

# HOME RULE

## CHARTER

### HOME RULE CHARTER<sup>\*</sup>

#### PREAMBLE

The people of the City of Snyder, Scurry County, Texas, a city of more than five thousand inhabitants, incorporated under the general municipal incorporation laws of this state, under powers conferred by the constitution and laws of Texas, in order to obtain more fully the benefits of local self-government, encourage better methods in the transaction of municipal business, enlarge the powers of municipal government, and otherwise promote the common welfare, do adopt the following charter in extension and in lieu of the heretofore existing charter of said city, to wit:

#### ARTICLE I. [INCORPORATION, FORM OF GOVERNMENT, GENERAL POWERS]

##### Section 1. Incorporation

The inhabitants of the City of Snyder, in Scurry County, Texas, within the corporate limits as now established or as hereafter established in the manner provided by this charter, shall continue to be a municipal body politic and corporate in perpetuity, under the name of the “City of Snyder,” with such powers, rights and duties as are herein provided.

##### Section 2. Form of government

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

**State law reference**—Form of government, V.T.C.A., Local Government Code, sec. 26.021.

##### Section 3. Powers of the city

The city shall have all the powers, except as limited by this charter, granted to municipal corporations and to cities by the constitution and laws of the State of Texas, together with all the implied powers necessary to carry into execution all the powers granted. The city may acquire property within or without its corporate limits for any city purpose in fee simple or any lesser interest or estate, by purchase, gift, devise, lease, or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interests may require; and, except as prohibited by the constitution of the State of Texas or restricted by this charter, the city shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The city may use a corporate seal, may sue and be sued, may contract and be contracted with; may implead and be impleaded in all courts and places and in all matters whatever; may cooperate with the government of the State of Texas or any agency thereof, the Federal Government or any agency thereof, or any political subdivision of the State of Texas, to accomplish any lawful purpose for the advancement of the interest, welfare, health, education, morals, comfort, safety and convenience of the city or its inhabitants; and may pass such ordinances as may be expedient for maintaining and promoting the peace, welfare and government of the city, and for the performance of the functions thereof. The enumeration of particular powers by this charter shall not be deemed to be exclusive, and in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the City of Snyder shall have all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever, now and hereafter granted by the Constitution and Laws of Texas, including without limitation the powers conferred expressly and permissively by Chapter 13, Title 28, Article 1175, Revised Civil Statutes of the State of Texas of 1925, as now or hereafter amended, all of which are hereby adopted. The Council is expressly authorized to adopt any rule or regulation deemed necessary, advisable or convenient for the purpose of exercising any power expressly or permissively conferred by such Act. (Ordinance 1098 adopted

2/24/14, approved at election of 5/10/14, prop. 2)

**State law reference**—General powers of home-rule municipality, V.T.C.A., Local Government Code, sec. 51.071 et seq.

#### **Section 4. Street powers**

The City of Snyder shall have the power to lay out establish, open, alter, widen, lower, extend, grade, abandon, discontinue, abolish, close, care for, pave, supervise, maintain, and improve streets, alleys, sidewalks, parks, squares, public places and bridges; and regulate the use thereof and require the removal from streets, sidewalks, alleys and other public property or places of all obstructions and encroachments of every nature or character [character] upon any of said streets, sidewalks and other public property.

**State law reference**—Authority of municipality over and under public highways, streets and alleys, V.T.C.A., Transportation Code, sec. 311.001.

#### **Section 5. Street improvements**

The City of Snyder shall have exclusive dominion, control and jurisdiction in, upon, and over and under the public streets, avenues, alleys and highways of the city, and may provide for the improvement thereof by paving, repaving, raising, drainage, or otherwise improving the same. Such exclusive dominion, control and jurisdiction in, upon, over and under the public streets, avenues, alleys and highways of the city shall also include, but not be limited to, the right to regulate, locate, relocate, remove, or prohibit the location of, all public pipes, lines, wires, or other property, at the expense of the owner of such property.

**State law reference**—Street improvements and assessments in cities having more than 1,000 inhabitants, V.T.C.A., Transportation Code, ch. 313.

#### **Section 6. Eminent domain**

The city shall have the full right, power and authority to exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred upon it by this charter, or by the constitution or laws of the State of Texas, upon payment of fair compensation for the property taken. In all cases where the city seeks to exercise the power of eminent domain, it may be controlled, as nearly as practicable, by the laws governing the condemnation of property in this state. The city may also exercise the power of eminent domain in any other manner authorized or permitted by the constitution and laws of this state, or in the manner and form that may be provided by ordinance of the governing body of the city. The power of eminent domain hereby conferred shall include the right of the city to take the fee in the lands so condemned unless a lesser interest would serve the needs of city, and such power and authority shall include the right to condemn public property for such purposes. The city shall have and possess this power of condemnation of property within or without the corporate limits for any municipal or public purpose, even though not specifically enumerated herein or in this charter. (Ordinance 741 adopted 3/6/89, approved at election of 5/6/89)

**State law references**—Eminent domain, V.T.C.A., Property Code, ch. 21; municipal right of eminent domain, V.T.C.A., Local Government Code, ch. 251.

#### **Section 7. Special provisions for damage suits**

Before the city shall be liable to damage claims or suit for personal injury, or damage to property, the person who is injured, or whose property is damaged, or someone on his behalf, shall give the City Manager or the City Secretary notice in writing within sixty days after the occurrence of the alleged injury or damage, stating specifically in such notice when, where and how the injury or damage was sustained, and setting forth the extent of injury or damage as accurately as possible. The giving of said notice shall not be necessary if the city has knowledge within said 60 day period of the occurrence or incident upon which the claim for personal injury or damage to property is based. Also, the City of Snyder shall have available to it all defenses available to cities by the Constitution of the State of Texas or by the Revised Statutes of Texas of 1925, as now or hereafter amended. (Ordinance 741 adopted 3/6/89, approved at election of 5/6/89)

**State law reference**—Texas Tort Claims Act, V.T.C.A., Civil Practice and Remedies Code, ch. 101.

#### **Section 8. Repealed**

**Editor's note**—Former section 8 pertaining to “extending city limits upon petition,” was repealed and deleted in its entirety by Ordinance 1098 adopted 2/24/14, approved at election of 5/10/14, prop. 3.

#### **Section 9. Extension of city limits by ordinance**

The City Council shall have the power, by ordinance, to fix the boundary limits of the City of Snyder; and to provide for the alteration and the extension of said boundary limits, and the annexation of additional territory lying adjacent to the city, with or without the consent of the territory and inhabitants annexed. The City's power of annexation shall be conducted in accordance with applicable state law or ordinance. (Ordinance 1098 adopted

2/24/14, approved at election of 5/10/14, prop. 3)

**State law reference**—Municipal annexation, V.T.C.A., Local Government Code, ch. 43.

#### **Section 10. Sanitary sewer system**

The city shall have the power to provide for a sanitary sewer system and to require the connection with such sewer system of any occupied lot to the line of which lot the city proposed to bring its sewer line and the owner of such lot shall pay the regular and customary connection charges. The city shall have the right to fix by ordinance penalties for failure to make required sanitary sewer connection, to fix charges and compensation to be charged by the city for sewerage service, and to provide rules and regulations for the collection of such compensation.

**State law reference**—Provision of sanitary sewer system by municipality, V.T.C.A., Local Government Code, sec. 214.013.

#### **Section 11. Garbage disposal**

The City Council shall have the right to adopt and prescribe by ordinance rules and regulations for the handling and disposition of all garbage, trash and rubbish; for compensation to be charged by the city for the removal and disposal of garbage, trash and rubbish; and for the collection of such compensation.

**State law reference**—Municipal solid waste, V.T.C.A., Health and Safety Code, ch. 363.

#### **Section 12. Platting of property**

Should any property situated within the city limits as herein established, or as may hereafter be established, or within five miles of such corporate limits of the City of Snyder, as herein established or as may be hereafter established, or hereafter platted into blocks and lots, the owner or owners of said property shall comply with all of the provisions of applicable state law, as amended. (Ordinance 1098 adopted 2/24/14, approved at election of 5/10/14, prop. 2)

**State law references**—Regulation of subdivision and property development, V.T.C.A., Local Government Code, ch. 212; plat required for division of tract, V.T.C.A., Local Government Code, sec. 212.004.

### **ARTICLE II. THE COUNCIL; OFFICERS AND ELECTIONS**

#### **Section 13. Governing body/elective officers**

The governing and lawmaking body of the City of Snyder shall consist of six Councilmembers and a Mayor and said body shall be known as the “City Council of the City of Snyder.”

The members of the City Council of the City of Snyder shall be the only elective officers of the City, and they shall be elected and shall hold office and be compensated as herein provided.

(Ordinance 741 adopted 3/6/89, approved at election of 5/6/89)

#### **Section 14. Single member districts**

The City of Snyder shall be divided into not less than four (4) Districts. District boundaries shall be established by ordinance by the City Council.

The City shall have the power to establish, alter or change District boundaries of the City of Snyder; and to subdivide the City anew into Districts, designating the same by number and describing same by metes and bounds; and to subdivide each District now existing or that may hereafter be established so that each District shall contain as nearly as possible the same number of residents; and to change such Districts from time to time as the City Council may deem expedient; provided, however, that there shall not be at any time less than four (4) Districts within the City.

(Ordinance 741 adopted 3/6/89, approved at election of 5/6/89)

#### **Section 15. Qualifications**

Each member of the City Council shall be a citizen of the United States of America and a resident citizen of the City of Snyder, and shall be a Registered Voter of the City, and shall have been such a resident citizen of the City of Snyder for a period of not less than one year immediately preceding his election, and shall not hold another public office or employment for which compensation is paid by the City of Snyder, and shall not be delinquent in any indebtedness to the City of Snyder; provided, however, that any Registered Voter of the City, with the above qualifications except as to residence, who shall have been a resident citizen for a period of not less than one year immediately preceding his election of any territory not formerly within the corporate limits of said city, or a resident citizen of such territory and/or the City of Snyder, which territory has been annexed under the provisions of this charter, shall be eligible to said office.

Each candidate for District 1 through 4 must, as of the first day available for filing for election and during his term of office, live within his or her respective district. For instance, all candidates seeking to represent District 1 must reside within District 1 as of the first day available for filing for election and, if successfully elected, during his or her term of office.

(Ordinance 741 adopted 3/6/89, approved at election of 5/6/89; Ordinance 1098 adopted 2/24/14, approved at election of 5/10/14, prop. 1)

**State law references**—Eligibility for public office, V.T.C.A., Election Code, sec. 141.001 et seq.; age and residence requirements for home-rule city office, V.T.C.A., Election Code, sec. 141.003.

#### **Section 16. Districts and at-large/councilmembers and mayor**

Four (4) of the six (6) councilmembers shall be elected from single member districts - Districts 1 through 4 as described in [Section 14](#) of this Charter in each even-numbered year. The remaining two (2) councilmembers and the Mayor shall be elected, simultaneously, at an at-large election held each odd-numbered year. (Ordinance 741 adopted 3/6/89, approved at election of 5/6/89)

#### **Section 17. Candidates; to run for places; places designated**

Candidates for the Single Member District offices of Councilmembers shall file their applications for District number one, District number two, District number three, or District number four, according to their residence, and shall be voted on and elected accordingly. Candidates for the at-large offices shall so designate in their applications that they are running for Councilmember at large or for Mayor. (Ordinance 741 adopted 3/6/89, approved at election of 5/6/89)

#### **Section 18. Candidates, how elected**

All single member district elections shall be decided by majority vote. Each Registered Voter of the City properly voting in a City election may cast only one (1) ballot or vote for any particular candidate running within that district.

The two (2) at-large Councilmembers shall be elected by plurality vote. Each Registered Voter of the City voting in an at-large election may cast up to two (2) votes; however, no more than (1) ballot or vote may be cast for any one (1) candidate.

The Mayor shall be elected by majority vote.

(Ordinance 741 adopted 3/6/89, approved at election of 5/6/89; Ordinance 1098 adopted 2/24/14, approved at election of 5/10/14, prop. 1)

**State law reference**—Election by plurality, V.T.C.A., Election Code, sec. 2.001 et seq.

#### **Section 19. Judge of election**

The City Council shall be judge of the election and qualifications of its own members and of the Mayor, subject to review of the courts in case of contest.

#### **Section 20. Date of elections**

The general municipal elections of the City of Snyder shall be held in accordance with the Uniform Election Dates as established by the State of Texas Election Code and as amended from time to time. (Ordinance 741 adopted 3/6/89, approved at election of 5/6/89)

**State law reference**—Election dates, V.T.C.A., Election Code, ch. 41.

#### **Section 21. When officers take office**

The newly elected officers may enter upon their duties on the fifth day after the returns are canvassed and declared, Sundays excepted. If any such officer fails to qualify within thirty days after his election, his office shall be deemed vacant, and the vacancy shall be filled as provided in this charter. All officers of the city, whether elective or appointive, shall qualify by taking the oath prescribed by the Constitution of this state and by executing such bond as may be required under the provisions of this charter and the ordinances and resolutions of the city.

#### **Section 22. Terms of office**

Except as otherwise provided by this charter, the Mayor and each Councilmember shall serve for a term of two (2) years and until his successor is elected and qualified, unless sooner removed from office as herein provided.

#### **Section 23. Vacancies**

If a councilmember occupying a district seat moves out of his district or out of the city or if a Councilmember occupying an at-large position moves out of the city, or if any councilmember dies in office or resigns, or an office

has been declared forfeited, then that seat is immediately declared vacant. For purposes of this paragraph only, the Mayor is considered an at-large councilmember.

A vacancy occurring in the Council, including the office of Mayor, shall be filled by a person having the qualifications required for the office being filled, and shall be selected in the following manner. If a single vacancy occurs, the Council shall appoint a successor to serve until the next general election. If two or more vacancies occur at one time, a special election shall be called by the remaining members of the Council to be held on the next uniform election date authorized by the Election Code of the State of Texas no less than 90 days after the second vacancy occurs to fill the vacancies for the unexpired terms.

(Ordinance 741 adopted 3/6/89, approved at election of 5/6/89)

**State law reference**—Special election to fill vacancy generally, V.T.C.A., Election Code, sec. 201.051 et seq.

#### **Section 24. Compensation of members of the city council**

The Mayor and Councilmen of the City of Snyder shall serve without pay or compensation; provided, however, that they shall be entitled to reimbursement for all necessary expenses incurred in the performance of their official duties, which shall be presented in an itemized statement and approved by the Council.

#### **Section 25. Duties and powers of the mayor**

The Mayor of the City of Snyder shall be recognized as head of the city government for all ceremonial purposes, and by the Governor of the State of Texas for the purposes of military law, and shall preside over the meetings of the City Council and perform such other duties consistent with the office as may be imposed upon him by this charter and ordinances and resolutions passed in pursuance hereof. He may participate in the discussion of all matters coming before the Council, but shall be entitled to a vote as a member thereof only when necessary to break a tie vote of the Councilmen. The Mayor shall have the power of veto over all propositions passed by less than the majority of the entire Council. In order to be effective, the veto must be exercised in writing setting forth the reasons for such veto and filed with the person performing the duties of City Secretary within seventy-two (72) hours of adjournment of the meeting at which the proposition was passed by the Council. The veto may be overridden by a vote of a majority of the entire Council in the following manner: Action may be taken not less than five days after the filing of the Mayor's veto, and not later than the next regular meeting following said five day period; the term day meaning twenty-four hours.

#### **Section 26. Mayor pro-tem**

The Council, at its first meeting after each general election of Councilmen, shall elect one of its members as Mayor Pro-tem for a term of one year. Should a vacancy occur in the office of the Mayor, or in case of the absence or disability of the Mayor, the Mayor Pro-tem shall act as Mayor during such absence or disability or in case of a vacancy until a Mayor is appointed or elected and qualified. While serving as Mayor, the Mayor Pro-tem shall have such rights and powers, and shall perform such duties as the Mayor.

#### **Section 27. Forfeiture of office**

Any member of the Council who ceases to possess the required qualifications for office, or who is convicted, while in office, of a felony or a misdemeanor involving moral turpitude, shall forfeit his office, which forfeiture shall be declared and enforced by a majority vote of the Council.

#### **Section 28. Powers**

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

- (1) To appoint and remove the City Manager.
- (2) To establish other administrative departments and distribute the work of divisions and to abolish or consolidate said departments and divisions.
- (3) To adopt the budget of the city.
- (4) To authorize the issuance of bonds by a bond ordinance.
- (5) To inquire into the conduct of any office, department or agency of the city and make investigations as to municipal affairs.
- (6) To appoint the necessary commissions and boards to assist the Council in the performance of its duties and responsibilities, such powers subject to the restrictions of the charter and the laws of the State of Texas.

- (7) To adopt plats.
- (8) To adopt and modify the official map of the city.
- (9) To regulate, license, and fix the charges or fares made by any person or persons owning, obtaining, or controlling any vehicle of any character used for carrying of passengers for hire on the public streets and alleys of the city.
- (10) To provide for the establishment and designation of fire limits and to prescribe the kind and character of buildings or structures or improvements to be erected therein, and provide for the condemnation of dangerous structures or buildings or dilapidated buildings calculated to increase the fire hazard, and the manner of their removal or destruction.
- (11) To fix the salaries and compensation of the non-elective city officers and employees.
- (12) To provide for sanitary sewer and water system.

#### **Section 29. Investigation by council**

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

#### **Section 30. Meetings of the council**

- (1) Regular Meetings. The Council shall hold at least one regular meeting in each month at a time to be fixed by it for such regular meetings; and may hold as many additional regular meetings during the month as may be necessary for the transaction of the business of the city and its citizens.
- (2) Special Meetings. Special meetings of the City Council shall be called by the City Secretary upon request of the Mayor, the City Manager, or a majority of the members of the Council.
- (3) Place of Meetings. All meetings of the City Council shall be held in the City Hall, except if and during any time the City Hall is not available for such purpose, the Council may designate another public place for meetings after publishing due notice thereof in one issue of the official newspaper of the City of Snyder.
- (4) Quorum. A majority of its seven member Council shall constitute a quorum.
- (5) [Open Meetings]. All meetings of the City Council must be conducted in accordance with the Texas Open Meetings Act, as amended, or successor statute.

(Ordinance 1098 adopted 2/24/14, approved at election of 5/10/14, prop. 4)

**State law reference**—Open meetings, V.T.C.A., Government Code, ch. 551.

#### **Section 31. Rules of procedure; journal**

The council shall determine its own rules and order of business. It shall keep a journal of its proceedings, and the journal shall be open to the public for inspection.

#### **Section 32. Council not to interfere in appointments or removals**

Neither the Council nor any of its members shall direct the appointment of any person to, or his removal from, office by the City Manager or by any of his subordinates. Except for the purposes of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager, and neither the Council nor any member thereof shall give orders to any subordinate of the City Manager, either publicly or privately.

#### **Section 33. Nominations and elections**

- (1) Elections, General and Special. All elections may be served by a single polling place at a location specified by the City Council.
- (2) City Council; How Nominated and Elected; Official Ballot. Any qualified resident of the city who is otherwise qualified, may have his name printed on the official ballot for the particular office which he seeks at any election, by filing his sworn application with the City Secretary not less than forty-five (45) nor more than seventy-five (75) days prior to the date of the election. The qualifications as prescribed in [Article II, Section 15](#), shall be complied with. The application of each candidate shall state the office for which he is a candidate and, if for Councilmember, the position for which he is running. The voting shall be governed by the general election laws of the State of Texas.



All Registered Voters of the City shall be eligible to vote for the at-large positions. Only Registered Voters of the City residing within a district shall be eligible to vote for the candidates running for that particular district position.

**State law references**—Candidates for city office, V.T.C.A., Election Code, ch. 143; eligibility to vote, V.T.C.A., Election Code, sec. 11.001.

(3) **Regulations and Laws Governing City Elections.** All city elections shall be governed, except as otherwise provided by this charter, by the laws of the State of Texas governing general and municipal elections, so far as same may be applicable thereto. In addition hereto, the Council shall make any regulations which it considers needful or desirable, not inconsistent with this charter or the laws of the State of Texas, for the conduct of municipal elections, for the prevention of fraud in such elections and for the recount of ballots in case of doubt or fraud.

(4) **Judging and Canvassing Elections.** Municipal elections shall be judged and conducted by duly appointed election authorities, who shall be appointed by the City Council on odd-numbered years for two-year terms, and who shall have power to make such regulations not inconsistent with this charter or the laws of the State of Texas. Returns of the elections, general and special, shall be made by the election officers within twenty-four (24) hours from close of polls to the Council, which shall canvass and declare the results of such election not earlier than the third day nor later than the eleventh day after election day.

(5) **Council Ballots.** The full names of all candidates for Mayor or Councilmembers has hereinbefore provided, except such as may have withdrawn, dies or become ineligible, shall be printed on the official ballots without party designations. If two candidates with the same surnames or with names so similar as to be likely to cause confusion are nominated, the addresses of their places of residence shall be placed with their names on the ballot. The order of names on the ballot shall be determined by lot.

The language on the ballot for the election of the two (2) at-large Council positions shall read in English: “You can vote for none, one or two candidates” and Spanish: “Puede votar por uno o dos candidatos.”

(Ordinance 741 adopted 3/6/89, approved at election of 5/6/89; Ordinance 1098 adopted 2/24/14, approved at election of 5/10/14, props. 1, 9)

**State law reference**—Ballot form, content and preparation, V.T.C.A., Election Code, ch. 52.

## **ARTICLE III. ORDINANCES<sup>\*</sup>**

### **Section 34. Effect of this amended charter on existing law**

The 1953 Charter and all ordinances, resolutions, rules and regulations in force prior to the adoption of this amended Charter and which are not in conflict with the provisions of this charter shall remain in full force and effect until otherwise amended, altered or repealed. (Ordinance 741 adopted 3/6/89, approved at election of 5/6/89)

### **Section 35. Ordinance, enactment of**

Each proposed ordinance or resolution shall be introduced in writing or printed form and shall not contain more than one subject, which shall be clearly expressed in the title, except ordinances or resolutions making appropriations or authorizing the contracting of indebtedness or issuance of bonds or other evidence of indebtedness. No ordinance, unless it be declared an emergency measure, shall be passed finally on the date it is introduced, but except as otherwise provided by this charter, must be passed, read and voted upon at two regular meetings, or special or called meetings which have been called for that purpose.

### **Section 36. Style of ordinance**

The style of all ordinances of the City of Snyder shall be “Be it ordained by the City Council of the City of Snyder,” but the same may be omitted when published in book or pamphlet form.

### **Section 37. Emergency measures defined**

An emergency measure is an ordinance or resolution for the immediate preservation of the public business, property, health or safety, or providing for the usual daily operation of a municipal department, in which the emergency is set forth in such ordinance or resolution. Ordinances or resolutions appropriating money to defray current or other expenses of the city may be passed as emergency measures, but no ordinance or resolution making a grant, renewal or extension of a franchise or other special privilege, or regulation of the rate or rates to be charged for service furnished the public generally by any public utility, shall ever be passed as an emergency measure.

### **Section 38. Ordinances, pleading of, and admissibility as evidence**

It shall be sufficient in all judicial proceedings to plead any ordinance of the city by caption without embodying the entire ordinance in the pleadings, and all pleaded ordinances or codes of ordinances shall be admitted in evidence in any suit and shall have the same force and effect as the original ordinance. Certified copies of ordinances may also be used in evidence in lieu of original ordinances.

### **Section 39. Ordinances, publication of**

Every ordinance imposing any penalty, fine, imprisonment or forfeiture shall, after passage thereof, be published in one issue of the official newspaper by publishing a descriptive caption or title stating in summary the purpose of the ordinance and the penalty for violation thereof. Proof of such publication shall be made by the printer or publisher of such newspaper by making affidavit before some officer authorized by law to administer oaths, and filing same with the person performing the duties of City Secretary, who shall attach the same to the original of the ordinance. Said affidavit shall be prima facie evidence of such publication and promulgation of such ordinance so published, and such ordinance shall take effect and be in force from and after three full days after the date of publication thereof, unless otherwise expressly provided in this charter. Ordinances not required to be published shall take effect and be in force from and after the passage thereof, unless otherwise provided.

**State law reference**—Publication of ordinances, V.T.C.A., Local Government Code, sec. 52.013.

### **Section 40. Ordinances, authentication, recordation and codification**

Every ordinance shall be authenticated by the signature of the Mayor and City Secretary and shall be systematically recorded in an ordinance book in a manner approved by the Council. It shall only be necessary to record the caption or title of ordinances in the minutes or journal of council meetings. The City Council shall have power to cause the ordinances of the city to be corrected, revised, codified and printed in code form as often as the Council deems advisable, and such printed code, when adopted by the Council, shall be in full force and effect without the necessity of publishing the same or any part thereof in a newspaper. Such printed code shall be admitted in evidence in all courts and places without further proof.

**State law reference**—Code of ordinances, V.T.C.A., Local Government Code, ch. 53.

## **ARTICLE IV. CITY MANAGER<sup>\*</sup>**

### **Section 41. City manager**

(A) The Council shall, upon approval of a majority of the full City Council, appoint a City Manager who shall be the chief administrative and executive officer of the City, and shall be responsible to the Council for the administration of the affairs of the City.

(B) The City Manager shall be chosen by the Council solely on the basis of executive and administrative training, experience, and ability.

(C) The City Manager shall be appointed for an indefinite term and receive compensation as may be fixed by the Council.

(D) No member of the Council shall, during the time for which he or she is elected, nor for one (1) year thereafter, be appointed City Manager.

(E) The Council may by affirmative vote of a majority of the full City Council adopt a resolution removing the Manager from office. The action of the Council in removing the Manager shall be final; it being the intention of this Charter to vest all authority and fix all responsibility for such removal in the City Council.

(F) The City Manager may, by letter filed with the City Secretary and subject to approval by the City Council, designate a qualified City administrative officer to be Acting City Manager during the temporary absence or disability of the Manager. If the City Manager fails to make such designation or if the Council chooses to revoke such designation, the Council may appoint an Acting City Manager to serve during such time. The Council may remove an Acting City Manager at any time.

(Ordinance 1098 adopted 2/24/14, approved at election of 5/10/14, prop. 10)

### **Section 42. Repealed**

**Editor's note**—Former section 42 pertaining to the term and salary of the city manager, was repealed and deleted in its entirety by Ordinance 1098 adopted 2/24/14, approved at election of 5/10/14, prop. 10.

### **Section 43. The city secretary**



The City Manager shall appoint, subject to confirmation by the Council, a City Secretary. He shall receive for his services such compensation as the City Council may fix. Unless excused by the Council for good cause, he or his deputy City Secretary shall attend all meetings of the City Council and keep accurate minutes of its proceedings; he shall preserve and keep in order all books, papers, documents, records, and files of the City Council and of the executive departments. He shall keep a record of all commissions and licenses issued and shall countersign same. He shall have custody of the seal of the city and shall perform other duties required by the general laws of the State of Texas. (Ordinance 741 adopted 3/6/89, approved at election of 5/6/89)

#### **Section 44. Powers and duties of the city manager**

The city manager shall be the chief executive officer of the city, responsible to the council for the management of all city affairs placed in the manager's charge by or under this charter. The city manager shall:

- (1) Appoint and suspend or remove all city employees and appointive administrative officers provided for, by, or under this charter, except as otherwise provided by law, this charter or personnel rules adopted pursuant to this charter. The city manager may authorize any administrative officer subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency;
- (2) Direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by this charter or by law;
- (3) Attend all city council meetings. The city manager shall have the right to take part in discussion but shall not vote;
- (4) See that all laws, provisions of this charter, and acts of the city council, subject to enforcement by the city manager or by officers subject to the manager's direction and supervision, are faithfully executed;
- (5) Prepare and submit the annual budget and capital program to the city council and implement the final budget approved by council to achieve the goals of the city;
- (6) 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;
- (7) Make such other reports as the city council may require concerning operations;
- (8) Keep the city council fully advised as to the financial condition and future needs of the city;
- (9) Make recommendations to the city council concerning the affairs of the city and facilitate the work of the city council in developing policy;
- (10) Provide staff support services for the mayor and councilmembers; and
- (11) Assist the council to develop long-term goals for the city and strategies to implement these goals;
- (12) Encourage and provide staff support for regional and intergovernmental cooperation;
- (13) Promote partnerships among council, staff, and citizens in developing public policy and building a sense of community; and
- (14) Perform such other duties as are specified in this charter or may be required by the city council.

(Ordinance 1098 adopted 2/24/14, approved at election of 5/10/14, prop. 11)

#### **Section 45. Repealed**

**Editor's note**—Former section 45 pertaining to the absence of the city manager, was repealed and deleted in its entirety by Ordinance 1098 adopted 2/24/14, approved at election of 5/10/14, prop. 10.

#### **Section 46. Directors of department**

At the head of each department there shall be a director, who shall be an officer of the city and shall have supervision and control of the department subject to the City Manager. Two or more departments may be headed by the same individual, the manager may head one or more departments, and directors of departments may also serve as chiefs of divisions. (Ordinance 741 adopted 3/6/89, approved at election of 5/6/89)

#### **Section 47. Departmental divisions**

The work of each department may be distributed among such divisions thereof as may be established by the City Manager. (Ordinance 741 adopted 3/6/89, approved at election of 5/6/89)

## **ARTICLE V. DEPARTMENT OF LAW**

#### **Section 48. City attorney**

The City Council shall appoint an attorney, licensed by the State of Texas, to be the City Attorney. The City Attorney shall be entitled to compensation for services as established by the Council and shall serve at the pleasure of the Council. The City Attorney shall draft or approve as to legal form or file written objections to every ordinance proposed by the Council and shall review all contracts and other documents in which the City has an interest.

The City Attorney, or other attorneys selected by the City Attorney with the approval of the Council, shall represent the City in all litigation. The City Attorney shall be the legal advisor to the City and counsel for the City and all its officers and departments in the conduct of City business.

(Ordinance 1098 adopted 2/24/14, approved at election of 5/10/14, prop. 5)

#### **Section 49. Repealed**

**Editor's note**—Former section 49 pertaining to the city attorney's qualifications, was repealed and deleted in its entirety by Ordinance 1098 adopted 2/24/14, approved at election of 5/10/14, prop. 5.

#### **Section 50. Repealed**

**Editor's note**—Former section 50 pertaining to the city attorney's powers and duties, was repealed and deleted in its entirety by Ordinance 1098 adopted 2/24/14, approved at election of 5/10/14, prop. 5.

#### **Section 51. Repealed**

**Editor's note**—Former section 51 pertaining to temporary or additional counsel, was repealed and deleted in its entirety by Ordinance 1098 adopted 2/24/14, approved at election of 5/10/14, prop. 5.

### **ARTICLE VI. MUNICIPAL COURT<sup>\*</sup>**

#### **Section 52. Creation and jurisdiction**

(A) There shall be established and maintained a court designated as a municipal court for the trial of misdemeanor offense, with all such powers and duties as are now or hereafter may be prescribed by the laws of the State of Texas relative to municipal courts.

(B) The judge of said court shall be a Registered Voter of Scurry County, shall be appointed by the City Council, shall hold his office at the pleasure of the City Council, shall receive such salary as may be fixed by the City Council, shall be under the administrative direction of the City Manager, and said judge shall not be an elected official. The City Secretary or an assistant City Secretary shall be ex officio clerk of said court.

(C) The Clerk of the Municipal Court and his deputy shall be appointed by the City Manager. The Clerk of said court and his deputy 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 by the Clerk of courts in issuing process of said courts and conducting the business thereof.

(D) The City Council by ordinance may provide for the appointment of one (1) or more judges to serve if the regular judge, the presiding judge, or an associate judge is temporarily unable to act.

(Ordinance 1098 adopted 2/24/14, approved at election of 5/10/14, prop. 6)

**State law reference**—Jurisdiction of municipal courts, V.T.C.A., Government Code, sec. 29.003.

#### **Section 53. Repealed**

**Editor's note**—Former section 53 pertaining to judge of the municipal court, was repealed and deleted in its entirety by Ordinance 1098 adopted 2/24/14, approved at election of 5/10/14, prop. 6.

#### **Section 54. Repealed**

**Editor's note**—Former section 54 pertaining to the qualification of judge, was repealed and deleted in its entirety by Ordinance 1098 adopted 2/24/14, approved at election of 5/10/14, prop. 6.

#### **Section 55. Repealed**

**Editor's note**—Former section 55 pertaining to the temporary judge, was repealed and deleted in its entirety by Ordinance 1098 adopted 2/24/14, approved at election of 5/10/14, prop. 6.

#### **Section 56. Appeals**

All appeals from judgments rendered in said court shall be to the County Court in and for Scurry County, to be perfected in the manner and within the time prescribed by the laws of this state governing appeals from justice

courts.

#### **Section 57. Fines**

All costs and fines collected by the Corporation (Municipal) Court, or by any court in case appealed from Corporation (Municipal) Court, shall be paid to the city treasury for the use and benefit of the city.

#### **Section 58. Repealed**

**Editor's note**—Former section 58 pertaining to the clerk of the municipal court, was repealed and deleted in its entirety by Ordinance 1098 adopted 2/24/14, approved at election of 5/10/14, prop. 6. Prior to the deletion, this section derived from Ordinance 741 adopted 3/6/89, approved at election of 5/6/89.

### **ARTICLE VII. RECALL, INITIATIVE, AND REFERENDUM**

#### **Section 59. Recall provisions**

Any member of the Council may be removed from office by recall. A petition stating the general grounds on which removal is sought shall be signed by qualified voters equal in number to at least fifty-one percent of those voters who voted at the last general municipal election or by two hundred fifty qualified voters, whichever is the greater, and shall be filed by any qualified elector of the city with the City Secretary, provided, however, that separate petitions shall be circulated with respect to each member of Council whose removal is sought. (Ordinance 1098 adopted 2/24/14, approved at election of 5/10/14, prop. 1)

#### **Section 60. Signatures to petitions**

The signatures to recall petitions need not all be appended to one petition. The petitions may be duplicated and assembled, but to each separate petition or duplicate there shall be attached an affidavit of the circulator, and such petition or duplicate shall be invalid without such affidavit. Each signer of any petition paper shall sign his name in ink or indelible pencil, and after his signature, show the place of residence by street and number or other description sufficient to identify the place. The affidavit attached to each petition or duplicate shall be as follows:

State of Texas

County of Scurry

\_\_\_\_\_, being duly sworn, deposes and says that he personally circulated the foregoing paper, that all the signatures affixed thereto were made in his presence, and that he believes them to be the genuine signatures of the persons whose names they purport to be.

Signed

(Signature of Circulator)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public

Scurry County, Texas

#### **Section 61. Filing, examination, and certification of recall petitions**

All petition papers comprising a recall petition shall be assembled and filed with the City Secretary as one instrument. Within ten days after filing, the City Secretary shall determine whether each paper of the petition is properly attested and whether the petition is signed by a sufficient number of qualified voters. Upon completing his examination, the City Secretary shall certify the result thereof to the Council. If he should certify that the petition is insufficient, he shall set forth in his certificate the particulars in which it is defective, provided, however, that except as to the particulars certified to be defective, the petition shall be deemed to be valid in all other respects. (Ordinance 1098 adopted 2/24/14, approved at election of 5/10/14, prop. 1)

#### **Section 62. Amendment of petitions**

A recall petition may be amended at any time within twenty days after certification of insufficiency by the City Secretary by filing a supplementary petition on additional papers signed and filed as provided in case of an original petition. The City Secretary shall within ten days after such supplement is filed, examine the

supplementary petition and, if his certificate shall show the petition still to be insufficient, he shall file it in his office and notify the person filing, and no further action shall be had on such insufficient petition. The finding of the insufficiency of a petition shall not prevent the filing of a new petition of the same purpose.

### **Section 63. Recall election ordered**

If a recall petition, or amended petition be certified by the City Secretary to be sufficient, he shall at once submit it to the Council and notify the member of the Council whose removal is sought of such action. The timing and ordering of, notices, conducting, canvassing, and all other procedures for each election shall be in accordance with state law and occur upon the next available date allowed by state law for such election, and in the absence of a state law, then in accordance with ordinance. Should the member of the Council whose removal is sought resign prior to said recall election, then no election shall be held. (Ordinance 741 adopted 3/6/89, approved at election of 5/6/89; Ordinance 1098 adopted 2/24/14, approved at election of 5/10/14, prop. 7)

### **Section 64. Ballots in recall election**

Ballots used in recall elections shall read as to each member of the Council whose removal is sought as follows: "SHALL (name of person) BE REMOVED FROM THE CITY COUNCIL BY RECALL?" Below such question there shall be printed the following as to each member:

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

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

### **Section 65. Result of recall election**

If a majority of the votes cast be against recall of a member, he shall continue in office for the remainder of his term, but subject to recall as before. If a majority of such votes be for the recall of a member he shall, regardless of any technical defect in the recall petition, be deemed removed from office and the vacancy filled as provided in this charter.

### **Section 66. Limitations on recall petitions**

No recall petition shall be filed against a member of the Council within three months after he takes office, nor, in respect to a member subjected to a recall election and not removed thereby, until at least six months after such election.

### **Section 67. Power of initiative**

The voters shall have power to initiate any ordinance, except an ordinance appropriating money, levying a tax, granting a franchise, establishing salaries of city employees or city officials, or fixing public utility rates, and to adopt or reject the same at the polls. Any initiated ordinance may be submitted to the Council by a petition signed by qualified voters of the city equal in number to at least twenty-five percent of the number of votes cast at the time of the last general municipal election, or by two hundred fifty qualified voters, whichever is greater. (Ordinance 1098 adopted 2/24/14, approved at election of 5/10/14, prop. 1)

### **Section 68. Power of referendum**

The voters shall have power to approve or reject at the polls any ordinance passed by the Council save one appropriating money, levying a tax, granting a franchise, establishing salaries of city employees or city officials, fixing public utility rates, or an ordinance submitted by the Council of its own initiative to a vote of the voters. Ordinances submitted to the Council by initiative petition and passed by the Council shall be subject to the referendum in the same manner as other ordinances. Within forty (40) days after the enactment by the council of any ordinance which is subject to a referendum, a petition signed by qualified voters of the city equal in number to at least twenty-five percent (25%) of the number of votes cast at the last preceding general municipal election may be filed with the City Secretary requesting that such ordinance be either repealed or submitted to a vote of the voters. (Ordinance 1098 adopted 2/24/14, approved at election of 5/10/14, prop. 1)

### **Section 69. Form of petitions for initiative or referendum**

All petition papers circulated for the purpose of an initiative or referendum shall be uniform in size and style. Initiative petition papers shall contain the full text of the proposed ordinance. The signatures to initiative or referendum petitions need not all be appended to one paper, but to each separate paper there shall be attached a sworn statement of the circulator, as prescribed in [section 60](#), that he personally circulated the foregoing paper, that all the signatures appended thereto were made in his presence, and that he believes them to be the genuine signatures of the persons whose names they purport to be. Each signer of any petition paper shall sign his name and his place of residence by street and number or other description sufficient to identify the place.

### **Section 70. Filing, examination and certification of petitions for initiative or referendum**

All petition papers comprising a petition shall be assembled and filed with the City Secretary as one instrument. Within ten days after a petition is filed, the City Secretary shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified voters and shall hold any petition paper entirely invalid which does not have attached thereto the sworn statement signed by the circulator thereof. The City Secretary shall certify the result of his examination to the Council at its next regular meeting. If he shall certify that the petition is insufficient, he shall set forth in his certificate the particulars in which it is defective and shall at once notify the person filing same of his findings. (Ordinance 1098 adopted 2/24/14, approved at election of 5/10/14, prop. 1)

#### **Section 71. Amendment of petitions**

An initiative or referendum petition may be amended at any time within twenty days after the notification of insufficiency has been sent by the City Secretary, by filing a supplementary petition on additional papers signed and filed as provided in case of an original petition. The City Secretary shall, within ten days after such amendment is filed, examine the amended petition and, if the petition be still insufficient, he shall file his certificate to that effect in his office and notify the person filing of his findings, and no further action shall be had on such petition. The finding of the insufficiency of a petition shall not prevent the filing of a new petition for the same purpose.

#### **Section 72. Effect of certification of referendum petition**

When a referendum petition, or amended petition, has been certified as sufficient, the ordinance specified in the petition shall remain in effect until and unless repealed by the election.

#### **Section 73. Consideration by council**

Whenever the Council receives a petition from the City Secretary, it shall be immediately considered. A proposed initiative ordinance shall be read and provision shall be made for a public hearing. The Council shall take final action on the ordinance not later than sixty (60) days after the date on which such ordinance was submitted to the Council by the City Secretary. A referred ordinance shall be reconsidered, and the Council shall, within thirty (30) days, vote upon the question, "Shall the ordinance be repealed"?

#### **Section 74. Submission to voters**

If the Council shall fail to pass an ordinance proposed by initiative petition, or shall pass it in a form different from that set forth in the petition therefor, or if the Council shall fail to repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the voters at a special or regular municipal election. The timing and ordering of, notices, conducting, canvassing, and all other procedures for each election shall be in accordance with state law and occur upon the next available date allowed by state law for such election, and in the absence of a state law, then in accordance with ordinance. (Ordinance 741 adopted 3/6/89, approved at election of 5/6/89; Ordinance 1098 adopted 2/24/14, approved at election of 5/10/14, props. 1, 7)

#### **Section 75. Form of ballot for initiated and referred ordinances**

Ordinances submitted to a vote of the voters in accordance with the initiative and referendum provisions of this charter shall be submitted by ballot title which contains a clear, concise statement, without argument, of the substance of such ordinance. The ballot used shall have below the ballot title the following propositions, one above the other, in the order indicated: "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE." Any number of ordinances may be voted on at the same election and may be submitted on the same ballot.

#### **Section 76. Results of election**

If a majority of the voters voting on a proposed initiative ordinance shall vote in favor thereof, it shall thereupon be an ordinance of the city. A referred ordinance which is not approved by a majority of the voters voting thereon shall thereupon be deemed repealed. If conflicting ordinances are approved by the voters at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict. (Ordinance 1098 adopted 2/24/14, approved at election of 5/10/14, prop. 1)

#### **Section 77. Repealing ordinances; publication**

Initiative and referendum ordinances adopted or approved by the voters shall be published and may be amended or repealed by the Council, as in the case of other ordinances; provided, however, that no ordinance adopted at the polls under the initiative or referendum shall be amended or repealed by the Council within six months of adoption. (Ordinance 1098 adopted 2/24/14, approved at election of 5/10/14, prop. 1)

#### **Section 78. District judge may order election**

Should the City Council fail or refuse to order any of the elections as provided for in this article, when all the

requirements for such election have been complied with by the petitioning voters in conformity with this article of the charter, then it shall be the duty of the Judge of the District Court of Scurry County, Texas, upon proper application being made therefor, to order such elections and to enforce the carrying into effect of the provisions of this article of the charter. (Ordinance 1098 adopted 2/24/14, approved at election of 5/10/14, prop. 1)

## **ARTICLE VIII. MUNICIPAL FINANCE\***

### **Section 79. Fiscal year**

The fiscal year of the city shall begin on the first day of October and end on the last day of September of each calendar year; and provided, further that an interim fiscal period is hereby established for the period beginning on the date of adoption of this charter and ending on September 30, 1953. The fiscal year shall constitute the budget year of the city government. The term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

**State law references**—Power to establish fiscal year, V.T.C.A., Local Government Code, sec. 101.022; city fiscal year, V.T.C.A., Tax Code, sec. 1.05.

### **Section 80. The budget**

After September 30, 1953, the budget for the city government shall present a complete financial plan for the ensuing fiscal year. It shall set forth all proposed expenditures for the administration, operation and maintenance of all departments and agencies of the city government for which appropriations are required to be made or taxes levied by the city government; all expenditures for capital projects to be undertaken or executed during the fiscal year; a capital program of proposed capital projects for the five (5) fiscal years next succeeding the budget year, provided, however, this requirement shall not apply to the budget year beginning October 1, 1953; all interest and debt redemption charges during the fiscal year; and the actual or estimated operating deficits from prior fiscal years. The budget shall also set forth the anticipated revenues and other means of financing the total proposed expenditures of the city government for the fiscal year.

**State law reference**—Annual budget required, V.T.C.A., Local Government Code, sec. 102.002.

### **Section 81. The budget document**

After September 30, 1953, the budget document shall include

- (1) A budget message prepared by the City Manager, which shall outline a fiscal policy for the city government and describe therein the important features of the budget with reference both to proposed expenditures and anticipated revenues for the current year;
- (2) a general budget summary with supporting schedules, which shall exhibit the aggregate figures of the budget in such manner as to show a balanced relationship between the total proposed expenditures and the total anticipated revenues for the fiscal year covered by the budget, and which shall compare these figures with the corresponding figures of the last complete fiscal year and with the year in progress;
- (3) detailed estimates of all proposed expenditures, showing the corresponding expenditures for each item for the current fiscal year and the last preceding fiscal year, with the explanations of increases or decreases recommended as compared with appropriations for the current fiscal year;
- (4) detailed estimates of anticipated revenues of other income;
- (5) delinquent taxes for current and preceding years, with estimated percentage collectible;
- (6) statements of the bonded debt and other indebtedness of the city government, showing the debt redemption and interest requirements, the debt authorized and unissued, the conditions of the sinking funds, if any, and the borrowing capacity of the city; and
- (7) a complete draft of the budget ordinance, including an appropriations ordinance and such other ordinances as may be required to finance the budget.

(Ordinance 741 adopted 3/6/89, approved at election of 5/6/89)

**State law reference**—Itemized budget and contents, V.T.C.A., Local Government Code, sec. 102.003.

### **Section 82. Preparation, submission and adoption of budget**

The City Manager, at least sixty (60) days prior to the beginning of each budget year, shall submit to the Council a proposed budget and explanatory budget message. The Council shall arrange for and hold at least one public



hearing on the budget during the period of its consideration; provided, however, that at least fifteen days prior public notice shall be given of such public hearing; and provided, further, that at least fifteen days prior to such public hearing, the City Secretary shall cause copies to be made available in his office for inspection by interested persons. The Council may revise, alter, increase, or decrease the items of the proposed budget prior to the adoption of the appropriation ordinance, provided that when it shall increase the total proposed expenditures, it shall also increase the total anticipated revenues so that the total means of financing the budget shall at least equal in amount the aggregate proposed expenditures. Annually, after completion of the public hearing, the Council shall approve the budget plan and shall enact, not later than the fifteenth day of September, the appropriation ordinances by a vote of at least a majority of the entire Council, and such other ordinances as may be required to make the budget effective. Should the Council take 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. As soon as possible after the completion of the tax roll, the Council shall pass the tax levy ordinance. A copy of the budget, as finally adopted, shall be filed with each of the following: the City Secretary, the County Clerk of Scurry County, and the State Comptroller of Public Accounts at Austin, Texas. The final budget shall be reproduced, and sufficient copies shall be made available for the use of all departments of the city, and for the use of interested persons, agencies and civic organizations. (Ordinance 741 adopted 3/6/89, approved at election of 5/6/89)

**State law references**—Public hearing on proposed budget, V.T.C.A., Local Government Code, sec. 102.006; special notice by publication for budget hearing, V.T.C.A., Local Government Code, sec. 102.0065; adoption of budget, V.T.C.A., Local Government Code, sec. 102.007; approved budget filed with municipal clerk, V.T.C.A., Local Government Code, sec. 102.008.

### **Section 83. Transfer of appropriations**

Upon written recommendation of the City Manager the Council may at any time transfer any unencumbered appropriation balance or any portion thereof within a department, office or agency to another department, office or agency.

### **Section 84. Budget amendments/budget control**

Budget amendments shall be enacted by ordinance. The level of control for adopted budgets shall be by fund. Budgeting management shall be maintained at the departmental level with the aid of monthly expense reports showing line item amounts accumulated by department within each fund. Encumbrance accounting, under which purchase orders, contracts, and other commitments for the expenditure of funds are recorded in order to reserve that portion of the applicable appropriation in the General and Special Revenue Funds. (Ordinance 741 adopted 3/6/89, approved at election of 5/6/89)

**State law reference**—Changes in budget for municipal purposes, V.T.C.A., Local Government Code, sec. 102.010.

### **Section 85. Money to be drawn from treasury in accordance with appropriation**

No money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual or interim fiscal period appropriation, or such ordinance when changed as authorized by this charter or by the general laws of Texas. At the close of each fiscal year any unencumbered balance of an appropriation shall revert to the fund from which appropriated and shall be subject to reappropriation as provided by this charter; but appropriations may be made by the Council, to be paid out of the revenue of the current year, in furtherance of public improvements or public works which will not be completed within such year, and any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished.

### **Section 86. City depositories**

All moneys received by any person, department or agency of the city for or in connection with the business of the city and all funds of the city shall be deposited promptly in the city depository, which shall be designated by the Council in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as provided by the laws of the State of Texas. All interest on moneys belonging to the city shall accrue to the benefit of the City.

**State law reference**—Depositories for municipal funds, V.T.C.A., Local Government Code, ch. 105.

### **Section 87. Assessment and collection of taxes**

(1) On and after January 1, 1953, without prior notice by the Assessor and Collector of Taxes the city, each person, firm, business, partnership, and corporation owning real and personal estate and property in the city, including choices in action, franchises and privileges having a situs in the city, through the owners thereof be nonresidents of the city, shall between the first day of January and the thirty-first day of March of each year, deliver to the Assessor and Collector of Taxes of the city a full and complete sworn inventory, upon such form as may be prescribed by the Council, of all such real and personal

estate and property owned, possessed or controlled by him, her, or them, within the city on the first day of January of each year. In all cases of failure from any cause to obtain any such sworn inventory it shall be the duty of the Assessor and Collector of Taxes to ascertain the amount and value of such property and to assess the same, following the time hereon fixed as he believes to be the true and full value thereof, and such assessment shall be as valid and binding as if such real and personal estate and property had been rendered by the owner.

**(2) All assessments of real estate and property, whether rendered by the owner or assessed by the Assessor and Collector of Taxes, shall give the value of lands and improvements separately, and shall sufficiently describe such property to identify it, giving the name of the last known owner thereof. If the ownership of any real estate or other property should be unknown to the Assessor and Collector of Taxes shall assess the property which has been omitted from assessment during the past years upon the next assessment roll after discovering the fact, and shall have the same authority as county assessors and collectors of taxes in Texas to make reassessments, all at the same rate such property should have been assessed for past years giving the year for which it is assessed and the taxes thereon shall be collected in the same manner as taxes on other assessments. After April 1, 1953, the assessment rolls and tax receipts shall be made up and filed in the Finance Department annually on or before the first day of October. In addition to these powers, the Assessor and Collector of Taxes shall have all the rights and powers that are now or which may be hereafter conferred upon county assessors and collectors of taxes of this state and he shall have such additional powers, and shall perform such other duties as may be prescribed by ordinance.**

**(3) The assessments of persons and property subject to taxation by the city as of January 1, 1952, and the assessments of persons and property to taxation by the city in each year prior to that date, except as may be otherwise provided for the remission of taxes by the general laws of Texas, are hereby validated.**

**(4) The city shall have power to levy and collect ad valorem property taxes annually at the rate and in the total amount authorized by the Constitution of Texas and the general laws of this state. The ad valorem property taxes hereinabove authorized shall be levied annually and collected on the assessed value of all real and personal estate and property in the city, including all choices in action, franchises and privileges having a situs in the city, through the owners thereof be nonresidents.**

**(5) If, for any cause, the Council shall fail or neglect to pass a tax ordinance for any one year, levying taxes for that year, then and in that event, the tax levying ordinance last passed will and shall be considered in force and effect as the tax levying ordinance, and the failure to so pass such ordinance for any one year shall in no wise invalidate the collection of taxes for that year.**

**(6) The city shall have power to levy, assess and collect taxes on persons, privileges, subjects, occupations and property of all character and description within the city limits of the city, as the council shall determine by ordinance; provided, however, that the city shall not have the authority to levy, assess and collect any such tax if the same be prohibited by the constitution or some specific statute of this state. If, subsequent to the passage or enactment of any ordinance by the Council levying a tax. The Legislature of this state shall impose a tax of the same nature and kind being levied, assessed and collected by the city, and the Act of the Legislature imposing such state tax expressly prohibits and city from imposing such tax, the Act of the Legislature shall automatically invalidate any such ordinance of the city, enacted under the authority of this charter, as to all taxes accruing subsequent to the end of the year for which such tax was levied by the city. The city shall have power to enforce the provisions of all such ordinances enacted by the city, to enforce the collection of such taxes imposed by such ordinances, and to prescribe and collect penalties and interest for nonpayment within the time fixed for payment of such taxes. This charter expressly confers on the city the power to levy, assess, and collect taxes upon all subjects of taxation which the State of Texas has the power to tax, subject only to the immediately foregoing provisions and limitations of this paragraph of this section. The powers and authority expressly conferred on the city by this charter to levy, assess and collect taxes upon all subjects of taxation which the State of Texas has the power to tax are in addition to and cumulative of all other taxing powers conferred by other laws of this state upon cities and towns in this state.**

**(Ordinance 741 adopted 3/6/89, approved at election of 5/6/89)**

**State law reference**—Authority of municipality to impose property taxes, V.T.C.A., Tax Code, sec. 302.001.

**Section 88. Repealed**

**(Repealed by Ordinance 741 adopted 3/6/89, approved at election of 5/6/89)**

## **Section 89. Repealed**

(Repealed by Ordinance 741 adopted 3/6/89, approved at election of 5/6/89)

## **Section 90. Tax liens**

The tax levied by the city is hereby declared to be a lien, charge, or encumbrance upon any property upon which the tax is due, which lien, charge or encumbrance the city may enforce and foreclose in any court having jurisdiction over the same, and the lien, charge, and encumbrance on the property in favor of the city for the amount of the taxes due on such property may be enforced by the court against any resident or nonresident of the state or person whose residence is unknown.

**State law reference**—Tax liens and personal liability, V.T.C.A., Tax Code, ch. 32.

## **Section 91. Method of levy, assessments, and collection of taxes**

All city taxes shall be levied, assessed and collected in the same manner as may be provided by the laws of Texas for the levy, assessment and collections of state and county taxes, otherwise provided by this charter, or by ordinance. All powers conferred by the general laws of Texas, as they now or hereafter may exist, for the assessment, levy and collection of taxes by county and city assessors and collectors are hereby adopted and made applicable to the city and shall be in addition to and cumulative of the powers herein expressly granted, including without limitation those granted to county and city assessors and collectors of taxes, to boards of equalization and to all other persons, bodies or agencies concerned with the assessment and collection of taxes. (Ordinance 741 adopted 3/6/89, approved at election of 5/6/89)

## **Section 92. Repealed**

(Repealed by Ordinance 741 adopted 3/6/89, approved at election of 5/6/89)

## **Section 93. Taxes when due**

All ad valorem, property taxes of the city for the tax year which began on January 1, 1952, shall become due on October 1, 1952, and shall be paid before February 1, 1953. Beginning with January 1, 1953, all ad valorem property taxes for each tax year, which shall begin annually on the first day of January and end on the thirty-first day of December of each year, shall become due on the first day of October of each year and shall be paid before the first day of February next following; and if not paid before February 1, said taxes shall be delinquent. The time for the payment of taxes shall not be extended. The Council shall have power, by ordinance, to provide for the payment of any taxes due, at the option of taxpayers, in one payment of two equal installments.

**State law reference**—Delinquency date for payment of taxes, V.T.C.A., Tax Code, sec. 31.02.

## **Section 94. Penalties on delinquent taxes**

All persons and property owners failing to pay any tax owing on or before its delinquent date shall be charged interest at the rate of one-half of one percent for each month or fraction thereof, and, in addition, shall be charged a penalty of one percent upon the principal amount due for each additional month or fraction thereof; provided, that the aggregate penalties to be charged shall never exceed ten percent (10%), shall be charged on the original principal amount and such penalties shall not bear interest. Unless authorized by the laws of Texas, neither the Council nor the Assessor and Collector of Taxes shall have the power to make any remuneration of penalties or interest on taxes. Neither the city attorney nor any attorney representing the city shall be authorized, except by an affirmative vote of the Council, to bind the city by any agreed judgment in any court in any suit brought against or in behalf of the city involving the collection of delinquent taxes.

## **Section 95. Purchase procedure**

Any purchase made or contract entered into by the City of Snyder shall be in accordance with the laws of the State of Texas as the same now exist or as they may be amended from time to time, or as provided by City ordinance when not in conflict with State law. (Ordinance 741 adopted 3/6/89, approved at election of 5/6/89)

**State law reference**—Purchasing and contracting authority of municipality, V.T.C.A., Local Government Code, chs. 252, 271.

## **Section 96. Authority to issue bonds**

The City Council shall have the authority to appropriate so much of the revenues of the city, emanating from whatever sources, for the purpose of retiring and discharging the accrued indebtedness of the City of Snyder and for the purpose of constructing, purchasing, or otherwise acquiring, and thereafter maintaining, all public improvements and utilities of every nature now or hereafter authorized by the general laws of the State of Texas, and in furtherance of any and all of such purposes shall have the power to borrow money upon the faith and credit of the city and to issue negotiable coupon bonds therefore, either optional, serial or otherwise, in such sum or sums as may be deemed expedient, to bear interest at a rate of not to exceed six percent (6%) per annum, payable

annually or semiannually. The total debt of the city evidenced by bonds and time warrants shall never exceed ten percent (10%) of total assessed valuation of property shown by the last assessment roll, exclusive of any indebtedness secured in whole or in part by special assessments, exclusive of the bonded debt of any improvement district, and exclusive of any indebtedness secured by revenues, other than taxes, of the city or of any department or agency thereof. (Ordinance 741 adopted 3/6/89, approved at election of 5/6/89)

**State law references**—Public Security Procedures Act, V.T.C.A., Government Code, ch. 1201; municipal bonds, V.T.C.A., Government Code, ch. 1331.

#### **Section 97. Revenue bonds**

The City Council shall further have authority to issue revenue bonds for the purpose of building, purchasing, improving, enlarging, extending or repairing its water system, sewer system or any other public utility which it may own or hereafter acquire, either both or all, or any other self-liquidating asset for which revenue bonds may lawfully be issued, and to mortgage or encumber any such system or systems and to pledge the income and revenue thereof for any such purposes, all in accordance with the power and authority provided by applicable state law, as amended. (Ordinance 1098 adopted 2/24/14, approved at election of 5/10/14, prop. 2)

#### **Section 98. Issuance, sale and sinking funds—Methods and procedure**

Bonds for any of the purposes hereinabove indicated shall be issued and sold in conformity with the general laws of the State of Texas relating to the issuance and sale of city bonds. No bonds, except funding or refunding bonds, shall be issued until they have first been authorized by a majority vote of the duly qualified resident property Registered Voter of the City who have rendered their property for taxation, voting at an election duly ordered and held to determine the question of the issuance of such bonds; and no bonds for any purpose shall be issued until they have been duly approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts, as required by general law. All bonds shall specify the purpose for which they are issued and shall not be sold for less than their par value and accrued interest, nor until after receipt of and consideration of bids for the bonds, submitted in response to a public advertisement therefore. No general obligation bonds of the city shall be issued until after the City Council shall have provided for the levy and collection of an annual tax upon the taxable values of the city sufficient to pay the interest thereon as it becomes due and to provide a sinking fund to redeem the principal thereof at maturity. Funds provided to discharge bonded indebtedness of the city, or to pay the interest thereon, shall be and continue to be special funds for the particular purpose for which provided and shall not be drawn upon or diverted to any other purpose until the bonds for which provided, with interest thereon, are fully paid and discharged. The City Council shall, however, have the power and authority to invest said respective sinking funds in such securities as are or may be prescribed by law as eligible for investment of sinking funds of cities. (Ordinance 1098 adopted 2/24/14, approved at election of 5/10/14, prop. 1)

#### **Section 99. Funding and refunding**

The City Council shall have the authority to pass all necessary resolutions, orders and ordinances to provide for the funding or refunding of the whole or any part of the existing debt of the city or any future debt or debts by canceling the evidence thereof and issuing funding or refunding bonds in lieu thereof as provided by the general laws of the State of Texas, particularly Chapter 163 of the General Laws passed by the Forty-second Legislature at its Regular Session in 1931, as now or hereafter amended.

**State law reference**—Refunding bonds, V.T.C.A., Government Code, ch. 1207.

#### **Section 100. Time warrants**

The City Council shall have the power and authority, when in its discretion it deems necessary or expedient, to pass appropriate resolutions, orders and ordinances for the issuance of, and to issue, interest bearing time warrants upon the faith and credit of the city and to provide for the payment thereof, all in conformity with the laws of the State of Texas pertaining to the issuance of time warrants, and particularly Chapter 163 of the General Laws passed by the Forty-second Legislature at its Regular Session in 1931, as now or hereafter amended.

#### **Section 101. Power to levy and collect special assessments**

The city shall have the power to provide for the payment of part but not all of the costs of public improvements by the levying and collecting of special assessments upon properties specially benefited, in accordance with authorizations provided by state laws and such amendments as may be made thereto.

#### **Section 102. Methods and procedures—Special assessments**

The method and procedure for determining the amount to be assessed, the spread and apportionment of the amount to be assessed, and the boundary and location of the property, lots, district or area to be assessed, for the making and approval of the plans and specification, for the notices to property owners and other interested parties, for the

hearings, for the composition, organization and procedure of boards of revisions or appraisal, for the levy of the assessments and for any and all other determinations, steps, measures, resolutions, ordinances and actions in relation to the assessment shall be governed by the provisions contained in applicable state law, as amended, except that the governing body shall not have the power to assess any property or property owner for more than two-thirds (2/3) of the cost of public improvements other than sidewalks and gutters. (Ordinance 1098 adopted 2/24/14, approved at election of 5/10/14, prop. 2)

**Section 103. Church and school property not exempt from special assessment**

No property of any kind, church, school or otherwise, in the City of Snyder, shall be exempt from any of the special taxes and assessments authorized by the charter for local improvements unless exemption is required by state law.

**Section 104. Disbursement of funds**

All checks, vouchers or warrants for the withdrawal of money from the city depository shall be signed by the Director of Accounting and Finance Department or in his absence his deputy, and countersigned by the City Manager, or, in his absence, by the City Secretary. (Ordinance 741 adopted 3/6/89, approved at election of 5/6/89)

**Section 105. Borrowing in anticipation of property taxes**

In any tax year, in anticipation of the collection of the ad valorem property taxes for such year, whether levied or to be levied in such year, the Council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the city, each of which shall be designated "tax anticipation note for the year 20\_\_\_\_" (stating the tax year). Such notes shall mature and be payable not later than the end of the tax year in which issued and may be secured by pledge of the ad valorem property taxes for such year.

**Section 106. Independent audit**

As soon as practicable after the close of each fiscal year, an independent audit shall be made of all accounts of the city government and corporations established by the city. The certified public accountants, appointed by the city council, shall have no personal interest, directly or indirectly, in the financial affairs of the city or any of its officers. The scope of the audit shall require a limited review of city-owned property and the results shall be reported with each annual audited financial report. Upon completion of the annual audit, the combined balance sheet thereof shall be published in the official newspaper of the city within thirty (30) days of commission acceptance of such audit. Copies of all audits shall be placed on file with the city's public library, the director of finance and the city secretary. (Ordinance 741 adopted 3/6/89, approved at election of 5/6/89; Ordinance 1098 adopted 2/24/14, approved at election of 5/10/14, prop. 12)

**State law reference**—Audit of municipal finances, V.T.C.A., Local Government Code, ch. 103.

**Section 107. Official bonds**

- (1) City manager; city treasurer and city tax collector. The city manager shall give an official bond in an amount designated by ordinance and the person or persons exercising the duties of the city treasurer and city tax collector shall give official bonds in such sums as may be prescribed by the Council from time to time in an amount designated by ordinance.
- (2) Terms. Such bonds shall be payable to the City of Snyder and shall, in each instance, be conditioned for the faithful discharge of the duties of such respective officers, and for the faithful accounting for all moneys, credits and things of value coming into the hands of such respective officers.
- (3) Authorized surety; premiums. Such bonds shall be procured from some regularly accredited surety company, authorized to do business under the laws of the State of Texas, and the premiums to such surety companies shall be paid by the City of Snyder.
- (4) Other appointive officers. The City Manager shall have the right to require official bonds from other appointive officers of the city in such amounts and conditions as he may deem best for the efficiency of the public service.
- (5) Council approval; filing. All official bonds shall be approved by the Council and filed and recorded with the person exercising the duties of the city secretary.

(Ordinance 741 adopted 3/6/89, approved at election of 5/6/89; Ordinance 1098 adopted 2/24/14, approved at election of 5/10/14, prop. 8)

**State law reference**—Official bonds, V.T.C.A., Government Code, ch. 604.

**ARTICLE IX. FRANCHISES AND PUBLIC UTILITIES**

### **Section 108. Powers of the city**

In addition to the city's power to buy, own, construct, maintain, and operate utilities, within or without the city limits, and to manufacture and distribute electricity, gas, or anything else that may be needed or used by the public (see powers made part of this charter in [Article I, Section 3](#)), the city shall have further powers as may now or hereafter be granted under the constitution and laws of the State of Texas.

### **Section 109. Franchises, power of council**

The City Council shall have power to grant, amend, renew, or extend by ordinance all franchises of all public utilities of every character operating within the City of Snyder, and for such purposes is granted full power. All ordinances granting, amending, renewing, or extending franchises for public utilities shall be read at two separate regular meetings of the City Council and shall not be finally passed until thirty (30) days after the first reading; and no such ordinance shall take effect until sixty (60) days after its final passage; and pending such time, the full text of such ordinance shall be published once each week for four (4) consecutive weeks in the official newspaper published in the City of Snyder, and the expense of such publication shall be borne by the proponent of the franchise. No public utility franchise shall be transferable except to persons, firms or corporations taking all or substantially all of the holder's business in the City of Snyder and except with the approval of the council expressed by ordinance.

### **Section 110. Franchise value not to be allowed**

In fixing reasonable rates and charges for utility service within the city and in determining the just compensation to be paid by the city or public utility property which the city may acquire by condemnation or otherwise, nothing shall be included as the value of any franchise granted by the city under this charter.

### **Section 111. Right of regulation**

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

- (1) To repeal the same by ordinance at any time for failure to begin construction or operation within the time for failure otherwise to comply with the terms of the franchise, such power to be exercised only after due notice and hearing.
- (2) To require an adequate and reasonable extension of plant and service, and the maintenance of the plant and fixtures at the standard necessary to render the highest reasonable quality of utility service to the public.
- (3) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates.
- (4) (a) To prescribe the form of accounts kept by each such utility; provided, that if the utility shall keep its accounts in accordance with the uniform system of accounts for said utility prescribed by the National Association of Railroad and Public Utility Commissioners, the Federal Power Commission, the Federal Communication Commission, the Railroad Commission of Texas, or their successors, or other State or Federal utility regulating agencies, this shall be deemed sufficient compliance with the paragraph.
- (b) At any time to examine and audit the accounts and other records of any such utility and to require annual and other reports, including reports on local operations by each such public utility.
- (5) To impose such reasonable regulations and restrictions as may be deemed desirable or conducive to the safety, welfare, and accommodation of the public.

### **Section 112. Consent of property owners**

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

### **Section 113. Extensions**

All extension of public utilities within the city limits shall become a part of the aggregate property of the public utility, shall be operated as such, and shall be subject to all the obligations and reserved rights contained in this



charter and in any original grant hereafter made. The right to use and maintain any extension shall terminate with the original grant and shall be terminable as provided in [Section 111](#)(1). In case of an extension of public utility operated under a franchise hereafter granted, such right shall be terminable at the same time and under the same conditions as the original grant.

#### **Section 114. Other conditions**

All franchises heretofore granted are recognized as contracts between the City of Snyder and the grantee, and the contractual rights as contained in any such franchises shall not be impaired by the provisions of this charter, except that the power of the City of Snyder to exercise the right of eminent domain in the acquisition of any utility property is in all things reserved, and except the general power of the city heretofore existing and herein provided for to regulate the rates and services of a utility, which shall include the right to require adequate and reasonable extension of plant and service and the maintenance of the plant fixtures at the standard necessary to render the highest reasonable quality of utility service to the public. Every public utility franchise hereafter granted shall be held subject to all the terms and conditions contained in the various sections of this article whether or not such terms are specifically mentioned in the franchises. Nothing in this charter shall operate to limit in any way, as specifically stated, the discretion of the Council or the voters of the city in imposing terms and conditions as may be reasonable in connection with any franchise grant, including the right to require such compensation or rental as may be permitted by the laws of the State of Texas. (Ordinance 1098 adopted 2/24/14, approved at election of 5/10/14, prop. 1)

#### **Section 115. Franchise records**

Within six (6) months after this charter takes effect, every public utility and every owner of public utility franchise shall file with the city, as may be prescribed by ordinance, certified copies of all franchises owned or claimed, or under which such utility is operated in the City of Snyder. The city shall compile and maintain a public record of public utility franchises.

#### **Section 116. Accounts of municipally owned utilities**

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

#### **Section 117. Regulations of rates and services**

The City Council shall have full power, after due notice and hearing, to regulate by ordinance the rates and service of every public utility operating in the City of Snyder, and in this connection, Articles 1119 to 1124A, both articles inclusive, of the 1925 Revised Statutes of the State of Texas, as now or hereafter amended, are adopted as part of this charter, except that if any of said articles or any provision thereof be in conflict with any other provision or provisions of this charter the said provision or provisions of this charter shall take precedence. (Ordinance 1098 adopted 2/24/14, approved at election of 5/10/14, prop. 2)

### **ARTICLE X. GENERAL PROVISIONS**

#### **Section 118. City records open to public**

The City shall comply with the Public Information Act of the State of Texas as may be amended from time to time. (Ordinance 741 adopted 3/6/89, approved at election of 5/6/89; Ordinance 1098 adopted 2/24/14, approved at election of 5/10/14, prop. 2)

**State law references**—Public access to records, V.T.C.A., Local Government Code, sec. 201.009; public information, V.T.C.A., Government Code, ch. 552.

#### **Section 119. Interest in city contracts prohibited**

No local public official, as defined in the Local Government Code of the State of Texas, shall knowingly participate in a vote or a decision on a matter involving a business entity, as defined in the Local Government

Code of the State of Texas, in which the official has a substantial interest, as defined by the Local Government Code of the State of Texas, if it is reasonably foreseeable that an action on the matter would confer an economic benefit on the business entity. Reference to the Local Government Code of the State of Texas shall include such amendments to the Local Government Code as shall be made from time to time. (Ordinance 741 adopted 3/6/89, approved at election of 5/6/89)

**State law reference**—Conflicts of interest of officers, V.T.C.A., Local Government Code, ch. 171.

#### **Section 120. Relatives of officers shall not be appointed or employed**

No person related within the second degree of affinity, or within the third degree of consanguinity, the members of the City Council or City Manager shall be appointed to any office, position or service in the city; but this provision shall not affect officers or employees who are already employed by the city at the time when any officer who may be related within the named degree takes office.

**State law reference**—Nepotism, V.T.C.A., Government Code, ch. 573.

#### **Section 121. Oath of office**

Every person elected or appointed to office in the city shall, before entering upon the duties of his office, take and subscribe the official oath prescribed by the State Constitution.

**State constitution reference**—Oath of office, Texas Constitution, art. 16, sec. 1.

#### **Section 122. City not required to give security or execute bond**

It shall not be necessary in any action, suit or proceeding in which the City of Snyder is a party, for any bond, undertaking or security to be demanded or executed by or on behalf of said city in any of the state courts, but in all such actions, suits, appeals or proceedings same shall be conducted in the same manner as if such bond, undertaking or security had been given as required by law, and said city shall be just as liable as if security or bond had been duly executed.

**State law reference**—Cities exempt from security for court costs, V.T.C.A., Civil Practice and Remedies Code, sec. 6.002.

#### **Section 123. Execution and garnishment**

No execution shall be issued or levied by virtue of any judgment that may be recovered against the city, except as hereinafter provided, but the council shall provide for the payments of judgments in the levying of taxes next after the final recovery of such judgments against the city. All assets of the city, including lands, houses, moneys, debts due to the city, personal and real property, and assets of every description belonging to the city, shall be exempt from execution and sale, except as hereinafter provided, but the city shall make provision, by taxation or otherwise, for the payment of any and all indebtedness incurred by the city. No writ of garnishment shall issue against the city to satisfy any debt due or which may hereafter become due from the city to any person or corporation, or any claim or demand upon any fund in the hands of said city or any of its officers; nor shall the city or any of its officers or agents be required to answer any writ of garnishment; provided, however, if any judgment is not paid by the end of the fiscal year next after the final recovery of such judgment, all property of the city shall be subject to execution and the funds of the city subject to garnishment, except as prohibited by the statutes of the State of Texas.

**State law reference**—Authority to provide that municipal funds not subject to garnishment, V.T.C.A., Local Government Code, sec. 101.023.

#### **Section 124. City records admissible as evidence**

Certified copies of the records, papers and books of city officers or employees shall be admissible in evidence when certified by the custodian of such papers, books and records, and attested by him under his seal, if he have one; provided, that for issuing such certified copies the city shall receive such fees as may be provided by ordinances.

#### **Section 125. Zoning**

All of the powers granted by applicable state law, as amended, together with existing amendments and all amendments that hereafter may be made relating to zoning in cities, are hereby adopted, and made a part of this charter. (Ordinance 1098 adopted 2/24/14, approved at election of 5/10/14, prop. 2)

**State law reference**—Municipal zoning authority, V.T.C.A., Local Government Code, ch. 211.

#### **Section 126. Amending the charter**

This charter may be amended at the time and in the manner provided by applicable state law, as amended. (Ordinance 1098 adopted 2/24/14, approved at election of 5/10/14, prop. 2)

**State constitution reference**—Adoption or amendment of charter, Texas Constitution, art. 11, sec. 5.

**State law reference**—Adoption or amendment of charter, V.T.C.A., Local Government Code, sec. 9.001 et seq.

**Section 127. Separability clause**

Should any article, section, part, paragraph, sentence, phrase, clause or word of this charter, for any reason, be held illegal, inoperative or invalid, of [or] if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted without the portion held to be unconstitutional or invalid or ineffective.

**Section 128. Submission of charter to voters**

The Charter Commission in preparing this charter finds that it is impracticable to segregate each subject so as to permit a vote of “yes” or “no” on the same, for the reason that the charter is so constructed that in order to enable it to work and function it is necessary that it should be adopted in its entirety. For these reasons the Charter Commission directs that the said charter be voted upon as a whole and that it shall be submitted to the Registered Voter of the City of the City of Snyder at an election to be held for that purpose on the third Tuesday of October, 1952, being the 21st day of October, 1952. Not less than thirty (30) days prior to such election the City Council shall cause the City Secretary to mail a copy of this charter to each Registered Voter of the City of the City of Snyder, as appears from the tax collector’s roll for the year ending January 31st, preceding said election. If a majority of the Registered Voters of the City voting in such election shall vote in favor of the adoption of this charter, it shall become the charter of the City of Snyder, and after the returns have been canvassed, the same shall be declared adopted and the City Secretary shall file an official copy of the charter with the records of the city. The City Secretary shall furnish the Mayor a copy of said charter, which copy of the charter so adopted, authenticated and certified by his signature and the seal of the city, shall be forwarded by the Mayor to the Secretary of State of the State of Texas, and shall show the approval of such charter by majority vote of the Registered Voters of the City voting at such elections. (Ordinance 1098 adopted 2/24/14, approved at election of 5/10/14, prop. 1)