Council, shall select and contract with a municipally oriented certified public accounting firm for the purpose of rendering an independent audit of all accounts and other financial records of the City government. The personnel of the firm conducting the audit shall not hold any public office in the City nor have any personal interest, direct, or indirect, in the fiscal affairs of the City government or any of its offices. After completion of any audit of the City, the auditor shall prepare a report, and shall submit the report to the City Council as a part of the agenda, at a regular Council meeting within one hundred twenty (120) days after the end of the fiscal year. The City Secretary shall provide copies to the public at cost, upon request.

Section 6.06 Indebtedness

The City shall have the right to issue and refund general obligation bonds, revenue bonds, and other evidence of indebtedness as is now permitted or as may be hereafter authorized to be issued by a Home Rule City in the State of Texas. All bonds of the City that have been issued, sold, and delivered to the purchaser shall be incontestable. All refunding bonds that have been exchanged shall be incontestable.

A. General Obligation Bonds. The City shall have the power to borrow money through the sale of general obligation bonds, which shall constitute direct and general obligations of the City, payable from ad valorem taxes levied against all taxable property located therein, within the limits prescribed by law or this Charter.

B. Revenue Bonds. The City shall have the power to borrow money for constructing, purchasing, improving, extending, or repairing public utilities, recreational facilities, or any other self-liquidating municipal function not prohibited by state law. Such borrowing shall be implemented through revenue bonds that are payable, both as to the principal and interest, solely from and secured by a first lien on and pledge from the income, or both, after deduction of reasonable operating and maintenance expenses as required by law. The holders of the revenue bonds shall never have the right to demand payment thereof of monies raised or to be raised by taxation.

C. Short Term Borrowing. The City may borrow funds on the credit of the City for a term not to exceed one year. Such obligations must be retired by the end of the budget year in which they were issued. All short-term obligations are payable out of available current revenue.

D. Certificates of Obligation. The City shall have the power to issue Certificates of Obligation in accordance with the laws of the State of Texas.

ARTICLE VII

REVENUE AND TAXATION

Section 7.01 **Power of Taxation**

The City Council shall have the power to levy and collect taxes for any municipal purpose not prohibited by State Law or restricted by this Charter.

ARTICLE VIII

Boards and Commission- General

Section 8.01 **Qualifications for City Board & Commission Members**

A. In addition to the boards and commissions established by this Charter, the City Council shall be empowered to create additional boards and commissions. A board or commission member shall be a qualified voter, not delinquent in payment of City taxes or financially delinquent to the city, and shall serve without compensation but may be reimbursed for actual expenses as approved by the City Council. City Board members shall achieve compliance with all city codes prior to appointment, and maintain compliance for the duration of their appointment. Code Violations shall be debated by the City Council and a time for full compliance, if any, would be determined for sitting Board/Commission members; those seeking appointment or reappointment must be in full compliance.

B. Members will for a term of no more than two (2) years from the date of appointment. Qualified persons can still be removed or re-appointed at the City Council's discretion at any time.

C. The City Secretary shall provide application forms to all qualified citizens who express interest in serving on the boards and commissions, and shall publish notices of this procedure and of impending vacancies. All such applicants shall receive due consideration by the City Council; however, the City Council may select and appoint any qualified person.

Section 8.02 **Planning and Zoning Commission**

A Planning and Zoning Commission shall be established in accordance with state law, with powers and duties prescribed by state law and ordinances of the City of Everman.

Section 8.03 **Board of Adjustment**

A Zoning Board of Adjustment shall be established in accordance with state law, with powers and duties prescribed by state law and ordinances of the City of Everman.

ARTICLE IX
MUNICIPAL COURT

Section 9.01 Establishment of the Municipal Court

A Municipal Court, known as the "Municipal Court in Everman, Texas," is hereby established. The Municipal Court shall have the jurisdiction, powers, and duties given and prescribed by the laws of the State of Texas. The City Council shall have the power to create and establish by ordinance additional Municipal Courts.

Section 9.02 Fines, Fee, and Costs

All fines, fees, or costs collected by the Municipal Court shall be deposited in the City treasury. No fee or costs shall be charged except those authorized by State Law. Neither the compensation of the Judge of the Municipal Court, nor of any full or part-time employee of the City, shall be based upon a percentage of the fines imposed by the Municipal Court.

Section 9.03 Judge of the Municipal Court

The City Council shall appoint a Judge who shall be known as the "Judge of the Municipal Court." The Judge shall be appointed for two (2) year term. The City Council shall fix the compensation for the Judge. The City Council shall have the authority to remove the Municipal Judge for good cause as determined by the City Council. A hearing must be held, and removal shall require an affirmative vote of at least four (4) members of the City Council. If for any reason the Judge is unable to act, the City Council shall either declare the office vacant, or appoint a temporary Judge to serve until the Judge is able to act. If the office of the Judge is declared vacant, it shall be filled by appointment by the City Council in accordance with this Section.

Section 9.04 Clerk of the Municipal Court

The City Manager shall appoint a "Clerk of the Municipal Court." The Clerk of the Municipal Court shall keep the records and the proceedings of the Court, issue all processes, and generally perform all of the duties prescribed by law for clerks of such courts, insofar as those duties are applicable.

Section 9.05 City Prosecutor

All cases in Municipal Court shall be prosecuted by the City Attorney or such attorneys as the Council may authorize.

ARTICLE X

UTILITY AND PUBLIC SERVICE FRANCHISES AND LICENSES

Section 10.01 Authority

The City shall have the power to buy, own, sell, construct, lease, maintain, operate and regulate public services and utility operations. The City shall not supply any utilities service outside the city limits, except by a written contract. The City shall have such regulatory and other power as may now or hereafter be granted under the Constitution and laws of the State of Texas.

Section 10.02 Ordinance Granting Franchise

A. Any ordinance granting, renewing, extending or amending a public service or utility franchise must be read at two (2) separate meetings of the City Council and shall not take effect until thirty (30) days after the final reading. Within fifteen (15) days following the first reading of the ordinance, a summary of the ordinance shall be published once in the newspaper designated as the official newspaper of the City. The expense of such publication shall be borne by the prospective franchisee.

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

C. No franchise may be exclusive.

Section 10.03 Transfer of Franchise

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

Section 10.04 Franchise Value Not To Be Allowed

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

Section 10.05 Right of Regulation

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

A. To repeal the franchise by ordinance for failure to begin construction or operation within the time prescribed, or for failure to comply with terms of the franchise.

B. To require all extensions of service within the City limits to become part of the aggregate property of the service and operate subject to all obligations and reserved rights contained in this Charter. Any such extension is considered part of the original grant and

terminable at the same time and under the same condition as the original grant.

C. To require expansion and extension of facilities and services and to require maintenance of existing facilities to provide adequate service at the highest level of efficiency.

D. To require reasonable standards of service and quality of product and prevent rate discrimination.

E. To impose reasonable regulations and restrictions to ensure the safety and welfare of the public.

F. To examine and audit accounts and records and to require annual reports on local operations of the public service or utility.

G. To require the franchise to restore, at franchisee's expense, all public or private property to a condition as good as or better than before disturbed by the franchisee for construction, repair or removal.

H. To require the franchisee to furnish to the City, within a reasonable time, at the franchisee's expense, a general map outlining current location, character, size, length, depth, height, and terminal of all facilities over and under property within the City and its extraterritorial jurisdiction.

I. To require compensation, rent or franchise fees to be paid to the City as may be permitted by the laws of the State of Texas.

Section 10.06 Regulation of Rates

A. The City Council has the power to fix and regulate the rates and charges of all utilities and public services, consistent with State Statutes.

B. Upon receiving written request from a utility or public service requesting a change in rates, or upon a recommendation from the City that rates for services provided by or owned by the City be changed, the City Council shall call a public hearing for consideration of the change.

C. The City, public service or utility must show the necessity for the change by any evidence required by the City Council, including, but not limited to, the following:

1. Cost of its investment for service to the City.
2. Amount and character of expenses and revenues connected with rendering the service.
3. Copies of any reports or returns filed with any State or Federal regulatory agency with the last three years.
4. Demonstration that the return on investment, if any, is within State and Federal limitations.

D. If not satisfied with the sufficiency of evidence, the City Council may hire rate

consultants, auditors and attorneys to investigate and, if necessary, litigate requests for rate changes, the expense of which shall be reimbursed to the City by the franchisee.

Section 10.07 Licenses

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

ARTICLE XI

INITIATIVE REFERENDUM AND RECALL

Section 11.01 General Authority

A. Initiative: The qualified voters of the City shall have power to propose ordinances to the City Council and if the Council fails to adopt an ordinance so proposed without any change in substance, the voters shall adopt or reject at a City election. Such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of City officials or employees.

B. Referendum: The qualified voters of the City shall have power to require reconsideration by the City Council of any adopted ordinance and, if the Council fails to repeal an ordinance so reconsidered, the voters shall approve or reject it at a City election. Such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money or levy of taxes.

C. Recall: The qualified voters of the City shall have power to remove any official serving in an elective office.

Section 11.02 Petitioners Committee

A. Any ten (10) qualified voters may commence proceedings contemplated by this article by filing with the City Secretary an affidavit stating that they will constitute the petitioners committee. They will be responsible for preparing, printing and circulating the petition. They will file it in proper form and specify the address to which all notices to the committee are to be sent. The affidavit shall set out in full the proposed initiative ordinance or cite the ordinance sought to be reconsidered, or in the case of recall, state the identity of the official whose recall is being sought.

B. In the case of recall, the City Secretary shall immediately notify in writing the officer(s) to be removed that the affidavit has been filed.

Section 11.03 Petition Circulation

A. All petition blanks used for circulation by the members of the petitioners committee or their designees shall be numbered, dated and bear the signature of the City Secretary.

B. No petition may be circulated and signatures obtained until after the affidavit is filed.

Section 11.04 Form of Petition

A. All pages of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signer of a petition must be a registered voter of the City of Everman and shall personally sign and print his own name thereto in ink or indelible pencil, and shall write after his name his place of residence within the boundaries of the City, giving name of street and number, or place of residences, voter registration number, and also shall write thereon the date, including the month, day and the year his signature is affixed. Petitions shall contain or have attached thereto throughout their circulation the full text of the

ordinance proposed or sought to be reconsidered, or in the case of a recall petition, the identity of the official whose recall is being sought.

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

C. Locations for twenty (20) signatures shall be provided on each blank petition.

Section 11.05 Presentation of Petitions

A. A petition to the City Council for initiative or referendum, containing the signatures of qualified voters equal in number to fifteen (15) percent of those who voted in that last general election, or two hundred, whichever is greater, shall be filed with the City Secretary not later than thirty (30) days following the filing of the affidavit by the petitioners committee.

B. A petition to the City Council for recall, containing the signatures of qualified voters equal in number to thirty five (35) percent of those who voted in the last general municipal election, or four hundred (400), whichever is greater, shall be filed with the City Secretary no later than thirty (30) days following the filing of the affidavit by the petitioners committee.

Section 11.06 Suspension of Effect of Ordinance for Referendum Petitions

When a referendum petition is filed with the City Secretary, the ordinance sought to be reconsidered shall be suspended from taking effect unless such suspension will create an immediate breach of public health and safety as determined by resolution of the City Council. Such suspension shall terminate when:

- A. There is a final determination of insufficiency of the petition, or
- B. The City Council repeals the ordinance, or
- C. Upon the certification of election results by the election officials.

Section 11.07 Certification of Petitions and Presentation to the City Council

Within ten (10) days after the petition is presented, the City Secretary shall complete a certificate of sufficiency or insufficiency. Sufficiency shall be determined by compliance to Section 11.03 of this Article.

A. If the petition is certified sufficient, the City Secretary shall present the certificate to the City Council at the next regular City Council meeting. The City Council shall verify determination of the sufficiency of the petition.

B. If the petition has been certified insufficient, the City Secretary shall send the committee a Certificate of Insufficiency by registered mail, which shall include the particulars in which the petition is defective. The committee may, within five (5) working days after receiving the copy of such certificate, file a request that it be reviewed by the City Council. The City Council shall review the certificate at its next regular meeting following such a request

and approve or disapprove it. Such determination shall then be final. If no City Council review is requested within five (5) working days, the City Secretary's certification is final.

Section 11.08 Action on Initiative and Referendum Petitions

A. When an initiative or referendum petition has been finally determined Sufficient, the City Council shall promptly consider the proposed initiative ordinance in the manner prescribed for enacting ordinances or reconsider the referred ordinance by voting its repeal. If the City Council fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days, or fails to repeal a referred ordinance within thirty (30) days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the City to be held on the first uniform election date allowing sufficient time to comply with the requirements of law following the failure of the City Council to act as specified herein. Any election order so issued shall comply fully with the Texas Election Code.

B. The called election may coincide with a regular City election should such City election fall within the specified period. No ordinance substantially the same as an initiated ordinance which has been approved at any election may be initiated by the voters within two (2) years from the date of such election. Copies of the proposed or referred ordinance shall be made available at the polls and shall be published at least once in the official newspaper of the City not more that fifteen (15) days immediately prior to the date of the election.

Section 11.09 Calling of Recall Election

If the officer whose removal is sought does not resign within thirty (30) days from the date the petition is presented to the City Council, the City Council shall call a recall election to be held on the next uniform election date allowing sufficient time to comply with requirements of law, If, after the recall election date is established, the officer vacates his position, the election shall be canceled and the vacancy filled pursuant to Section 3.06 of this Charter. Any election order so issued shall comply fully with the Texas Election Code.

Section 11.10 Withdrawal of Petitions

An initiative, referendum or recall petition may be withdrawn at any time prior to determination of sufficiency by filing with the City Secretary a request for withdrawal signed by at least seven (7) members of the petitioners committee. Upon the filing of such request the petitions shall have no further force or effect and all proceedings shall be terminated, and the election may be cancelled.

Section 11.11 Form of Ballots

A. Initiative: Ordinances 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 it shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance. Immediately below the ballot title shall be printed the following two (2) statements, one above the other, in the order indicated:

"For adoption of the ordinance" and
"Against adoption of the ordinance"

Immediately below or to the left of each statement shall appear a square in which the voter may cast his vote by making a mark.

B. Repeal: Ordinances being considered for repeal 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 ordinance and it shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance. Immediately below the ballot title shall be printed the following two (2) statements, one above the other, in the order indicated:

"For adoption of the ordinance"
and "Against adoption of the ordinance"

Immediately below or to the left of each statement shall appear a square in which the voter may cast his vote by making a mark.

C. Recall: Ballots used at recall elections shall, with respect to each person whose removal is sought, submit the question:

"Shall (name of person) be removed from the office (name of office) by recall?"

Immediately below each such question, there shall be printed the two (2) following statements, one above the other, in the order indicated:

"For (name of person) being removed from the office of (name of office)."
"Against (name of person) being removed from the office of (name of office)."

Immediately below or to the left of each statement shall appear a square in which the voter may cast his vote by making a mark.

Section 11.12 Results of Election

A. If a majority of qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the City Council. If conflicting ordinances are approved at the same election, then one receiving the greater number of affirmative votes shall prevail.

B. An ordinance adopted by initiative may be repealed or amended at any time after the expiration of two (2) years by a majority vote or after one (1) year by a unanimous vote of all Council members.

C. If a majority of the qualified electors on a referred ordinance vote against the ordinance, it shall be considered repealed upon certification of the election results. If a majority of the qualified electors voting on a referred ordinance vote for the ordinance, the ordinance shall be considered in effect.

D. An ordinance repealed by referendum may be re-enacted at any time after

the expiration of two (2) years by a majority vote or after one (1) year by unanimous vote of all Council members.

E. If a majority of the votes cast on the question of recall at a recall election shall be against the removal of the elected official named on the ballot, he shall continue in office for the remainder of his unexpired term, subject to recall as before within the limitations of Sec. 11.14 below. If a majority of the votes cast on the question of recall at a recall election shall be for the removal of the elected official 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 filed in accordance with the provisions of this Charter for the filing of vacancies.

Section 11.13 Limitations and Restrictions

A. No recall petition shall be filed against any officer of the City within six (6) months after his election nor within six (6) months of such a petition being filed and found insufficient, nor within one (1) year after an election for such officer's recall.

B. In no instance shall an officer removed from office by recall election serve in an elective office of the City within a period of five (5) years following the date of the election at which he was removed from office.

C. Unless withdrawn, no petition shall again be filed on a proposed or referred ordinance of substantially the same content within a period of two (2) years of the failure of the petition at a City election.

Section 11.14 Failure of City Council to Call an Election

In case all of the requirements of this Charter have been met and the City Council shall fail or refuse to receive an initiative, referendum or recall petition, or order such initiative, referendum or recall election, or discharge other duties imposed upon said City Council by the provisions of this Charter with reference to initiative, referendum or recall, then the District Judge may discharge any such duties herein provided to be discharged by the City Secretary or by the City Council. In addition, any qualified voter in the City may seek judicial relief to have any of the provisions of this Charter pertaining to initiative, referendum or recall carried out by the proper official.

ARTICLE XII

GENERAL PROVISIONS

Section 12.01 Public Meetings

Meetings of all elected commissions and all boards or commissions appointed by the City Council shall be open to the public in accordance with the laws of the State of Texas. Meetings of the City Council shall be held in accordance with provisions of Article III, Section 3.08 of this Charter. Minutes, transcriptions, and electronic recordings of all public meetings are public records, and shall be archived in accordance with state law.

Section 12.02 Public Record

Municipal records shall be available for public inspection during normal business hours, in accordance with State Law.

Section 12.03 Effective Date of this Charter

This Charter shall become effective on and after the date and time of the first meeting of the City Council following the election at which a majority of votes cast by qualified voters of the City affirms adoption of this Charter. The City Council shall, immediately after canvassing said election, declare by resolution that this Charter is adopted. The City Council shall then order that this resolution be recorded upon the records of the City of Everman, Texas, and the records of the Secretary of State of Texas, as prescribed by the laws of the State of Texas.

Section 12.04 Amendments to this Charter

Amendments to this Charter may be formulated and submitted to the voters as provided by State Law.

Section 12.05 Reserved

Section 12.06 Conflict of Interest

Election officials, officers, or employees of the City having a direct or indirect interest in any proposed or existing contract, purchase, work, sale, or service to, for, or by the City shall not vote or render a decision, or use that position, authority, or influence in any manner that would result in personal betterment, financially or otherwise, to any degree. Elected officials, officers, or employees shall publicly disclose any such interest upon assumption of office or prior to consideration of any such matters. Any elected official, officer, or employee who willfully conceals such interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position, and shall forfeit the office or position. Violation of this section with the knowledge, express or implied, of the person or corporation contracting with or making a sale to the City shall render such contract or sale voidable by the City Manager or City Council.

Section 12.07 Nepotism

Relatives of the City Council, City Manager, and department heads of the City shall not be employed or appointed for any compensated public service for the City if such kinship is closer than the second degree by marriage or the third degree by consanguinity. This prohibition shall not affect those who have been continuously employed by the City for one (1) year or more before the adoption of this Charter.

Section 12.08 Surety Bonds for City Employees

The City Council shall require bonds of all municipal employees and officers who receive or disburse any funds of the City. The amount of such bonds shall be determined by the Council, and the cost thereof shall be paid by the City.

Section 12.09 May Accept Government Aid

The City may accept monetary aid or other character of aid or benefit from the Federal *Government*, the State Government, the County Government, and from any agency thereof, and/or any individual, and/or a private agency; and shall have the full right, power and authority to do the things and perform the acts necessary to permit the City to receive such aid.

Section 12.10 No Officer or Employee to Accept Gifts

No officer or employee of the City of Everman shall ever accept, directly or indirectly, any gift, favor, privilege, or employment valued over twenty-five (25) dollars from any firm, individual, or corporation doing business or proposing to do business with the City of Everman. Any officer or employee of the City who violates the provisions of this section shall be guilty of a misdemeanor and may be punished by any fine that may be prescribed by Ordinance for this offense, and shall forthwith be removed from office. This section does not prohibit the giving of gifts where the donor and recipient are kin by blood or marriage.

Section 12.11 Guarantee of Funds

The City Council shall require that the depository or depositories holding all public funds shall pledge eligible securities or surety bonds against said funds to the extent of the total of such funds held by each and every depository in accordance with the laws of the State of Texas.

Section 12.12 Notice of Injury or Damage

Before the City of Everman shall be liable for damages for the death or personal injuries of any person or for damage to or destruction of property **of** any kind that does not constitute a taking or damaging of property under the Constitution of Texas, the person injured, or if deceased, his or her representative(s) shall give the City Councilor City Manager notice in writing of such death, injury, damage or destruction, duly verified by affidavit, within six (6) months after same has been sustained. Such written notice shall state specifically when, where, and how such death, injury, damage, or destruction occurred, the apparent extent of any such injury; the amount of damages sustained; the street and number of the actual residence of the claimant at the date the claim is presented; the actual residence of the claimant six (6) months immediately preceding the occurrence of such death, injury, damage, or destruction and the names and addresses of all witnesses upon whom it is relied to establish the claim for damages. The failure

to so notify the City Council or City Manager within the time and manner specified herein shall exonerate, excuse, and exempt the City from any liability whatsoever. No act of any officer or employee of the City shall waive compliance or stop the City from requiring compliance, but the provision may be waived by resolutions of the City Council, made and passed after the expiration of the six (6) month period herein provided and evidenced by minutes of the City Council.

Section 12.13 Official Medium

The City Council shall, by resolution, designate a local newspaper of general circulation in the City as the official newspaper for publication of official business. All ordinances, notices, and other matters that are required to be published officially by this Charter, the ordinance of the City, or the laws of the State of Texas shall be publicized in said medium.

Section 12.14 Gender of Wording

The gender of wording used throughout this Charter shall be interpreted to mean either sex.

Section 12.15 Elected or Appointed Officers and City Employees

No person who is delinquent in the payment of taxes to the City shall be elected or appointed to City office or employed by the City.

Section 12.16 Qualified Voter

The word "voter" as referred to in this Charter, shall be defined as an individual who meets the requirements of thirty (30) days residency in the City of Everman, Texas and is a registered voter in the State of Texas.

Section 12.17 Reserved

Section 12.18 City Exempt from Appeal Bonds

It shall not be necessary in any action, suit, or proceeding in which the City of Everman is a part of for any bond, undertaking, or security to be executed in behalf of said City. All such actions, suits, appeals, or proceedings shall be conducted in the same manner as if such bond, undertaking, or security had been given; and the City shall be liable as if such obligation had been given and executed.

Section 12.19 Funds not Subject to Garnishment

No funds of the City or within custody of the City or any of its officials in any official capacity shall be subject to garnishment, and the City shall not be required to answer in any garnishment proceedings, except where provided by State or Federal Laws.

Section 12.20 Certification and Submission to Voters

Pursuant to the obligations imposed on this Charter Commission by law, said Commission has determined and hereby certifies:

- A. That this Charter is a true and correct copy of the Charter prepared by

this Charter Commission.

B. That, in the submission of this Charter to the voters, it would be impractical 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 work and function, it is necessary that it be adopted in its entirety; therefore it is submitted so as to be voted upon as a whole.

C. That the election for this purpose shall be held in the City of Everman on the 5th day of November, 2019

D. That the Charter Commission completed its work on the 5th day of November, 2019.

Unanimously Proposed, Everman
Home Rule Charter Commission

Vikki Hutchinson – Chairperson
Jude Graham – Vice Chairperson
Pink Barnett
Patsy Malone
James Stephenson