



**NOTICE OF MEETING  
OF THE  
HOME RULE CHARTER REVIEW COMMITTEE  
OF BUDA, TEXAS**

*An agenda information packet is available for public inspection  
In the Buda Public Library.*

This notice is posted pursuant to the Texas Open Meetings Act. Notice is hereby given that a **Regular Home Rule Charter Review Committee Meeting** of the City of Buda, Texas, will be held on **Thursday, July 21, 2011 at 7:00 PM.** in the City Hall Council Chambers at 121 Main Street, Buda, Texas 78610, at which time the following subjects will be discussed:

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. PLEDGE OF ALLEGIANCE**

**D. PUBLIC COMMENTS** At this time, comments will be taken from the audience on non-agenda related topics for a length of time not to exceed three minutes per person. To address the City Council, please submit a Citizen's Comment Form to the City Secretary **prior** to the start of the meeting. *No action may be taken by the City Council during Public Comments*

**E. CONSENT AGENDA**

1. Approval of the Home Rule Charter Review Committee meeting minutes, dated June 9, 2011.

*Toni Milam, City Secretary*

**F. REGULAR AGENDA ITEMS**

1. Deliberation and possible action regarding Article III – The City Council and Mayor as outlined in the Buda Home Rule Charter.

*Kenneth Williams, City Manager/Ross Fischer, City Attorney*

2. Deliberation and possible action regarding Article V – Administrative Organizations as outlined in the Buda Home Rule Charter.

*Kenneth Williams, City Manager/Ross Fischer, City Attorney*

3. Deliberation and possible action regarding Article VI – Financial Procedures as outlined in the Buda Home Rule Charter.

*Kenneth Williams, City Manager/Ross Fischer, City Attorney*

**G. HOME RULE CHARTER REVIEW COMMITTEE REQUESTS FOR FUTURE AGENDA ITEMS**

*No deliberation or discussion may take place by the City Council during this agenda item*

**H. ADJOURNMENT**

City Hall is wheelchair accessible and accessible parking spaces are available. Requests for accommodations must be made 48 hours prior to the meeting. Please contact the City Secretary at (512) 312-0084, or FAX (512) 312-1889 for information or assistance.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Governing Body of the City of Buda, was posted on the bulletin board in front of Buda City Hall, which is readily accessible to the public at all times, by 7:00 p.m. on Monday, July 18, 2011.

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Toni Milam, City Secretary, TRMC

I hereby certify that the above shown notice was removed from the posting location at the Buda City Hall, 121 Main Street, Buda, Texas 78610, at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 2011 and satisfies the 72-hour posting requirement.

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Toni Milam, City Secretary, TRMC

City of Buda  
Home Rule Charter Review Committee Meeting Minutes  
June 9, 2011 – 7:00 p.m.

**A. CALL TO ORDER**

Chairman, Mark Brinkley called the meeting to order at 7:02 p.m.

**B. ROLL CALL**

Mark Brinkley - Present  
Michael Britton - Present  
Benita Gunn - Present  
John White - Absent  
Jose Montoya - Absent  
Carolyn Fees - Present  
Stephen Cooper – Present  
Colin Strother – Present  
Tommy Poer – Present

*Those in attendance from City Staff:*

City Attorney – Ross Fischer  
City Secretary – Toni Milam

- C. PUBLIC COMMENTS** At this time, comments will be taken from the audience on non-agenda related topics for a length of time not to exceed three minutes per person. To address the Committee, please submit a Citizen’s Comment Form to the City Secretary **prior** to the start of the meeting. *No action may be taken by the City Council during Public Comment.*

Betsy Urban, non-resident of Buda spoke regarding her involvement in gathering signatures on a petition, asking that Council put a referendum to a vote of the residents of Buda; is asking the Charter committee to review closely and to look at the language under the Article that speaks about referendum, initiative, and recall, allowing voters to vote on the issues.

Carl Urban, non-resident of Buda spoke regarding the Comprehensive Plan that is currently under review. The new Comprehensive Plan is reaffirming the current plan that is already in place and he feels like the City is circumventing from protecting the residents.

Mayor Mangham, resident of Buda spoke to the Committee, thanking them for their voluntary service in serving on the Committee and for sharing their time and to look at what will be best for the residents of Buda while reviewing the Charter.

**D. CONSENT AGENDA**

1. Approval of the Home Rule Charter Review Committee meeting minutes, dated May 19, 2011.

Motion by Colin Strother, with a second by Carolyn Fees with corrections so noted by City Secretary, Toni Milam. In item #2 of the meetings minutes, it was written “Rather than expending the *month* on sending a survey out to the public,” which should have been written as, “Rather than expending the *money*.....”. Motion approved, with Member Cooper and Member Poer abstaining from the vote.

## **E. REGULAR AGENDA ITEMS**

1. Deliberation and possible action regarding Article I – Form of Government and Powers as outlined in the Buda Home Rule Charter.

***Toni Milam, City Secretary/Ross Fischer, City Attorney***

Discussion was held regarding Article I, Section 1.01, whether to include the term “elected” when referring to Council, in Article I, Section 1.01: Motion by Member Colin Strother, with a second by Member Carolyn Fees to not include the term “elected” Council in the second sentence of the Section. Motion approved, with Member Benita Gunn voting nay.

Article I, Section 1.02: No recommended changes

Article I, Section 1.03: No recommended changes

Article I, Section 1.04: No recommended changes

2. Deliberation and possible action regarding Article II – Boundaries as outlined in the Buda Home Rule Charter.

***Toni Milam, City Secretary/Ross Fischer, City Attorney***

Discussion held regarding Article II. There were no recommended changes.

3. Deliberation and possible action regarding Article IV – Elections as outlined in the Buda Home Rule Charter.

***Toni Milam, City Secretary/Ross Fischer, City Attorney***

Discussion was held regarding Article IV as it pertains to Elections. City Secretary, Toni Milam briefed the Committee regarding newly passed legislation on SB100 and the possible effects the bill could have on this particular Article in the Charter. There were no suggestions as of yet since this was a newly passed bill. Staff is still inquiring as to the effect this bill will have on Buda’s elections, as well as, the Charter itself.

Motion by Member Tommy Poer, with a second by Member Mark Brinkley to defer discussions on this Article IV to a later date once more is known about SB100. As a result of deferring this agenda item to a later meeting, no formal action was taken at this time.

## **F. HOME RULE CHARTER REVIEW COMMITTEE REQUESTS FOR FUTURE AGENDA ITEMS**

*No deliberation or discussion may take place by the City Council during this agenda item*

At the next Home Rule Charter Review Committee meeting, discussions to be held on Articles III, V, and VI.

## **G. ADJOURNMENT 8:30 p.m.**

Motion by Member Tommy Poer, with a second by Member Colin Strother. Motion approved.

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Toni Milam, City Secretary, TRMC

this Charter, except the power to take private property under the circumstances described in Tex. Gov't Code §2206.001 as it presently exist or may hereafter be amended.

## **ARTICLE II**

### **BOUNDARIES**

#### **SECTION 2.01      Boundaries**

The boundaries of the City of Buda shall be the same as have heretofore been established and as they existed on the day of ratification of this Charter, which boundaries are more fully set out and described by the official city map of the City of Buda.

#### **SECTION 2.02      Extension of Boundaries**

Additional territory may be annexed to the City in any manner and by any procedure that may now be provided by law or that may be hereafter provided by law. Same shall be in addition to the following methods:

A.     **Annexation by Ordinance.** The Council shall have the power by Ordinance, to annex territory lying adjacent to the City, to extend and enlarge the city boundaries and exchange areas with other municipalities

B.     **Annexation by Petition.** The owner or owners of any land contiguous or adjacent to the City may, by petition in writing to the City Council, request the annexation into the City. City Council may grant or refuse such petition as it sees fit. If the City Council grants such petition, it may receive such territory into the City.

#### **SECTION 2.03      Disannexation**

Any area of the City may be disannexed pursuant to any procedure allowed under state law and whenever, in the opinion of the City Council, there exists within the corporate limits of the City a territory not suitable or necessary for City purposes, the City Council may by ordinance discontinue said territory as part of the City after notice and a public hearing.

## **ARTICLE III**

### **THE CITY COUNCIL AND MAYOR**

#### **SECTION 3.01      General Powers and Duties**

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

**SECTION 3.02      Number, Selection, and Term**

The City Council shall be composed of the Mayor and six (6) Council members. The Mayor and Council members shall be elected from the City at large for three (3) year terms. Each Council member shall occupy a place on the Council, such places being numbered 1 through 6. Each year two Council places shall be elected for their respective terms except as set forth in the transitional provisions hereinafter set forth.

**SECTION 3.03      Qualifications**

The Mayor and each Council member shall meet the following:

1.      Be a qualified voter in the City and State at the time of taking office;
2.      Be a resident of the City;
3.      Have resided continuously in the corporate limits of the City for 12 months immediately preceding the date of the election;
4.      Not be in violation of any provision in this Charter;
5.      Be 21 years of age or older on the first day of the term to be filled at the election;  
and
6.      Satisfy any other eligibility requirements prescribed by law for the office for which they are a candidate.

**SECTION 3.04      Judge of Qualifications**

The City Council is the final judge of all elections and the qualifications of its members and of any other elected officials of the City.

**SECTION 3.05      Compensation**

Each Councilmember shall be paid fifty dollars (\$50.00) per meeting, and the Mayor shall be paid seventy-five dollars (\$75.00) per meeting. Any future increases in compensation for City Council and the Mayor may be set by ordinance by the City Council. When a Council member or Mayor votes for an increase in compensation that increase shall not be effective for that Mayor or Council member until they have been elected at a subsequent election, but it shall be effective for any Council member or Mayor elected after the adoption of the increase in compensation. In addition, each Councilmember shall be entitled to reimbursement for his/her actual and necessary expenses incurred in the performance of his/her specific official duties of office. Said expenses shall be subject to the approval of the council. The policy regulating payment of expenses incurred in performance of official duty shall be determined by the City Council by Resolution.

**SECTION 3.06 Mayor**

The Mayor shall be the presiding officer of the City Council and shall be recognized as the head of the City government for all ceremonial purposes, for emergency management purposes, and by the governor for purposes of military law. The Mayor may debate and discuss any matters before the City Council and shall vote on all issues with the City Council. The Mayor shall, when authorized as necessary by the City Council, sign all official documents. The Mayor shall appoint, with the advice and consent of the City Council, the members of citizen advisory boards and commissions, whose conditions of membership shall have been set previously by ordinance.

The Mayor shall have no veto power.

**SECTION 3.07 Mayor Pro-Tem**

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

**SECTION 3.08 Vacancies; Forfeiture of Office; Filling of Vacancies**

A. **Vacancies.** The office of a Council member or Mayor shall become vacant upon the member's death, resignation, removal from office or forfeiture of office in any manner authorized by law.

B. **Forfeiture of Office.** A Council member or the Mayor shall forfeit that office if that person:

1. lacks at any time during the term of office for which elected any qualification for the office prescribed by this Charter or by law,
2. violates any express prohibition of this Charter,
3. is convicted of a crime involving moral turpitude,
4. ceases to be a resident of the city,
5. fails to attend three consecutive regular meetings of the Council without being excused by the Council, or
6. must vacate office by the mandate of any other law.

C. **Filling of Vacancies.** When a vacancy occurs in the City Council, the remaining members of the City Council shall call a special election to be held on the next uniform election date allowed by law after such vacancy or vacancies occur.

During the first reading of an ordinance, the Council may determine that the first reading is sufficient for adequate consideration. A motion for first and only reading of an ordinance may be made and passed upon the affirmative vote of five or more members of the City Council. The City Council may then proceed to vote, pass, and adopt the ordinance on the first reading.

**B. Enacting Clauses; Signature and Authentication.** The enacting clause of all ordinances shall be "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BUDA, TEXAS;" and every ordinance shall be signed by the Mayor or the Mayor pro-tem and authenticated by seal and signature of the City Secretary.

**C. Ordinances.** The caption or title and penalties of every ordinance imposing any penalty, fine, or forfeiture shall, as soon as practical after passage thereof, be published one (1) time in the official newspaper(s) of the City of Buda. All ordinances granting, confirming, extending, renewing, or amending a franchise shall be accepted in writing by the grantees and shall be published as otherwise provided in this Charter.

**D. Effective Date.** Every ordinance shall become effective upon adoption or at any later time(s) specified in the ordinance, except that every ordinance imposing any penalty, fine or forfeiture shall become effective only after having been published once in its entirety, or a caption that summarizes the purpose of the ordinance and the penalty for violating the ordinance in a newspaper designated as the official newspaper of the City. An ordinance required to be published under this section shall take effect when the publication requirement is satisfied unless provided otherwise in the ordinance.

**E. Codification of Ordinances.** The City Council shall have the power to cause the ordinances of the City to be corrected, amended, revised, codified and printed in code form as often as the City Council deems advisable, and such printed code, when adopted by the Council, shall have full force and effect without the necessity of publishing the same or any part thereof in a newspaper. All printed ordinances or codes of ordinances shall be admitted as evidence in all courts without proof, and shall have the same force and effect as did the original ordinance.

### **SECTION 3.12 Council Investigations**

The City Council shall have the power to inquire into the official conduct of any department, agency, appointed boards, office, officers, employees or appointed board members of the City. For this purpose, the City Council shall have the power to administer oaths, subpoena witnesses, compel the production of books, papers, and other evidence material to the inquiry. The City 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. The City Council shall have the power to punish any such contempt in the manner provided by such ordinance.

### **SECTION 3.09 Prohibitions**

A. **Holding Other Office.** Except where authorized by law, no Council member shall hold any other elected public office during the term for which the member was elected to the City Council. No Council member shall hold any other City office or City employment during the term for which the member was elected to the Council. No former Council member shall hold any compensated appointive office or employment with the City until one year after the expiration of the term for which the member was elected to the Council. Nothing in this section shall be construed to prohibit the City Council from selecting any current or former Council member to represent the City on the governing board of any regional or other intergovernmental agency.

B. **Appointments and Removals.** Neither the City Council nor any of its members shall in any manner control or demand the appointment or removal of any City administrative officer or employee whom the City Manager or any subordinate of the City Manager is empowered to appoint.

C. **Interference with Administration.** Except for the purpose of inquiries and investigations under Section 3.12, the City Council, either as a body or individually, shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and the City Council, either as a body or individually, shall not give orders to any such officer or employee, either publicly or privately.

### **SECTION 3.10 Meetings and Procedures**

A. **Regular and Special Meetings.** The City Council shall meet at least once each month at a time and place which the City Council may prescribe by rule. Special meetings may be called by the Mayor on the Mayor's own motion. On written request of three (3) Council members, the Mayor shall call a special meeting. Notice of the date, place, time and subject of each meeting shall be in accordance with State Law.

B. The City Council shall by resolution determine its own rules and order of business. Provision shall be made for the taking of minutes, which shall be a public record. Four members of City Council shall constitute a quorum.

### **SECTION 3.11 Ordinances**

A. **Passage.** Ordinances shall be introduced to the City Council only in written or printed form. The subject or subjects of all ordinances shall be clearly expressed in the title. Except as may otherwise be prescribed in this Charter, an ordinance shall not be finally passed at the meeting of the City Council at which it is first introduced, but it shall then be read, and the City Council will determine whether it shall be rejected or further considered at a subsequent meeting of the City Council. If rejected, no further action shall be required. Upon second reading, the ordinance may be adopted and enacted. The affirmative vote of four or more members of the City Council is required to enact any ordinance, unless a greater number is required by law or this Charter.

- (2) The returns of every municipal election shall be handled in accordance with the Texas Election Code. The City Council shall canvass and declare the results of the election, which shall be recorded in the Council minutes.

**SECTION 4.06 Taking of Office**

- (1) Each newly elected person to the City Council shall be inducted into office at the first regular City Council meeting following the canvass of the votes.
- (2) At such meeting, the oath shall be administered in accordance with the City Charter.

**ARTICLE V**

**ADMINISTRATIVE ORGANIZATION**

**SECTION 5.01 City Manager**

A. **Appointment and Qualifications.** The City Council shall appoint a City Manager who shall be the chief administrative and executive officer of the City and shall be responsible to the City Council for the administration of all the affairs of the City. The City Manager shall be chosen by the City Council solely on the basis of the City Manager's executive and administrative training, experience and ability. No member of the City Council shall, during the term to which they are elected and for one year thereafter, be appointed City Manager.

B. **Term and Compensation.** The City Manager shall be appointed for an indefinite term, and may be removed at the discretion of the City Council by an affirmative vote of five (5) members of the City Council. The action of the City 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 of such suspension or removal in the City Council. The City Manager shall receive compensation as may be fixed by the City Council.

C. **Powers and Duties.** The City Manager shall have the following powers and duties:

1. The City Manager shall appoint and, when the City Manager deems it necessary for the good of the City, may suspend or remove any City employee except as otherwise provided by law, this Charter, or personnel rules adopted pursuant to this Charter. The City Manager may authorize any employee who is subject to the City Manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.
2. The City Manager shall direct and supervise the administration of all departments, officers, and agencies of the City, except as otherwise provided by this Charter or by law.

3. The City Manager shall attend all City Council meetings, except when excused by the Mayor or Mayor Pro-Tem, and shall have the right to take part in discussion but may not vote.
4. The City Manager shall see that all laws, provisions of this Charter and acts of the City Council, subject to enforcement by the City Manager or by Employees subject to the City Manager's direction and supervision, are faithfully executed.
5. The City Manager shall prepare and submit the annual budget and capital program to the City Council.
6. The City Manager shall administer the annual budget and capital program.
7. The City Manager shall ensure that the City Comprehensive Plan is maintained and all changes approved by the City Council.
8. The City Manager shall submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year.
9. The City Manager shall make such other reports as the City Council may require concerning the operations of the City departments, offices and agencies subject to the City Manager's direction and supervision.
10. The City Manager shall keep the City Council fully advised as to the financial condition and future needs of the City and make such recommendations to the City Council concerning the affairs of the City as the City Manager deems desirable.
11. The City Manager shall keep a written inventory of all real property and all permanent equipment belonging to the City, said inventory to be subject to annual audit. A system shall be established to control the use and replacement of expendable items.
12. The City Manager shall have the authority to execute on behalf of the City, standard form documents, including but not limited to deeds, releases of liens, rental agreements, easements, right-of-way agreements, joint use agreements, and other similar documents, under the following conditions:
  - a. The execution of the document is necessary to carry out a public works project; utilize, maintain or improve a City facility, street, right-of-way, easement, park or other City property, or to implement other City policies; provided that such project, program or policy has been approved by the City Council;

b. That all blanks are filled in on any document correctly and that such document is consistent with the objectives approved by the City Council; and

c. That the form of such document shall be approved by the City Attorney.

13. The City Manager shall perform such other duties as are specified in this Charter or may be required by the City Council.

D. **Acting City Manager.** By letter filed with the City Secretary the City Manager shall designate, subject to approval of the City Council, a qualified employee to exercise the powers and perform the duties of City Manager during the City Manager's temporary absence or disability. The City Council may revoke such designation at any time and appoint another employee of the City to serve until the City Manager shall return or his disability shall cease.

## **SECTION 5.02 Other Departments, Offices, and Agencies**

### **A. General Provisions.**

1. **Creation of Departments.** The City Council may continue or establish City departments, offices or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices and agencies, except that no function assigned by this Charter to a particular department, office or agency may be discontinued or, unless this Charter specifically so provides, assigned to another department.
2. **Direction by City Manager.** All departments, offices and agencies under the direction and supervision of the City Manager shall be administered by an employee appointed by and subject to the direction and supervision of the City Manager. With the consent of Council, the City Manager may serve as the head of one or more such departments, offices or agencies or may appoint one person to serve as the head of two or more of them.

B. **City Attorney.** The City Manager shall appoint a City Attorney for an indefinite term and fix the City Attorney's compensation. The City Attorney must be a member of the State Bar of Texas. The City Attorney shall serve as chief legal advisor to the City Council, the City Manager, directors of City departments and other City officers and agencies. The City Attorney shall represent the City in all legal proceedings and shall perform any other duties prescribed by this Charter, ordinance or State Laws.

C. **Municipal Court; Judge(s).** The City Council shall establish a municipal court and shall appoint a presiding judge(s) and any such other associate judge(s) as are deemed necessary and fix the compensation therefore. The judge(s) of the municipal court shall serve at the will and pleasure of the City Council, unless otherwise provided by law.

D. **City Secretary.** The City Manager shall appoint the City Secretary. The City Secretary, or their designee, shall give notice of City Council meetings, shall keep the minutes of the proceedings of such meetings, shall authenticate by signature all ordinances and resolutions, and shall perform such other duties as the City Manager shall assign and those elsewhere provided for in this Charter

E. **Department of Taxation.** There shall be established a Department of Taxation to assess and collect taxes, the head of which shall be the City Tax Assessor-Collector, which office shall be filled by appointment by the City Manager with concurrence of the City Council.

The City Tax Assessor-Collector shall give a surety bond for faithful performance of his duties, including compliance with all controlling provisions of the State Law bearing upon the functions of his office, in a sum which shall be fixed by the City Council at not less than fifty thousand dollars (\$50,000.00).

The City Council may, in the interest of economy and efficiency, contract with another political subdivision to handle the assessment and/or collection of taxes. The City Tax Assessor-Collector may be removed from office by the City Manager with the concurrence of the City Council.

#### **SECTION 5.03      Personnel Rules**

The City Manager shall be responsible for the preparation of personnel rules, which rules shall be submitted by the City Manager to the City Council. The City Council may accept and adopt such rules as proposed or may adopt them with such amendments as the City Council deems necessary or may reject them in their entirety and direct the City Manager to further consider the rules and present new proposals at a subsequent meeting.

#### **SECTION 5.04      Freedom From Interference**

It shall be unlawful for the City Council or any of its members to dictate to the City Manager the appointment of any person to office or employment. The City Council or its members will not interfere in any manner with the City Manager in the performance of the duties of that office or prevent the City Manager from exercising the City Manager's own judgment in the appointment of officers and employees whose employment, appointment, and supervision are reserved by this Charter for the City Manager. Except for the purpose of inquiry and investigations, the City Council and its members shall deal with the City Staff solely through the City Manager, and neither the City Council, as a body or any individual member, nor any individual not having administrative or executive functions under this Charter shall give orders to any of the subordinates of the City Manager, either publicly or privately.

## ARTICLE VI

### FINANCIAL PROCEDURES

#### **SECTION 6.01      Fiscal Year**

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

#### **SECTION 6.02      Preparation and Submission of Budget**

The City Manager shall submit a proposed budget containing a complete financial plan for each fiscal year. Such a budget shall be submitted to the City Council not more than one hundred twenty (120) days but not less than sixty (60) days prior to the beginning of each fiscal year. The budget shall contain the following:

- (a) A brief budget message which shall outline the proposed financial policies of the City for the fiscal year, shall set forth the reasons for any major changes in expenditure and revenue items from the previous fiscal year, and shall explain any major change in financial policies.
- (b) Revenue Summary
- (c) Departmental Expenditure Summary
- (d) Departmental Budget
- (e) Schedule of Outstanding Bonded Debt
- (f) Schedule of Capital Outlays by Department
- (g) Review of Property Valuations
- (h) An Analysis of Tax Rates
- (i) Tax Levies and Tax Collection by Year for the Last Three (3) Years
- (j) A Provision for Financing the Current Capital Improvement Program

In preparing the budget, the City Manager shall place in parallel columns opposite the several items of revenues and expenditures, the actual amount of each item for the last complete fiscal year, the estimated amount for the current fiscal year, and the proposed amount for the ensuing fiscal year.

**SECTION 6.03 Council Action on Budget**

A. **Notice of Hearings.** The City Council shall have published in the official newspaper(s) of the City a notice stating:

- (1) The time and place where copies of the budget are available for inspection by the public, and
- (2) The time and place, not less than two (2) weeks after such publication, for a public hearing on the budget.

B. **Amendment before Adoption.** After the public hearing, the City Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service, provided that no amendment to the budget shall increase expenditures to an amount greater than the estimated income.

C. **Adoption.** The City Council shall adopt the budget on or before the 20th day of the last month of the fiscal year currently ending. If it fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it pro-rated accordingly, until such time as the City Council adopts a budget for the ensuing fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.

**SECTION 6.04 Budget Amendments after Adoption**

A. **Supplemental Appropriations.** If, during the fiscal year, the City Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the City Council may make supplemental appropriations for the year up to the amount of such excess.

B. **Emergency Appropriations.** To meet a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may by such ordinance authorize the issuance of emergency notes, which may be renewed as necessary.

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

D. **Transfer of Appropriations.** At any time during the fiscal year the City Manager may transfer part or all of any unencumbered appropriation balance among programs within a fund department, office or agency and, upon written request by the City Manager, the City Council may transfer part or all of any unencumbered appropriation balance from one fund department, office or agency to another.

E. **Limitations; Effective date.** No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

**SECTION 6.05      Balanced Budget**

The total of proposed expenditures shall not exceed the total of estimated income.

**SECTION 6.06      Lapse of Appropriations**

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation.

**SECTION 6.07      Payments and Obligations Prohibited**

No payment shall be made or obligation incurred against any allotment or appropriation unless the City Manager or his designee first certifies that there is a sufficient unencumbered balance in such allotments or appropriations and that sufficient funds there from are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal. Such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and he shall also be liable to the City for any amount so paid. However, except where prohibited by law, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

**SECTION 6.08      Contracts and Purchase Procedure**

The City Council may by ordinance set a maximum amount for which the City Manager shall be authorized to execute contracts and/or to expend funds for budgeted items; provided however, that all contracts and expenditures must comply with state laws requiring competitive bids. The City Council may by ordinance establish an amount above which all contracts or purchases must be approved in advance by the City Council. All contracts and purchases shall be handled in a

manner to obtain the best value for the City.

**SECTION 6.09      General Obligation Debt and Certificates of Obligation**

The City shall have the power to borrow money on the credit of the City and to issue general obligation bonds and certificates of obligation 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 6.10      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. Such bonds shall be a charge upon and payable solely from the properties, or interest therein pledged, or the income there from, 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 6.11      Audit of City Books and Accounts**

The City Council shall appoint a Certified Public Accountant to make a complete audit of the books and accounts of every City Department at the close of every fiscal year and present his report to the City Council. Such audit report shall be filed with the City Secretary and shall be available for public inspection.

**SECTION 6.12      Power to Tax**

The City Council shall have the power under the provisions of state law to levy, assess and collect an annual tax upon taxable property within the City, and to establish a tax on sales within the City, to the maximum extent provided by the Constitution and general laws of the State of Texas.

**SECTION 6.13      Implementation of Power to Tax**

The City Council shall prescribe by ordinance the methods, procedures, rules and regulations by which its power to tax may be implemented, and by which any taxes thereby imposed may be enforced and collected.

**SECTION 6.14      Taxes, when due and payable**

All taxes due to the City of Buda shall be payable at a location designated by the City Council. Taxes shall be due and shall become delinquent as provided in the Texas Tax Code, as amended, which code further provides for delinquent taxes, interest, penalty and procedures for the collection of taxes.

**SECTION 6.15 Tax Liens**

The City shall have all the rights granted by State Law to collect taxes and to enforce collection by lien foreclosures and other procedures set forth by State Law pertaining to Real and Personal property.

**ARTICLE VII**

**PLANNING AND ZONING**

**SECTION 7.01 Planning and Zoning Commission; Planning and Zoning Authority**

The City Council shall appoint a City Planning and Zoning Commission in accordance with the General Laws of the State of Texas. The City Council shall have all of the rights, privileges, powers and authority; given, permitted and granted under the laws of the State of Texas relative to planning and zoning in, for and of municipalities and their environs.

**SECTION 7.02 Platting of property**

Every tract of land situated within the corporate limits of the City of Buda and its Extraterritorial Jurisdiction shall be platted pursuant to the requirements and procedures of the constitution and laws of the State of Texas, and any ordinance, resolution or motion by the City Council not inconsistent with such constitution and laws.

**SECTION 7.03 Comprehensive Plan**

The Planning and Zoning Commission shall prepare a Comprehensive Plan for the City of Buda for submission to the City Council for adoption. The City Council shall consider the recommendations of the Planning and Zoning Commission for the growth, development and beautification of the City. The City Council may adopt this plan as a whole or in parts and may adopt any amendment thereto after at least one (1) public hearing on the proposed adoption. Any Comprehensive City Plan approved by City Council shall be reviewed by the Planning and Zoning Commission every five (5) years and any recommended changes shall be submitted to the City Council for approval, disapproval, amendment or modification.

**SECTION 7.04 Legal Effects of Comprehensive Plan**

The Comprehensive Plan adopted by the City Council shall be used as a guide by the City Council to establish codes and ordinances determined to be essential in providing for the public health, safety, and welfare of the citizens of Buda, Texas, and by the Planning and Zoning Commission to facilitate development and master plans that the City deems necessary and appropriate for systemic growth and development. The Comprehensive Plan shall not be nor be considered a zoning map nor constitute zoning regulations or establish zoning boundaries and shall not be site nor parcel specific and shall be used to illustrate generalized locations. The depiction of thoroughfare alignments in the Comprehensive Plan is subject to modification by the Planning and Zoning Commission and City Council to fit local conditions and is subject to

provided that absent procedures being established by state law the action may be taken by ordinance adopted after two public hearings are held at least ten (10) but not more than twenty (20) days after notice of such public hearings are published in a newspaper of general circulation in the city. Upon final passage of an ordinance, fixing, establishing or modifying the boundaries of the city, or annexing or disannexing any property by any method prescribed herein, the boundaries of the city shall be so extended or modified as provided in such ordinance. Upon an ordinance annexing property into the city, the territory described in the ordinance shall become a part of the city, and the said land and its residents and future residents shall be bound by the acts, ordinances, codes, resolutions and regulations of the city.

**Section 1.08. Streets and Public Property.** The city shall have exclusive dominion, control, and jurisdiction, in, upon, over, and under the public streets, sidewalks, alleys, highways, public squares, public ways and public property within the corporate limits of the city. With respect to all such facilities and public property, the city shall have the power to establish, maintain, alter, abandon, or vacate the same; 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. The city may develop and improve, or cause to be developed and improved, any and all public streets, sidewalks, alleys, highways, and other public ways within the city by laying out, opening, narrowing, widening, straightening, extending and establishing building lines along the same; by purchasing, condemning, and taking property therefor; by filling, grading, raising, lowering, paving, repaving, and repairing, in a permanent manner, the same; by constructing, reconstructing, altering, repairing, and realigning curbs, gutters, drains, sidewalks, culverts, and other appurtenances and incidentals in connection with such development and improvements; and may make or cause to be made any one or more of the kinds or classes of development and improvement authorized hereinabove, or any combination or parts thereof.

**ARTICLE II.  
BOUNDARIES OF THE CITY**

**Section 2.01. Boundaries.** The boundaries and limits of the city shall, until changed in the manner herein provided, be the same as have heretofore been established and as exist on the date of the adoption of this charter. The boundaries and territorial limits of the city may from time to time by ordinance be fixed, decreased, modified or extended, and property may be annexed into the city or disannexed from the city, with or without the consent of any voter or of any landowner in the affected area.

*City of Kyle*

**ARTICLE III.  
THE CITY COUNCIL**

**Section 3.01. Governing Body.** The governing body of the city shall be a city council composed of six (6) councilmembers and a mayor, each elected for a term of three years. The council places

shall be designated 1, 2, 3, 4, 5 and 6, and the mayor and councilmembers for Places 1, 3 and 5 shall be elected from the city at-large. Councilmembers for Places 2, 4 and 6 shall be elected from single member districts established by ordinance for the 2002 and subsequent elections. The terms of the members of the council shall be staggered, with two councilmembers being elected each year and the mayor being elected each third year.

**Section 3.02. Qualifications.** On the day prior to the date of the scheduled election to be held for such office, the mayor and councilmembers shall: (i) be at least eighteen years of age; (ii) be citizens of the United States; (iii) be qualified voters of the city; (iv) have been residents of the State of Texas for at least twelve consecutive months; (v) have been residents of the city and the district for which they seek election, or an area having been annexed into the city and/or the district, for at least six consecutive months; (vi) not be delinquent on any indebtedness to the city; and (vii) meet the other qualifications for eligibility set forth in the Texas Election Code. No city employee shall be eligible to file for election as a member of the council. Also, no candidate for or member of the council shall hold any other elective public office. If any member of the council ceases to possess any of the qualifications of office, including continuous residency within the City and, as applicable, the district from which elected during the term of office, his/her office shall, upon such fact being determined by the council, immediately become vacant; provided that if the residence of a member of the council is disannexed or located in another district as a result of redistricting, the member shall serve the remainder of his or her term of office.

**Section 3.03. [Reserved]**

**Section 3.04. Vacancies In Office.** The office of mayor or councilmember shall become vacant upon the death, resignation, or removal from office of the incumbent. Any vacancy or vacancies, whether in the office of mayor or councilmember, shall be filled by special election called for such purpose. The date for special elections to fill vacancies shall be the first uniform election date after the vacancy occurs and for which there is sufficient time to call and give notice of the election as required by law; provided that, if a vacancy occurs and no such election date falls within 120 days after the date of the vacancy, the council shall, without regard for the specified uniform election dates, order such election to be held on a Saturday within 120 days from the date of the vacancy. All vacancies shall be filled by election for the remainder of the unexpired term of the office so filled. A special election is not required if the term of the vacated office expires with a general election that is held within 120 days after the date of the vacancy.

**Section 3.05. City Council Judge of its Members.** The council shall be the judge of the election and qualifications of its members, may determine the rules of its proceedings, and shall have power to compel the attendance of absent members and to punish

members for disorderly conduct. After due notice and opportunity to be heard, upon not less than six affirmative votes the council shall have the power to remove any elected officer for conviction of a felony, gross immorality, habitual drunkenness, corruption, misconduct or malfeasance in office, or failing to continuously reside with the city and/or the district from which elected. Officers or employees of the city appointed directly by the council may be removed by majority vote of the council at any time after notice in compliance with the open meetings laws.

**Section 3.06. Quorum and Attendance.** Four members of the council shall constitute a quorum for transacting business and no action of the council shall be valid or binding unless taken in an open meeting with a quorum present. Less than a quorum may adjourn any meeting, or order and compel the attendance of absent members. It shall be the duty of each member of the council to attend each regular and special council meeting and the failure of any member to attend three consecutive, regular meetings, without good and sufficient cause, shall constitute misconduct in office.

**Section 3.07. Meetings.** The council shall hold at least one regular meeting each month. Meetings shall be held on a schedule or dates established by the council, and as many regular or special meetings may be scheduled and held as the council deems necessary to transact the business of the city. The council shall fix the dates and times of the regular meetings, and special meetings shall be held on the call of the mayor or the city manager. If practicable no less than twelve (12) hours notice of special meetings shall be given to each member of the council. Meetings shall be open to the public and public notice shall be given in accordance with state law; provided that executive sessions closed to the public shall be permitted in accordance with the state law. The mayor or city manager shall approve meeting agendas and a councilmember may require any item related to city business to be placed on an agenda for which notice may be given.

**Section 3.08. Voting.** All members of the council present shall vote upon every issue, subject or matter properly before the council and requiring a council vote; provided that, if any member of the council has a conflict of interest that fact shall be stated in the minutes and such member shall abstain from discussion and voting on the issue. No ordinance, resolution, order, action, matter or issue, shall be passed, approved, adopted, taken or consented to except by a majority vote of the members of council present and voting, and not less than four affirmative votes shall be required to pass, approve, adopt, take action on, or consent to any ordinance, resolution, action, matter, issue, or motion.

**Section 3.09. Compensation.** The mayor shall be paid two hundred dollars per month and each other councilmember shall be paid one hundred dollars per month; provided they shall forfeit one half of such amount for each absence from a regular council meeting. They shall also be entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties. No staff or assistant shall be provided for any member of the city council.

**ARTICLE IV.**  
**THE AUTHORITY AND LIMITATIONS OF THE CITY COUNCIL**

**Section 4.01. Mayor.** The mayor shall serve as the ceremonial head of the city, preside at all meetings of the council and provide the leadership necessary to good government. He or she shall work with the council to obtain legislation in the public interest and with the city manager to ensure that the same is enforced, and participate in the discussion and vote on all legislative and other matters coming before the council. The mayor shall have signatory authority for all legal contracts and commitments of the city; sign all ordinances and resolutions; recommend appointees for the boards and commissions; work and coordinate with the city manager and the council; and, to the extent provided by state law in time of declared emergency, may take command of the police and govern the city by proclamation, maintain order and enforce all laws.

**Section 4.02. Mayor Pro Tem.** At its first regular meeting after all the members of the council elected at a general election have taken office, or after a vacancy in the office of Mayor Pro Tem, the council shall elect one of its members to be mayor pro-tem for a one (1) year term, or to fill the unexpired term resulting from the vacancy. The mayor pro tem shall be the councilmember who receives a majority of the votes cast but not less than four votes.

In the absence of the mayor, the mayor pro tem shall perform the duties of the mayor and in such capacity shall be vested with all powers conferred on such office. In the event of the failure, inability, or refusal of the mayor to act in respect to any matter or duty, the mayor pro tem shall act. In the event the office of mayor becomes vacant, the mayor pro-tem shall serve as mayor until an election is held to elect a mayor to serve the unexpired term.

**Section 4.03. The City Council.** The city council shall be the legislative and governing body of the city and shall have control of all the city finances, property, functions, services, affairs and programs subject only to the terms and provisions of this charter. The council shall have the power to ordain, alter, amend or repeal and enforce ordinances, resolutions, rules, orders, and regulations, for any public purpose, that are not in conflict with this charter, or federal or state law. The council shall have the power and authority to provide for any public purpose, including but not limited to recreation, the regulation and control of public property, municipal finances, the preservation of the public peace and good order, the security and protection of the public health, safety and welfare, the promotion of trade, commerce and economic development, the beautification and quality of life within the city, and any other governmental or proprietary service or program. The city, by and through its city council, shall have full and complete power of local self government to the fullest extent not in conflict with this charter and state law, including all such authorities and privileges that are now or hereafter provided to cities by state law and such power and authority both express and implied as necessary to accomplish and enforce any such duty, program or public purpose.

The council shall have all the powers necessary and incident to the proper discharge of the duties imposed upon it and is hereby vested with all powers necessary to carry out the terms and provisions of this charter; except where such powers are, by this charter, specifically reserved or conferred on some other officer.

The following powers and duties of the council are not exclusive but are enumerated for greater clarity:

- (a) Appoint, supervise and remove the city manager;
- (b) Ensure enforcement of the provisions of this charter and the ordinances of the city;
- (c) Adopt and amend the budget of the city;
- (d) Call bond elections, and authorize the issuance and sale of bonds, certificates of obligations, certificates of participation, warrants, notes and other evidences of indebtedness or obligation of the city pursuant to this charter and state law;
- (e) Provide for and control of all city finances;
- (f) Provide for boards and commissions as deemed necessary by the council, and as required by this charter, and appoint and remove all such boards and commissions upon the recommendation of the mayor; provided that, if an appointment or removal has been considered at two regular meetings and no recommendation has been made the council may take action by motion and vote;
- (g) Adopt, modify and carry out the plans proposed by the planning commission and other boards and commissions;
- (h) Adopt, modify and cause the enforcement of building codes, fire codes, and health codes, public safety codes, and all other codes and regulations deemed reasonably necessary;
- (i) Provide for all public utilities and serve as the primary regulatory agency for the rates thereof whether city owned or furnished by private utility companies;
- (j) Pass ordinances and resolutions as necessary in its judgment for any public purpose not inconsistent with this charter;
- (k) Exercise police powers for the safety of all citizens, and to protect their health, life and property, prevent and summarily abate and remove all nuisances, preserve and to enforce good government, order and security of the city;
- (l) Control and regulate the use and occupancy of the public streets, rights-of-way and all property of the city;
- (m) Make investigations into municipal affairs and subpoena

persons, documents and records, and compel the attendance of witnesses and the production of records for such purpose;

- (n) Require a fidelity bond to be provided at city expense for any officer or employee position;
- (o) For good cause, order a recall election to be held for or with respect to any member of the city council;
- (p) Appoint and remove the city attorney, the municipal judge, and the associate municipal judges;
- (q) Confirm or reject the appointment of the officers required by this charter to be confirmed by the council;
- (r) To govern the affairs of the city in conformance with this charter and the state and federal constitutions and laws, and to determine by majority vote the best and most appropriate method and manner of efficiently performing the functions and providing the services of the city, consistent with the council-manager form of government; and, except as provided in this charter with respect to certain departments that must be maintained in effect, the council may after hearing the city manager create, change, merge, or abolish offices, departments or agencies of the city, and may contract for services by interlocal agreement or otherwise as it deems advisable to improve the services or the efficiency of government; and
- (s) Call and hold special elections useful to the accomplishment of the public purposes of the city, to the fullest extent not inconsistent with state law.

**Section 4.04. Duties of Officers and Employees.** The council shall from time to time, after hearing the recommendations of the city manager, establish personnel policies and regulations and the duties, responsibilities and authority of each appointed officer and employee of the city, not inconsistent with this charter. The city shall be an equal opportunity employer and the service of each such officer and employee shall be at will. The council may, not inconsistent with this charter, require other and further duties of any appointed officer or employee whose duties are prescribed herein, and may define, prescribe and change the duties of any appointed officer or employee as in its judgment be best for the public interest. No person related within the second degree of consanguinity or affinity to a member of the council or the city manager, shall be or remain employed by the city; provided that such prohibition shall not apply to any person employed full-time for a period of twelve months or more prior to the member of the council or the city manager taking office. The council may require good and sufficient bond be given by appointed officers or employees handling funds of the city and may require bond of other officers or employees if considered proper or necessary. The expense of any such bond shall be paid by the city.

**Section 4.05. Prohibitions.** The council shall have powers only as a body meeting with a quorum present and no member shall have power to act individually except where that power may be conferred upon the member in this charter or by written council resolution; provided that each member is expected to serve his or her constituency and shall have the right to inquire through an officer appointed by the council into any matter whether or not such matter is brought before the council in order that he or she may so serve as an independent member of the council.

No member of the council shall hold any other city office or city employment during his or her term of office, and no former member of the council shall hold any city office with compensation until one (1) year after the expiration of the full term of office to which such member was appointed or elected.

No member of the council shall give orders directly to any city employee, except when empowered to do so by an emergency proclamation, and all members of the council shall, except for officers appointed by the council, deal with the non-elective officers, employees and administrative offices of the city solely through the city manager.

**Section 4.06. Ordinances.** The council may adopt legislation by ordinance regarding any subject or matter relating to or dealing with any public purpose, including, but not limited to, the adoption of standardized codes and regulations. An ordinance must be enacted whenever the purpose is to regulate persons and property; whenever there is imposed a penalty, fine, forfeiture, or tax; whenever the purpose is to set a rate to be paid by consumers; whenever an ordinance is required by state law or this charter; or when an ordinance is amended. The authority of the council to legislate to accomplish any public purpose shall be subject only to the following:

- (a) No ordinance or other action of the council may be inconsistent with this charter or in conflict with any applicable state or federal law;
- (b) The enacting clause of every ordinance shall be "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS.";
- (c) Except for an emergency ordinance, an ordinance making an emergency appropriation, an ordinance authorizing bonds or any other indebtedness, or an ordinance approved by seven (7) affirmative votes, no ordinance shall be finally adopted until it has been read and approved by a majority vote of the city council at two meetings, one of which is a regular meeting;
- (d) An emergency ordinance adopted at an emergency meeting held with less than 72 hours notice shall be and remain in effect only until the next regular meeting of the council, at which meeting it shall expire unless readopted by the council;
- (e) The council may by ordinance amend the budget to transfer

budgeted funds from one fund or department to another;

- (f) An ordinance that does not receive a majority vote on first reading shall not advance for consideration on second reading;
- (g) The general subject matter and caption of an ordinance shall be published prior to the second reading;
- (h) All ordinances and proposed ordinances shall be available for public examination and review, and for copying, from and after being included on an agenda that is posted for any meeting of the council or any city board.

**Section 4.07. Emergency Ordinances.** The city council may adopt emergency ordinances to meet an emergency affecting life, health, property, the public peace, or to prevent a material financial loss to the City. Such ordinances shall not levy taxes, grant, renew or extend a franchise, or regulate the rates or fees charged by any public utility. An emergency ordinance shall be introduced in the form and manner generally prescribed for ordinances, except that it shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance shall require the affirmative vote of at least five (5) members of the city council, and may be adopted with or without amendment or rejected at the meeting at which it is introduced. If adopted, the ordinance shall take effect immediately and the caption of the ordinance shall be published in two (2) successive issues of a newspaper of general circulation in the City. Every emergency ordinance shall automatically be repealed after sixty (60) days following the day on which it became effective. The ordinance may be reenacted.

**Section 4.08. Resolutions and Minute Orders.** The council may act by resolution regarding any subject or matter relating to or dealing with any public purpose or business except as provided in Section 4.06. The enacting clause of every resolution shall be "BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS." The council may further give instructions to the city manager, approve bids and contracts, and take other actions regarding the day to day business of the city by motion approved by majority vote and entered in the minutes of the council meeting.

#### **ARTICLE V. ELECTIONS**

**Section 5.01. Notice and Order for Elections.** City elections shall be ordered and notice thereof given as provided in the Texas Election Code, and the council shall establish the procedures and order elections except as provided therein. If not otherwise provided for by state law, all elections shall be ordered at least thirty (30) days prior to the date of election and notice shall be given by publication not more than thirty (30) days and not less than twenty (20) days immediately preceding the date of election. Notice of election shall be published in a newspaper published within the city, and if there be no such publication notice shall

elections during the term of office; and no officer shall be recalled at an election held less than three (3) months prior to the expiration of the term of office being served by such officer.

**Section 6.14. Failure of City Council to Call an Election.** If the city secretary shall certify the petition as sufficient and the city council shall fail or refuse to order such recall election, or to discharge any other duty imposed upon the council with reference to the recall, then any citizen of the city may file suit in the district courts to compel the council to order the election.

**ARTICLE VII.  
ADMINISTRATIVE SERVICES**

**Section 7.01. City Manager.** The council shall appoint and may remove the city manager upon the affirmative vote of five members of the council, and shall supervise the city manager by a majority vote. The city manager shall be chosen and compensated solely on the basis of his or her experience, education, training, ability and performance. The city manager may be bonded at city expense as determined by the council, and may require a bond be provided at city expense by any other employee. No member of the council shall, during the term of office for which he or she is elected or for one (1) year thereafter, be appointed city manager. The city manager need not reside in the city when appointed but shall thereafter, within a reasonable period of time established by council, reside within Hays County or an adjoining county.

The city manager shall be the chief executive and administrative officer of the city and shall be responsible to the council for the proper administration of all the affairs and business of the city. The city manager may sign authorized contracts, and shall be required to:

- (a) Enforce all state laws and city ordinances.
- (b) Appoint, suspend or remove any officer or employee of the city, except those officers appointed by the council and as otherwise specifically provided in this charter.
- (c) Attend all council meetings except when excused.
- (d) Prepare and submit the proposed annual budget, and be responsible for the administration of the adopted budget.
- (e) Keep the council advised of the financial condition and needs of the city and make such recommendations as seem desirable.
- (e) Prepare and submit to the council at the end of each fiscal year a complete report on the finances and administrative activities of the city for such preceding fiscal year.
- (f) Make such other reports as the council may require concerning the operations of the city.

- (g) Meet, discuss and confer with and advise the mayor and or any member of the city council regarding the business of the city.
- (h) Perform such other duties as may be prescribed in this charter or required by the council.

**Section 7.02. Acting Manager.** The city manager may designate an officer or employee to act as city manager during the manager's absence or illness. The council may designate a qualified person to perform the duties of the office of city manager during his or her absence or disability, or when the position is vacant, and may set the compensation paid to such person during such time.

**Section 7.03. Administrative Departments.** There shall be such administrative departments as are required to be maintained by this charter, and as are established by ordinance, all of which shall be under the control and direction of the city manager except as herein provided. The council shall approve personnel policies and guidelines, and shall, by ordinance, have the power to establish administrative offices or departments not provided for in this charter, and to discontinue, redesignate, or combine any of the departments and administrative offices established by ordinance. No change shall be made by the council in any personnel policy, guideline, department organization, or the city organization until the city manager's recommendations have been heard by the council.

**Section 7.04. Department Directors.** At the head of each department there shall be a director who shall be appointed by the city manager unless otherwise provided. Department heads may be appointed and removed by the city manager without council approval. Such directors shall supervise and control their respective departments, may serve as the head of any division within their department, and may, with the city manager's approval, appoint and remove all employees of their respective department. More than one department may be headed by the same person, the city manager may head one (1) or more such departments, and a provision in this charter for the appointment of a department head does not require the department to be created or maintained.

**Section 7.05. Departmental Organization.** The council may establish additional departments, and the work, duties, responsibilities and organization thereof, by ordinance; provided that no such ordinance shall be adopted until the city manager shall have been heard and have made his or her recommendations with respect thereto. Pending passage of ordinances establishing departmental divisions, the city manager may establish temporary divisions or sections in any department.

**Section 7.06. Police Department.** There shall be a police department to preserve order and protect the residents and property. The chief of police shall be responsible for the administration of the police department and shall evaluate and supervise the department and all its employees. All such evaluations and actions shall be subject to review and modification by the city manager.

**Section 7.07. Fire Department.** The council may establish a city fire department consisting of a fire chief and/or other salaried personnel. The fire chief shall be responsible for the management and administration of the fire department, including all contracts, functions, equipment and property. The fire chief shall evaluate and supervise the department and all its employees. All such evaluations and actions shall be subject to review and modification by the city manager.

A volunteer fire department is authorized. The authority of and relationship between the volunteer fire department and the city shall, subject to the above paragraph, be established by contract or ordinance. The chief and/or president of the volunteer fire department will participate with the city's fire chief and/or the city manager in the annual evaluation of the relationship and any contract between the volunteer fire department and the city. The working relationship between the volunteer fire department and the city shall be coordinated by the city's fire chief and/or the city manager with approval of the council.

**Section 7.08. City Secretary.** The office and department of city secretary shall be established and maintained. The city secretary may appoint such assistant city secretaries as are authorized. The duties of the city secretary shall be as set forth in this charter and as established by ordinance. Such duties shall include, but not be limited to, the giving notice of all council meetings; keeping the minutes of the proceedings of council meetings and the archives of the city; authenticating by his or her signature, and recording in full in books kept and indexed for the purpose, all ordinances and resolutions; performing such other duties as shall be assigned to the position by state law; maintaining appropriate files of all contracts and other legal documents resulting from and/or having a bearing on actions of the council; and assisting the city manager in gathering of appropriate records, files and resources which pertain to city business or specific council meeting agenda items.

**Section 7.09. Public Works Department.** There shall be a public works department to administer, supervise and coordinate the construction and maintenance of the streets and thoroughfares, the drainage system, and all public property and equipment not the responsibility of another department. The department shall have and be responsible for other duties, projects and works as provided by ordinance or assigned by the city manager. The director of public works shall administer and manage the department.

**Section 7.10. City Attorney.** There shall be a city attorney who shall be appointed and may be removed by the council. The city attorney shall be a competent and duly licensed attorney and shall have not less than five (5) years experience practicing municipal law in Texas. He or she shall receive for his or her services such compensation as may be fixed by the council and shall advise the city on all legal matters and represent the city in all litigation and other legal matters. The city attorney may appoint assistant

city attorneys, and the council may retain different or additional attorneys for specific matters when it deems same to be necessary.

**Section 7.11. Municipal Court.** There shall be established and maintained a court, designated as the "Municipal Court" of the City of Kyle, for the trial of misdemeanor offenses, with all such powers and duties as are now, or may hereafter be, prescribed by laws of the State of Texas relative to municipal courts. The Municipal Court shall be organized and supervised as follows:

- (a) The municipal judge shall be appointed and may be removed by the council, and shall be responsible for the supervision and management of the court docket, cases and procedures. The municipal judge shall be entitled to compensation as fixed by the city council.
- (b) The council shall have the power to appoint and remove additional associate judges. The municipal judge and associate judges need not be residents of the city but shall possess the requirements for office as are prescribed from time to time by the city council.
- (c) There shall be a court clerk who shall be appointed and may be removed by the city manager.
- (d) The clerk of the municipal court and deputies shall have the power to administer oaths and affidavits for court business, make certificates, affix the seal of said court thereto, and perform any and all acts usual and necessary to be performed by the clerks of courts and conducting the business thereof.
- (e) All costs, fees, special expenses and fines imposed by the municipal court shall be paid into the city treasury for the use and benefit of the city, except as required by state law.

#### **ARTICLE VIII. FINANCE**

**Section 8.01. Finance Department.** The department of finance shall be established and maintained and the head of such department shall be the director of finance. The director of finance shall have knowledge of municipal accounting and experience in budgeting and financial control. Such director shall provide a bond with such surety and in such amount as the city manager may require. The premium on such bond shall be paid by the city.

**Section 8.02. Powers and Duties.** The director of finance shall administer all financial affairs of the city under the direction, control and supervision of the city manager. He or she shall have authority and be required to:

- (a) Maintain a general accounting system for the city and exercise financial control over all offices, departments and agencies thereof;

- (b) Certify the availability of funds for all proposed expenditures, and unless the director of finance shall certify that an unencumbered balance exists in the appropriations and funds available, no appropriation shall be encumbered and no expenditure shall be made;
- (c) Submit to the council through the city manager, not less than quarterly, statements showing the financial condition of the city; the form and content of the statements and schedule for presentation shall be approved by the city council;
- (d) Prepare, as of the end of the fiscal year, a complete financial statement and report.

**Section 8.03. Fiscal Year.** The fiscal year of the city shall begin on the first day of each October and end on the last day of September of the succeeding year. All funds collected by the City during any fiscal year including both current and delinquent revenues, shall be accounted for in such fiscal year; and except for funds derived to pay interest and create a sinking fund on the bonded indebtedness of the city, may be applied to the payment of expenses incurred during such fiscal year.

**Section 8.04. Annual Budget.** The budget shall provide a complete work and financial plan for the city, including all city funds and activities. A budget message explaining the budget both in fiscal terms and in terms of the work programs shall be submitted with the budget. It shall outline the proposed financial policies of the city for the ensuing fiscal year; describe the important features of the budget; indicate any major changes from the current year in financial policies, expenditures, and revenues, with reasons for such changes; summarize the city's debt position and include such other material as the city manager deems desirable or the council requires. The budget shall begin with a clear general summary of its contents; and shall show in detail all estimated revenues, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year. The proposed budget expenditures shall not exceed the total of estimated funds available from all sources. The budget shall be so arranged as to show comparative figures for estimated revenues and expenditures of the current fiscal year and the actual revenues and expenditures of the preceding two (2) fiscal years, compared to the estimate for the budgeted year. It shall include in separate sections:

- (a) An itemized estimate of the expense of conducting each department, division and office.
- (b) An estimate of the revenues of the city from taxes by category for the fiscal year.
- (c) Tax levies, rates, and collections for the preceding two years.

- (d) An itemization of all anticipated revenue from utilities and all sources other than the taxes.
- (e) The amount required for interest on the City's debts, for sinking fund and for maturing bonds and other obligations.
- (f) The amounts of the city debts and other obligations, with a schedule of payments and maturities.
- (g) The total amount established for addition to reserve funds.
- (h) A capital program, which may be revised and extended each year to indicate capital expenditures pending or in process of construction or acquisition.
- (i) A provision regarding health coverage for retired employees. This provision may give consideration to the years of service of each retired employee but shall not obligate the city to any specific or continuing level of funding for such benefits.
- (j) Such other information as may be required by the council.

**Section 8.05. Budget Process and Adoption.** The city manager shall be responsible for the timely preparation and presentation of the budget, and shall present his or her recommended budget to the city council no later than sixty (60) days prior to October 1st of each year. The proposed budget shall become a public document and record when presented to the council. From and after its receipt of the budget, the city council shall:

- (a) At the first council meeting for which timely notice may be given, cause to be posted in city hall and published in a newspaper of general circulation in the city a general summary of the proposed budget and a notice stating the time and places where copies of the budget are available for public inspection; the time and place, not less than fifteen (15) days after such publication, of a public hearing on the budget; and such other public hearings as are necessary.
- (b) After the first public hearing the council may adopt the budget with or without amendment. The council may amend the proposed budget to add, increase, decrease or delete any programs or amounts, except expenditures required by law or for debt service; provided that no amendment shall increase the authorized expenditures to an amount greater than the total of estimated funds available from all sources.
- (c) The budget shall be finally adopted by ordinance not later than the third Thursday of September; provided that if the council takes no final action on or prior to such day, the budget as submitted by the city manager shall be deemed to have been finally adopted by the council.

**Section 8.06. Administration of Budget.** No payment shall be made or obligation incurred except in accordance with this charter and

appropriation duly made, and unless the director of finance first certifies that a sufficient unencumbered balance and sufficient funds are or will be available to cover the claim or meet the obligation when it becomes due and payable. If funds are not currently available to make an appropriate payment, but will become available within the fiscal year, the finance officer may request the council give authority to borrow money to make such payment provided that such money will be repaid by the end of the fiscal year or as provided by state law. Any authorization of payment or incurring of an obligation in violation of the provisions of this charter shall be void and any payment so made illegal; provided this shall not be construed to prevent the council by ordinance from making or authorizing payments or the making of contracts, for capital expenditures to be financed wholly or partly by the issuance of bonds, time warrants, certificates of indebtedness, certificates of obligation, lease-purchase, or other similar evidence of indebtedness or obligation, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year.

**Section 8.07. Amendment and Supplemental Budgets.** To protect the public health, safety, welfare and resources of the city, budget amendments to fund and meet conditions not anticipated in the original budget may be authorized, upon the affirmative vote of four members of the council. Supplements and amendments shall be approved by ordinance and shall be filed with the original budget.

**Section 8.08. Borrowing to Meet Funding Requirements.** In the absence of available funds to meet emergency conditions and requirements, the council may authorize the borrowing of funds. In any fiscal year in anticipation of the collection of the budgeted revenues or ad valorem property tax for such year, whether levied or to be levied in such year, the council may authorize the borrowing of money by the issuance of notes, warrants or tax anticipation notes. Notes and warrants issued under this section shall be limited to the funds required for the emergency or short-fall and mature and be payable not later than the end of the fiscal year in which issued, or as otherwise provided by statute.

**Section 8.09. Depository.** The council shall from time to time select a depository or depositories for city funds on the basis of bids received from such institutions; provided that the council may by resolution invest reserve funds in any state or federally chartered bank or savings institution. All monies received by any person, department or agency of the city for or in connection with affairs of the city shall be promptly deposited in the city depository or depositories. All checks, vouchers, or warrants for the withdrawal of money from the city depositories shall be signed by the city manager and the director of finance. The council may authorize the use of machine imprinted facsimile signatures of such persons on such checks, vouchers and warrants.

**Section 8.10. 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 the director of finance certifies there is to the credit of such office, department or agency, a sufficient unencumbered appropriation to pay for the supplies, materials, equipment, or contractual services for which the contract or order is to be issued. All contracts and purchases of every nature and kind shall be made in accordance with all applicable state law requirements for competitive bidding.

**Section 8.11. Bonds and Financial Obligations.** The council may by ordinance authorize the issuance of any tax or revenue bonds, refunding bonds, certificates of obligation, warrants, notes, certificates of participation, tax anticipation notes or other evidence of indebtedness or obligation, for any permanent public improvement or any emergency, or any other public purpose not prohibited by law, subject only to the following limitations:

- (a) no general obligation bonds, other than refunding bonds, shall be issued except as approved by a majority vote at an election held for such purpose;
- (b) no indebtedness or obligation shall be issued except in compliance with the requirements of state law;
- (c) no form of indebtedness other than general obligation bonds approved by public vote may be issued without public notice and a public hearing being held in compliance with state law; the published notice shall clearly summarize the relevant statutory provisions providing for a petition and election, if any; and
- (d) the authorization for bonds authorized but not issued shall expire ten years after the date of authorization.

**Section 8.12. Reserve Fund.** A reserve fund shall be established. Except when expended only for an emergency, the reserve fund shall over time be funded in an amount equal to at least twenty-five percent of the annual operating budget. If expended the reserve fund shall be restored as soon thereafter as practicable.

**Section 8.13. Independent Audit.** At the close of each fiscal year, an independent audit shall be made of all accounts of the city by a certified public accountant experienced in auditing cities. The audit shall be completed on or before March 30th of each year and shall include an audit of all non-profit organizations receiving fifty percent (50%) or more of their income from the city. The audit shall be subject to the following:

- (a) The city shall pay a percentage of the audit costs for all non-profit organizations audited, equal to the percentage of their respective total funding provided by the City;
- (b) The independent auditor shall not otherwise maintain or keep any of the accounts of the city; act as financial advisor to the city; or have any financial interest whatsoever, direct or

indirect, in any other financial affairs of the city, any member of the council, the city manager or any department head; provided that the auditor may be a resident or routinely utilize the utilities and services offered by the city, or be the owner of less than one percent (1%) of the total outstanding stock in a company contracting with the city;

- (c) The council shall not select the same auditor for more than five (5) consecutive years and the auditor selected shall not be, or have been within the immediate preceding three (3) years, a business associate of the certified public accountant or firm that performed the audit prior to such selection;
- (d) Upon acceptance of the audit, a summary thereof shall be published immediately in a newspaper of general circulation in the city and copies of the audit shall be placed on file in the city secretary's office as a public record. The summary shall include a balance sheet; an itemization of all income and expenditures by department; and an itemization of all investments and amounts of such investments pledged or encumbered for specific purposes;
- (e) The auditor shall be available to the council throughout the budget year for special projects, audits, reviews and reports.

**ARTICLE IX.  
REVENUE AND TAXATION**

**Section 9.01. Taxation.** The city council may levy, assess and collect taxes of any type or character not prohibited by state law. The maximum ad valorem tax rate shall be as provided in the Texas Constitution and such tax rate shall be levied and assessed annually to provide for both operations and debt service.

**Section 9.02. Procedures.** The procedures, limitations and requirements for the levy, assessment and collection of any tax or lien therefor shall be as established by state law; provided that, if not established by state law, such procedures, limitations and requirements shall be established by ordinance.

**Section 9.03. Tax Assessor-Collector.** The finance director shall have the responsibility and duty for assessing and collecting taxes and the city manager may appoint an officer in such department to perform such duties; provided that the city may contract for such services at the discretion of the council.

**Section 9.04. Property Taxes.** All ad valorem property taxes shall be due and payable on or before the first day of February each year at the office of the director of finance, or on such other date and place as required by state law or authorized by the city council. Such taxes may be paid at any time after the tax rolls for the tax year have been approved and shall become delinquent and be subject to penalties and interest if not paid on or before the first day of February following the levy. The failure to levy or assess taxes does not relieve any owner or property from the tax liability on

any taxable property.

**Section 9.05. Tax Liens and Claims.** All property within the city on the first day of January each year shall stand charged with a special lien in favor of the city, and the owner of such property on that date shall be personally liable therefor, until the tax and all related penalties and interest on that property are paid. All such taxes, penalties and interest may, if not voluntarily paid, be collected by the city by:

- (a) Suit to recover personal judgment therefor without foreclosure, or by suit to foreclose its lien or liens, or to recover both by personal judgment and foreclosure; and if the property description on the assessment rolls is insufficient, the city may plead a good description of the property to prove the same, and have judgment foreclosing the tax lien or personal judgment or both, against the owners and property; or
- (b) Withholding the payment of any debt or obligation owed to such owner or person by the city; by reducing the amount of any debt owed to such owner or person by the city by an amount equal to the unpaid taxes, penalties and interest; or otherwise by counter-claim and offset in any proceeding;
- (c) No assignment or transfer of any such debt, claim, demand, account or property, after taxes are due, shall affect the right of the city to offset the said taxes, penalties and interest against the same; and
- (d) Any other method, means or procedure authorized by state law.

**ARTICLE X.  
PLANNING AND DEVELOPMENT.**

**Section 10.01. Purpose and Intent.** It is the purpose and intent of this article to provide for and require the development of the city be undertaken and accomplished pursuant to a comprehensive plan and that the council shall establish comprehensive planning as a continuous and ongoing governmental function to promote, guide, strengthen and assist the management of future development within the city and its extraterritorial jurisdiction, to assure the most appropriate and beneficial use of land, water, natural and community resources, consistent with the public interest. Through the process of comprehensive planning and the preparation, adoption and implementation of a comprehensive plan, the city shall preserve, promote, protect and improve the public health, safety, comfort, order, appearance, convenience, economic and general welfare; prevent the overcrowding of land and avoid undue concentration or diffusion of population or land uses; facilitate the adequate and efficient provision of transportation, water, wastewater, schools, parks, recreational, housing and other facilities and services; conserve, develop, utilize and protect natural resources; and provide for and encourage economic growth.

**Section 10.02. Comprehensive Plan.** The council shall adopt a

Round Rock

## ARTICLE 3

### THE CITY COUNCIL

#### SECTION 3.01 NUMBER, SELECTION AND TERM

The City Council shall be composed of the Mayor and six (6) Council members. The Mayor and all Council members shall be elected from the City at large and each Council member shall occupy a position on the City Council, such positions being numbered 1 through 6 consecutively. The Mayor and Council members shall be elected in the manner provided in Article 5 of this Charter to serve for three (3) year terms.

In order to provide for an orderly transition from two (2) year terms to three (3) year terms, at the first general election held under this amended Article, two (2) Council members shall be elected to serve two (2) year terms and two (2) Council members shall be elected to serve three (3) year terms. The positions which shall be elected to two (2) year terms shall be determined by drawing lots at the first regular City Council meeting held after this amended Article is adopted. The following year, and each year thereafter, all elections shall be for three (3) year terms.

(Charter amendment approved by voters November 6, 1979; January 20, 1996)

#### SECTION 3.02 QUALIFICATIONS

In addition to any other qualifications prescribed by law, the Mayor and each Council member shall meet the conditions of Section 5.02 while in office, and shall reside within the City while in office.

(Charter amendment approved by voters January 20, 1996)

#### SECTION 3.03 JUDGE OF ELECTION QUALIFICATIONS

The City Council shall be the final judge of all elections and of qualifications of its members and any other elected officials of the City.

(Charter amendment approved by voters January 20, 1996)

#### SECTION 3.04 COMPENSATION

The Mayor and Council members shall receive compensation as may be fixed by ordinance; provided, however, that they shall be entitled to all necessary expenses incurred in the performance of their official council duties upon approval by the City Council.

(Charter amendment approved by voters April 5, 1986; January 20, 1996)

**SECTION 3.05            MAYOR AND MAYOR PRO-TEM**

The Mayor shall be the official head of the City government. The Mayor shall be the chairman of, and shall preside at all meetings of the City Council. The Mayor shall vote on every proposition before the City Council, but shall have no power to veto. The Mayor shall see that all ordinances, bylaws, and resolutions of the City Council are faithfully obeyed and enforced. Except as provided in Section 4.01, the Mayor shall, when authorized by the City Council, sign all official documents such as ordinances, resolutions, conveyances, grant agreements, official plats, contracts, and bonds. The Mayor shall appoint special committees he or she deems advisable and as instructed by the City Council. The Mayor shall perform such other duties consistent with this Charter or as may be imposed upon him or her by the City Council.

The Mayor Pro-tem shall be a Council member elected by the City Council at the first regular City Council meeting following each regular City election. The Mayor Pro-tem shall act as Mayor during the disability or absence of the Mayor, and in this capacity shall have the rights conferred upon the Mayor.

(Charter amendment approved by voters January 20, 1996; May 15, 2004)

**SECTION 3.06            VACANCIES, FORFEITURE, FILLING OF VACANCIES**

(a)    Vacancies:

The office of a Council member or office of the Mayor shall become vacant upon his or her death, resignation, removal from office in any manner authorized by law, or forfeiture of his or her office.

(b)    Forfeiture of Office:

If the Mayor or any Council member:

- (1)    fails to maintain the qualifications as required in Sections 3.02 and 5.02 herein;
- (2)    has been found by at least a 2/3 vote of the City Council to have violated any express prohibition of this Charter;
- (3)    is convicted of a crime involving moral turpitude; or
- (4)    fails to attend three (3) consecutive regular City Council meetings without being excused by the City Council,

the City Council shall, at its next regular meeting, declare the office to be vacant and shall fill such vacancy as set forth in Subsection (c) below of this Section 3.06.

(c) Filling of Vacancies:

When any vacancy or vacancies shall occur on the City Council, a special election shall be called in accordance with state law to fill the vacancy or vacancies in the same manner as described herein for regular elections.

(Charter amendment approved by voters November 6, 1979; April 5, 1986; January 20, 1996)

**SECTION 3.07 GENERAL POWERS AND DUTIES**

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

(Charter amendment approved by voters January 20, 1996)

**SECTION 3.08 PROHIBITIONS**

(a) Holding Other Office:

Except where authorized by law, no Mayor or Council member shall hold any other City office or City employment during his or her term as Mayor or Council member and no former Mayor or Council member shall hold any compensated appointive City office or City employment until one year after the expiration of his or her term as Mayor or Council member.

(b) Appointments and Removals:

Neither the City Council nor any of its members shall in any manner dictate the appointment or removal of any City administrative officers or employees whom the City Manager or any of his or her subordinates are empowered to appoint, but the City Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.

(c) Interference with Administration:

Except for the purpose of inquiries and investigations under Section 3.16, the City Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the City Council nor its members shall give orders to any such officer or employee, either publicly or privately, except as otherwise provided in this Charter. This subsection shall not prohibit the Mayor and Council from giving direction and supervision to the assistant(s) appointed pursuant to Section 3.17.

(Charter amendment approved by voters January 20, 1996; May 10, 2008)

**SECTION 3.09 MEETINGS OF THE CITY COUNCIL**

The City Council shall hold at least two regular meetings each month and as many additional meetings as it deems necessary to transact the business of the City and its citizens. The City Council shall fix, by ordinance, the days and time of the regular meetings. Special meetings of the City Council shall be held on the call of the Mayor or of a majority of the City Council members. Notice of all meetings of the City Council shall be given in accordance with the provisions of Tex. Gov't Code Ann., Chapter 551, as amended.

(Charter amendment approved by voters January 20, 1996)

**SECTION 3.10 QUORUM**

Four City Council members shall constitute a quorum for the purpose of transaction of business and no action of the City Council, except as provided in Section 3.06, shall be valid or binding unless adopted by the affirmative vote of four or more members of the City Council.

(Charter amendment approved by voters January 20, 1996)

**SECTION 3.11 RULES OF PROCEDURE**

The City Council shall, by ordinance, determine its own rules and order of business and the rules shall provide that citizens of the City shall have a reasonable opportunity to be heard at any meeting in regard to any matter under consideration.

(Charter amendment approved by voters January 20, 1996)

**SECTION 3.12 VOTING**

The City Council shall provide for minutes being taken and recorded of all meetings, and such minutes shall be a public record. Except as required by state law, there shall be no requirement for the taking and recording of minutes of meetings held in executive or closed session in accordance with Texas Gov't Code Ann., Chapter 551. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the minutes.

All members of the City Council present, including the Mayor, shall vote upon every resolution or ordinance, except where there is a conflict of interest, the reason for which shall be stated concisely in the records.

(Charter amendment approved by voters November 6, 1979; January 20, 1996)

**SECTION 3.13 ORDINANCES IN GENERAL**

Ordinances and resolutions shall be introduced in the City Council only in written or printed form. Ordinances making appropriations shall be confined to the subject of appropriations.

Any ordinance which levies a fine or penalty and those dealing with budget and/or tax, franchises, public utilities or the setting of their rates, shall be read at two regular meetings before the same shall become effective.

All other ordinances shall not be finally passed until they have been read on two separate days not less than twelve (12) hours apart; provided however if an ordinance has been introduced at a regular meeting of the City Council, the requirements for reading on two separate days may be dispensed with by an affirmative vote of all the City Council members present.

Any ordinance introduced pursuant to Section 9.01 (e) (2) may be adopted and finally passed at the meeting at which it is introduced.

The final reading of each ordinance shall be read in full unless written or printed copy thereof shall have been furnished to each member of the City Council prior to such meeting. The enacting clause of all ordinances shall be: "Be it ordained by the City Council of the City of Round Rock, Texas."

(Charter amendment approved by voters January 20, 1996; May 10, 2008)

#### **SECTION 3.14            EMERGENCY ORDINANCES**

To meet a public emergency affecting life, property, or the public peace, the City Council may adopt emergency ordinances. Such ordinances shall not levy taxes, grant or renew or extend a franchise, or regulate the rate charged by any public utility for its services. Neither shall they authorize the borrowing of money, except as provided in Article 8, Section 8.05. An emergency ordinance shall be introduced in the form and manner generally prescribed for ordinances, except that it shall be plainly designated in the title as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. Such emergency clause shall require the affirmative vote of five members of the City Council. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced. The affirmative vote of five members of the City Council shall be required for adoption. After adoption, the ordinance shall be published as required for other adopted ordinances and shall become effective in the same manner. Every emergency ordinance so adopted, except one authorizing the borrowing of money as described herein, shall automatically stand repealed as of the sixty-first day following the day on which it became effective, but this shall not prevent re-enactment of the ordinance.

(Charter amendment approved by voters January 20, 1996)

#### **SECTION 3.15            BONDS FOR CITY EMPLOYEES**

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

(Charter amendment approved by voters January 20, 1996)

**SECTION 3.16 INVESTIGATIVE BODY**

The City Council shall have the power to inquire into the official conduct of any department, agency, office, officer, or employee of the City, and for that purpose shall have the power to administer oaths, subpoena witnesses, compelling the production of books, papers, and other evidence material to the inquiry. The City 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 such ordinance.

(Charter amendment approved by voters January 20, 1996)

**SECTION 3.17 ASSISTANT(S) FOR THE MAYOR AND COUNCIL**

The Mayor and Council, along with the City Manager, shall have the power to direct and supervise one or more assistant(s) appointed by the City Manager to provide clerical and administrative support services to the Mayor and Council. The aforesaid assistant(s) shall deal with other City officers and employees solely through the City Manager, and shall not give orders to any such officer or employee, either publicly or privately.

(Charter amendment approved by voters May 10, 2008)

**ARTICLE 4**

**ADMINISTRATIVE SERVICE**

**SECTION 4.01 CITY MANAGER**

(a) Appointment and Qualifications:

The City Council by majority vote of the entire City Council shall appoint a City Manager. The method of selection shall be left to the discretion of the City Council so long as the method insures orderly, nonpartisan action toward securing a competent and qualified person to fill the position. The City Manager shall be chosen solely upon the basis of such person's executive and administrative training, experience and ability and need not when appointed be a resident of the City; however, during the tenure of his or her office the City Manager shall reside within the City. The City Manager shall be bonded at City expense in an amount to be determined by the City Council.

(b) Compensation:

The City Manager shall receive compensation as may be fixed by the City Council according to his or her experience, education, and training. The compensation shall be agreed upon before appointment with the understanding that the City Council may change it at their discretion.

(c) Term and Removal:

The City Manager shall not be appointed for a definitive term but may be removed at the discretion of the City Council, by vote of the majority of the entire City Council. The action of the City Council in suspending or removing the City Manager shall be final. It is the intention of this Charter to vest all authority and fix all responsibilities of such suspension or removal in the City Council.

(d) Powers and Duties:

The City Manager shall be the Chief Administrative Officer of the City, and shall be responsible to the City Council for the proper administration of all the affairs of the City and to that end shall have the power and shall be required to:

- (1) see that all state laws and City ordinances are effectively enforced;
- (2) appoint, suspend or remove all or any one of the directors of departments, except as otherwise provided in this Charter;
- (3) appoint, suspend or remove such Assistant City Managers as may be deemed necessary by the City Council to assist the City Manager in carrying out the day to day management responsibilities;
- (4) attend all meetings of the City Council except when excused by the City Council, and shall have the right to take part in the discussions;
- (5) prepare the budget annually and submit it to the City Council and be responsible for its administration after its adoption;
- (6) prepare and submit to the City Council at the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year;
- (7) keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may seem advisable;
- (8) make other such reports as the City Council may require concerning the operations of City departments, offices and agencies subject to his or her discretion and supervision; and
- (9) perform such other duties as may be prescribed by this Charter or required by the City Council, as consistent with this Charter.

(e) Acting City Manager:

The City Manager, within sixty (60) days after taking office, shall designate by letter filed with the City Secretary, a qualified administrative officer of the City to be the Acting City Manager in his or her absence or disability. Such designation shall be subject to the prior approval of the City Council. The Acting City Manager is authorized to perform the same powers and duties as the City Manager while acting in the City Manager's stead. No member of the City Council shall serve as Acting City Manager. From time to time the City Manager may remove and appoint another Acting City Manager, also with the prior approval of the City Council. The Acting City Manager shall perform the duties of the City Manager until the City Manager returns or his or her disability shall cease or until the City Council designates another person to perform such duties.

(f) Contracts and Purchases:

The City Council may by ordinance set a maximum amount for which the City Manager shall be authorized to execute contracts and/or to expend funds for budgeted items; provided however, that all contracts and expenditures must comply with state laws requiring competitive bids. The City Council may by ordinance establish an amount above which all contracts or purchases must be approved in advance by the City Council. All contracts and purchases shall be handled in a manner to obtain the best value for the City.

(g) Execution of Documents:

The City Manager shall have the authority to execute on behalf of the City, standard form documents, including but not limited to deeds, releases of liens, rental agreements, easements, right-of-way agreements, joint use agreements, and other similar documents, under the following conditions:

- (i) The execution of the document is necessary to carry out a public works project; utilize, maintain or improve a City facility, street, right-of-way, easement, park or other City property, or to implement other City policies; provided that such project, program or policy has been approved by the City Council;
- (ii) That all blanks are filled in on any document correctly and that such document is consistent with the objectives approved by the City Council; and
- (iii) That the form of such document shall be approved by the City Attorney.

(Charter amendment approved by voters November 6, 1979; January 20, 1996; May 15, 2004)

## **SECTION 4.02 ADMINISTRATIVE DEPARTMENTS**

There shall be such administrative departments as are established by this Charter and may be established by ordinance and, excepting as otherwise provided in this Charter, these administrative departments shall be under the direction of the City Manager.

The City Council shall have power by ordinance to establish administrative departments or offices not herein provided by this Charter. The City Council may discontinue, redesignate, or combine any of the departments and/or administrative offices. No changes shall be made by the City Council in the organization of the administrative service of the City until the recommendations of the City Manager thereon shall have been heard by the City Council.

The head of each department shall be a director who shall have supervision and control over said department. Two or more departments may be headed by the same individual and the City Manager may head one or more departments.

(Charter amendment approved by voters January 20, 1996)

## **SECTION 4.03 MUNICIPAL COURT**

- (a) There shall be established and maintained a court, designated as a "Municipal Court" for the trial of misdemeanor offenses, with all such powers and duties as are now, or may hereafter be prescribed by laws of the state of Texas relative to municipal courts.
- (b) The judge of said court shall be appointed by the City Council to serve at the discretion of the City Council. The judge shall be an attorney licensed and practicing in the state of Texas and shall receive such salary as may be fixed by the City Council.
- (c) There shall be a clerk of said court appointed by the City Manager.
- (d) The clerk of said court and deputies shall have the power to administer oaths and affidavits, make certificates, affix the seal of said court thereto, and generally do and perform any and all acts usual, and necessary to be performed, by the clerks of courts, in issuing process of said courts, and conducting the business thereof.
- (e) The City Council shall have the power to create and appoint additional judges as provided by law.
- (f) All costs and fines imposed by the Municipal Court shall be paid into the City Treasury for the use and benefit of the City.

(Charter amendment approved by voters January 20, 1996)

**SECTION 4.04 CITY ATTORNEY**

The City Council shall appoint a competent and duly licensed attorney practicing law in the state of Texas, who shall be the City Attorney. The City Attorney shall receive for his or her services such compensation as may be fixed by the City Council and shall hold office at the pleasure of the City Council. The City Attorney, or such other attorneys selected by the City Attorney with the approval of the City Council, shall represent the City in all litigation. The City Attorney shall be the legal advisor of, and attorney and counsel for, the City and all officers and departments thereof.

(Charter amendment approved by voters January 20, 1996)

**SECTION 4.05 CITY SECRETARY**

The City Manager shall appoint the City Secretary and such Assistant City Secretaries as the City Council shall deem advisable. The duties of the City Secretary, and Assistant City Secretaries, shall be as follows:

- (a) to give notice of City Council meetings;
- (b) to keep the minutes of the proceedings of such meetings;
- (c) to authenticate by his or her signature and record in full a book kept and indexed for the purpose, all ordinances and resolutions; and
- (d) to perform such other duties as the City Council shall assign, and those elsewhere provided for in this Charter.

(Charter amendment approved by voters January 20, 1996)

**ARTICLE 5**

**NOMINATIONS AND ELECTIONS**

**SECTION 5.01 CITY ELECTIONS**

- (a) Schedule.

The regular City Election will be held annually in accordance with the provisions of Tex. Elec. Code Ann., Chapter 41. The City Council shall, by ordinance, establish the general election date. Elections for candidates who are unopposed may be canceled in accordance with the provisions of Tex. Elec. Code Ann., Chapter 2, Subchapter C. The City Council shall be responsible to specify places for holding such election.

(b) Special Elections.

The City Council may, by ordinance or resolution, order a special election under conditions specified elsewhere in this Charter, for initiative or referendum of ordinances, bond issues, Charter amendments, recall of the Mayor or Council members or other purposes deemed appropriate by City Council. The City Council will fix time and place for holding such special elections, and provide all means for holding same.

(c) Voter Eligibility List.

A certified list of voter registrants within the City, as prepared by the County Election Administrator, shall be maintained on file in the office of the City Secretary. If for a purpose relating only to a City election or to candidates or issues involved in such election, any organization, group or person requests a list of qualified voters of the City, permission to copy the current list shall be granted by the City Secretary.

(d) Conduct and Regulation of Elections.

All City elections shall be governed by the constitution of the state of Texas, general laws of the state, this Charter, and ordinances of the City, in the order named. Municipal elections shall be conducted by the election officials appointed or approved by the City Council. Sample ballots identical to the voting machine format for the specific election shall be posted in the voting place(s) for purpose of voter orientation.

(Charter amendment approved by voters January 20, 1996; May 6, 2000; May 15, 2004)

**SECTION 5.02 FILING FOR OFFICE**

(a) Eligibility to File. Each candidate for an elective City office shall meet the following qualifications:

- (1) be a registered voter of the City;
- (2) have resided for at least twelve (12) months preceding the election within the corporate limits of the City, including territory annexed prior to the filing deadline; and
- (3) not be in arrears in the payment of any taxes or other liabilities due the City. "In arrears" is defined herein to mean that payment has not been received within ninety (90) days from due date.

(b) Additional restrictions. In addition to the foregoing qualifications, the following restrictions shall apply:

- (1) An incumbent seeking reelection must file for the same position number presently serving.
- (2) No candidate may file for more than one office or position number per election.
- (3) No employee of the City shall continue in such position after filing for an elective office of the City.
- (4) No candidate shall be placed on the ballot unless his or her application is accompanied by either (1) a filing fee of fifty dollars (\$50.00), or (2) a petition signed by qualified voters residing in the City equal in the number to the greater of: (a) twenty-five, or (b) one-half of one percent of the total vote received by all candidates for mayor in the most recent mayoral regular election. The signed petition shall be filed with the City Secretary, together with the candidate's sworn application. Each signer next to his or her signature shall indicate the signer's date of birth, date of signing, the signer's printed name, and the street address of his or her place of residence, including the county of residence.

(Charter amendment approved by voters November 6, 1979; January 20, 1996; May 6, 2000)

### **SECTION 5.03            OFFICIAL BALLOTS**

- (a) Names on Ballot.

The name of each candidate nominated for office, except those who have withdrawn, died or became ineligible, shall be printed on the official ballots without party designation or symbol, and in the form designated by the candidate. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion, their residence addresses shall be printed with their names on the ballot.

- (b) Order of Listing.

The order on the ballot of the names of the candidates shall be determined by lot in a drawing to be held under the supervision of the City Secretary.

- (c) Early Voting Ballots.

Procedures for early voting shall be consistent with Title 7., Subtitle A., Texas Election Code.

- (d) Ballots for Ordinances, Bond Issues, and Charter Amendments.

An ordinance, bond issue or Charter amendment, to be voted on by qualified voters of the City shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement, approved by majority of the entire City Council describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the

following question: "Shall the above described (ordinance) (bond issue) (Amendment) be adopted?" Immediately below or to the left of such question shall appear, in the following order, the words "Yes" and "No" each with a box in which the voter may cast his or her vote by marking a cross (X).

(e) Write-In Votes.

Procedures for write-in votes shall be consistent with the Tex. Elect. Code Ann., as amended.

(Charter amendment approved by voters January 20, 1996; May 6, 2000)

**SECTION 5.04 CANVASSING**

The City Council shall, at a special meeting called for that purpose or at its next regular meeting, canvass the returns from any municipal election and declare the results of said election to be official. The returns of every municipal election shall be recorded in the minutes of the City Council, by totals for each candidate, or, for or against each issue submitted.

(Charter amendment approved by voters November 6, 1979; January 20, 1996)

**SECTION 5.05 ELECTION BY MAJORITY**

A majority vote for an elective office is that number of votes which is greater than one-half of the total number of valid ballots cast for the office concerned. Any candidate for elective office who receives a majority vote shall be declared elected. If none of the candidates for an elective position receives a majority vote, none of such candidates shall be elected.

**SECTION 5.06 RUN-OFF ELECTION**

In the event no candidate for an elective office receives a majority of the votes cast for that position in the regular or special election or there is a tie for first place, a run-off election shall be held between the two (2) candidates who received the greater number of votes. Such run-off election shall be held in accordance with the Tex. Elec. Code Ann., as amended.

(Charter amendment approved by voters January 20, 1996)

# ARTICLE 8

## FINANCIAL ADMINISTRATION

### **SECTION 8.01 FISCAL YEAR**

The fiscal year of the City shall begin on the first day of each October and end on the last day of September of the succeeding year. All funds collected by the City during any fiscal year, including both current and delinquent revenues, shall belong to such fiscal year and, except for funds derived to pay interest and create a sinking fund on the bonded indebtedness of the City, may be applied to the payment of expenses incurred during such fiscal year, except as provided in this Charter. Any revenues uncollected at the end of any fiscal year, and any unencumbered funds actually on hand, shall become resources of the next succeeding fiscal year.

### **SECTION 8.02 PUBLIC RECORD**

Copies of the budget adopted shall be public records and shall be made available to the public for inspection upon request.

### **SECTION 8.03 ANNUAL BUDGET**

(a) Content.

The budget shall provide a complete financial plan of all City funds and activities and, except as required by law or this Charter, shall be in such form as the City Manager deems desirable or the City Council may require. A budget message explaining the budget both in fiscal terms and in terms of the work programs shall be submitted with the budget. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes, from the current year in financial policies, expenditures, and revenues, with reasons for such changes. It shall also summarize the City's debt position and include such other material as the City Manager deems desirable. The budget shall begin with a clear general summary of its contents and shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year. The proposed budget expenditures shall not exceed the total of estimated income. The budget shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year, compared to the estimate for the budgeted year. It shall include in separate sections:

- (1) an itemized estimate of the expense of conducting each department, division, and office;

- (2) reasons for proposed increases or decreases of such items of expenditure compared with the current fiscal year;
- (3) a separate schedule for each department, indicating tasks to be accomplished by the department during the year, and additional desirable tasks to be accomplished, if possible;
- (4) a statement of the total probable income of the City from taxes for the period covered by the estimate;
- (5) tax levies, rates, and collections for the preceding five years;
- (6) an itemization of all anticipated revenue from sources other than the tax levy;
- (7) the amount required for interest on the City's debts, for sinking fund and for maturing serial bonds;
- (8) the total amount of outstanding City debts, with a schedule of maturities on bond issue;
- (9) anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the City and the proposed method of its disposition (subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget);
- (10) a Capital Improvement Program, which may be revised and extended each year to indicate capital improvements pending or in process of construction or acquisition, and shall include the following items:
  - i. a summary of proposed programs;
  - ii. a list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
  - iii. cost estimates, method of financing and recommended time schedules for each such improvement; and
  - iv. the estimated annual cost of operating and maintaining the facilities to be constructed or acquired; and
- (11) such other information as may be required by the City Council.

(b) Submission.

On or before the first day of August of each year, the City Manager shall submit to the City Council a proposed budget and an accompanying message. The City Council shall review the proposed budget and revise same as deemed appropriate prior to general circulation for public hearing.

(c) Public Notice and Hearing.

The City Council shall post in the City Hall a general summary of the proposed budget and a notice stating:

- (1) the times and places where copies of the message and budget are available for inspection by the public; and
- (2) the time and place, not less than two (2) weeks after such publication, for a public hearing on the budget.

(d) Amendment Before Adoption.

After the hearing, the City Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income plus funds available from prior years.

(e) Adoption.

The budget shall be finally adopted not later than the final day of the last month of the fiscal year. Adoption of the budget shall constitute a levy of the property tax therein proposed. Should the City Council take no final action on or prior to such day the budget, as submitted, together with its proposed tax levy, shall be deemed to have been finally adopted by the City Council. No budget shall be adopted or appropriations made unless the total of estimated revenues, income and funds available shall be equal to or in excess of such budget or appropriations, except as otherwise provided in this Article.

(Charter amendment approved by voters January 20, 1996; May 10, 2008)

**SECTION 8.04 ADMINISTRATION OF BUDGET**

(a) Payments and Obligations Prohibited.

No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the City Manager or designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriations and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal. Such action shall be the cause for removal of any officer who knowingly authorized or made such payment or incurred such obligations, and such officer shall also be liable to the City for any amount so paid. However, this prohibition shall not be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by

the issuance of bonds, time warrants, certificates of indebtedness, or certificates of obligation, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

(b) Financial Reports.

The City Manager shall submit to the City Council at least quarterly the financial condition of the City by budget item, budget estimate versus accruals for the fiscal year to date. The financial records of the City will be maintained on an accrual basis to support this type of financial management.

(Charter amendment approved by voters January 20, 1996; May 6, 2000)

**SECTION 8.05 EMERGENCY APPROPRIATIONS**

At any time in any fiscal year, the City Council may, pursuant to this section, make emergency appropriations to meet a pressing need for public expenditure, for other than regular or recurring requirements, to protect the public health, safety or welfare. Such appropriation shall be by ordinance adopted by the favorable votes of five (5) or more of the City Council members qualified and serving, and shall be made only upon recommendation of the City Manager. The total amount of all emergency appropriations made in any fiscal year shall not exceed the amount allowed by state law.

(Charter amendment approved by voters January 20, 1996)

**SECTION 8.06 BORROWING TO MEET EMERGENCY APPROPRIATIONS**

In the absence of unappropriated available revenues or other funds to meet emergency appropriations provided for under the preceding Section 8.05, the City Council may by resolution, authorize the borrowing of money to meet such deficit as provided by law.

(Charter amendment approved by voters January 20, 1996)

**SECTION 8.07 BORROWING IN ANTICIPATION OF PROPERTY TAXES**

In any fiscal year, in anticipation of the collection of the ad valorem property tax for such year, whether levied or to be levied in such year, the City Council may by resolution authorize the borrowing of money, not to exceed in any fiscal year an amount equal to ten percent (10%) of the budget for that fiscal year. Such borrowing shall be by the issuance of negotiable notes of the City, each of which shall be designated, "Tax Anticipation Note for the Year \_\_\_\_" (stating the tax year). Such notes shall mature and be payable not later than the end of the fiscal year in which issued.

(Charter amendment approved by voters January 20, 1996)

**SECTION 8.08            DEPOSITORY**

All monies received by any person, department or agency of the City for or in connection with affairs of the City shall be deposited promptly in the City depository or depositories, which shall be designated by the City Council in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by ordinance. All checks, vouchers, or warrants for the withdrawal of money from the City depositories shall be signed by the Mayor or City Manager and countersigned by an authorized designee, as approved by City Council ordinance. Provided, that the City Council, under such regulations and limitations as it may prescribe, may by ordinance authorized the use of machine-imprinted facsimile signatures of said Mayor and City Manager and authorized designee on such checks, vouchers and warrants.

(Charter amendment approved by voters January 20, 1996; May 15, 2004)

**SECTION 8.09            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 order shall be binding upon the City unless the City Manager certifies that there is to the credit of such office, department or agency a sufficient unencumbered appropriation and allotment balance to pay for the supplies, materials, equipment or contractual services for which the contract or order is to be issued.

(Charter amendment approved by voters November 6, 1979; April 5, 1986)

**SECTION 8.10            INDEPENDENT AUDIT**

At the close of each fiscal year, and at such other times as it may be deemed necessary, the Council shall cause an independent audit to be made of all accounts of the City by a certified public accountant. The certified public accountant so selected shall have no personal interest, directly or indirectly, in the financial affairs of the City or any of its officers. Upon completion of the audit, a copy of the audited annual financial report shall be placed in the public library and placed on file in the City Secretary's office as public record.

(Charter amendment approved by voters January 20, 1996; May 15, 2004; May 10, 2008)

# ARTICLE 9

## BONDS

### SECTION 9.01 BORROWING FOR CAPITAL IMPROVEMENTS

(a) Borrowing.

The City Council shall have the power, except as prohibited by law, to borrow money by whatever method it may deem to be in the public interest.

(b) General Obligation Bonds and Certificates of Obligation.

The City shall have the power to borrow money on the credit of the City and to issue general obligation bonds and certificates of obligation 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 or certificates of obligation shall be issued in conformity with the laws of the state of Texas and shall be used only for the purpose for which they were issued.

(c) Revenue Bonds.

The City shall have the power to borrow money for the purpose of constructing, purchasing, improving, extending or repairing of public utilities, recreational facilities or any other self-liquidating municipal function not prohibited by the constitution and laws of the state of Texas, and to issue revenue bonds to evidence the obligation created thereby. Such bonds shall be a charge upon and payable from the properties, or interest therein pledged, or the income therefrom, or both. The holders of the revenue bonds shall never have the right to demand payment thereof out of monies raised or to be raised by taxation. All such bonds shall be issued in conformity with the laws of the state of Texas and shall be used only for the purpose for which issued.

(d) Bonds Incontestable.

All bonds of the City having been issued and sold and having been delivered to the purchaser thereof, shall thereafter be incontestable and all bonds issued to refund in exchange for outstanding bonds previously issued shall and after said exchange, be incontestable.

(e) The procedure for adoption of any ordinance relative to borrowing for capital improvements shall be:

- (1) A copy of the proposed ordinance shall be furnished to (1) each member of the City Council, (2) the City Attorney, and (3) any citizen of the City